

Statute Law (Miscellaneous Provisions) Act 2019 No 1

[2019-1]



New South Wales

Status Information

Currency of version

Historical version for 18 June 2019 to 1 July 2019 (accessed 3 May 2024 at 18:38)

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

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File last modified 1 July 2019

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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 Minor amendments	3
Schedule 2 Amendments by way of statute law revision—miscellaneous amendments	
	15
Schedule 3 Repeals	27
Schedule 4 General savings, transitional and other provisions	28

Statute Law (Miscellaneous Provisions) Act 2019 No 1



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 2019*.

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 2 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 in relation to an amendment, the amendment commences in accordance with subsection (1).
- (3) The amendments made by Schedule 3 commence on 1 August 2019.

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

[1] Section 150 Review of placements effected by order of Children’s Court

Omit “Except as provided by subsection (3A), a review” from section 150 (2).

Insert instead “A review”.

[2] Section 169 Entitlement to certain documents

Omit “child or young person” wherever occurring. Insert instead “person”.

Explanatory note

Item [2] of the proposed amendments makes it clear that the entitlement of a person who is leaving, or who has left, out-of-home care to the possession of documents held by an agency that contain personal information about the person extends to adults (as well as children and young persons).

Item [1] omits a reference to a proposed subsection, which was repealed before it commenced.

1.2

(Repealed)

1.3 Crown Land Management Act 2016 No 58

Section 1.5 General definitions

Insert “whether or not” after “caravan” in paragraph (b) of the definition of **vehicle** in section 1.5 (1).

Explanatory note

The proposed amendment amends the definition of **vehicle**, which extends the power to give reasonable directions relating to the entry, use and parking or storage of vehicles on Crown land to trailers and caravans that are not attached to another vehicle. Currently, the power to give such directions only applies to trailers and caravans that are attached to motor vehicles or certain other modes of transport.

1.4 Gaming Machines Act 2001 No 127

[1] Section 47C Prohibition on certain cash dispensing facilities

Insert “used or to be” after “facility to be” in section 47C (1).

[2] Section 128 Secretary may carry out inquiries and investigations

Omit “order to ascertain whether a complaint should be made” from section 128 (1).

Insert instead “connection with a complaint, or proposed complaint,”.

[3] Section 128 (2)

Omit “, if made, would relate”. Insert instead “, or proposed complaint, relates”.

[4] Section 204A Community Development Fund

Omit “Department of Industry” from section 204A (1). Insert instead “Secretary”.

Explanatory note

Item [1] of the proposed amendments makes it clear that a hotelier or club must not permit the use of a cash dispensing facility capable of providing cash from a credit card account that, in contravention of the [Gaming Machines Act 2001](#), has been installed or located on any part of the hotel or club premises.

Items [2] and [3] make it clear that the Secretary of the Department of Industry may continue to carry out investigations and inquiries in relation to a complaint, or proposed complaint, about a licensee or close associate until the Independent Liquor and Gaming Authority makes a determination in relation to the complaint.

Item [4] provides that the Community Development Fund is to be administered by the Secretary of the Department of Industry (rather than by the Department of Industry).

1.5 Greyhound Racing Act 2017 No 13

[1] Section 100 Certificate evidence of certain matters

Omit “, greyhound racing club” wherever occurring in section 100 (2) (a) and (b).

[2] Section 100 (3) and (4)

Insert after section 100 (2):

- (3) A document signed by the chief executive officer of GRNSW and certifying any one or more of the relevant matters specified in subsection (4) is admissible in proceedings for an offence under this Act or the regulations and (in the absence of evidence to the contrary) is evidence of the matters so certified.
- (4) The relevant matters are as follows:
 - (a) that a specified greyhound racing club was or was not registered at a specified time or during a specified period,
 - (b) that the registration of a specified greyhound racing club was or was not subject to a specified condition at a specified time or during a specified period,
 - (c) any other matter prescribed by the regulations.

Explanatory note

The proposed amendments provide that a certificate relating to the registration of greyhound racing clubs (or particular matters relating to the registration of a greyhound racing club including matters prescribed by the regulations) given by the chief executive officer of Greyhound Racing New South Wales (**GRNSW**) is admissible as evidence in offence proceedings under the [Greyhound Racing Act 2017](#). Currently, such certificates of evidence may be given by either the Chief Commissioner or the chief executive officer of the Greyhound Welfare and Integrity Commission. However, in practice, the registration of greyhound racing clubs is undertaken by GRNSW.

1.6 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Schedule 1 Modification of Health Practitioner Regulation National Law

Insert at the end of section 142A in item [14AC]:

- (2) If an employer is required to report the same conduct under section 142 and under section 99A of the [Health Services Act 1997](#), compliance with either section, or with

alternative reporting requirements approved by the Secretary, satisfies the requirements of both those sections.

Explanatory note

The proposed amendment provides that if an employer is required, under both section 142 of the [Health Practitioner Regulation National Law \(NSW\)](#) and under section 99A of the [Health Services Act 1997](#), to report the conduct of a visiting practitioner that may constitute professional misconduct or unsatisfactory professional conduct, compliance with either of those sections (or with alternative reporting requirements approved by the Health Secretary) satisfies the requirements of both sections.

1.7 Health Professionals (Special Events Exemption) Act 1997 No 90

Section 3 Definitions

Omit paragraph (a) from the definition of **health care services**. Insert instead:

- (a) services ordinarily provided by a health practitioner within the meaning of the [Health Practitioner Regulation National Law \(NSW\)](#), and

Explanatory note

The proposed amendment extends the definition of **health care services** for the purposes of the Act to align it with all of the services regulated by the [Health Practitioner Regulation National Law \(NSW\)](#).

1.8 Health Services Act 1997 No 154

Section 99A Duty of chief executive to report certain conduct of visiting practitioner

Insert after section 99A (2):

- (3) If a chief executive is required to report the same conduct under this section and under section 142 of the [Health Practitioner Regulation National Law \(NSW\)](#), compliance with either section, or with alternative reporting requirements approved by the Health Secretary, satisfies the requirements of both sections.
- (4) A report made because of a requirement under this section is taken to be a complaint both for the purposes of Part 8 of the [Health Practitioner Regulation National Law \(NSW\)](#) and for the purposes of the [Health Care Complaints Act 1993](#) (including sections 96 and 98 of that Act).

Explanatory note

The proposed amendment provides that if a chief executive of a public health organisation is required, under both section 142 of the [Health Practitioner Regulation National Law \(NSW\)](#) and under section 99A of the [Health Services Act 1997](#), to report the conduct of a visiting practitioner that may constitute professional misconduct or unsatisfactory professional conduct, compliance with either of those sections (or with alternative reporting requirements approved by the Health Secretary) satisfies the requirements of both sections.

The proposed amendment also provides that a report made under section 99A of the [Health Services Act 1997](#) is taken to be a complaint for the purposes of Part 8 of the [Health Practitioner Regulation National Law \(NSW\)](#) and for the purposes of the [Health Care Complaints Act 1993](#). This will enable the conduct reported to be dealt with under those Acts.

1.9 Liquor Act 2007 No 90

[1] Section 138 Secretary may carry out inquiries and investigations in relation to complaints and proposed complaints

Omit “order to ascertain whether a complaint should be made” from section 138 (1).

Insert instead “connection with a complaint, or proposed complaint,”.

[2] Section 138 (2)

Omit “if made, would relate”. Insert instead “or proposed complaint, relates”.

Explanatory note

Items [1] and [2] of the proposed amendments make it clear that the Secretary of the Department of Industry may continue to carry out inquiries and investigations in relation to a complaint, or proposed complaint, about a licensee, manager or close associate of a licensee until the Independent Liquor and Gaming Authority has made a determination in relation to the complaint.

1.10 Local Land Services Act 2013 No 51

[1] Section 200A Contributions towards management of pests under [Biosecurity Act 2015](#)

Insert after section 200A (4):

(4A) The Biosecurity Minister may delegate to a person employed in the Department any of the Biosecurity Minister’s functions under this section, other than this power of delegation.

[2] Dictionary

Omit “Department of Industry, Skills and Regional Development” from the definition of **Department**.

Insert instead “Department of Planning, Industry and Environment”.

Commencement

Item [2] of the amendments to the [Local Land Services Act 2013](#) commences on 1 July 2019.

Explanatory note

Item [1] of the proposed amendments enables the Minister administering the [Biosecurity Act 2015](#) to delegate to a person employed in the Department the Minister’s power to require Local Land Services to contribute to the cost of the management of pests under that Act.

Item [2] updates a reference to a Department.

1.11 Marine Safety Act 1998 No 121

[1] Section 28B Application of section 10 of Crimes (Sentencing Procedure) Act 1999

Omit “section 24 or 28” from the definition of **alcohol or drug offence** in section 28B (2).

Insert instead “section 24 or 26”.

[2] Schedule 4 Savings, transitional and other provisions

Insert after Part 7:

Part 8 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2019

29 Alcohol and drug offences

The reference to section 26 in the definition of **alcohol or drug offence** in section 28B of the Act is taken to include a reference to section 28 of the Act as in force immediately before the repeal of section 28 by the [Marine Legislation Amendment Act 2016](#).

Explanatory note

Item [1] of the proposed amendments updates a cross-reference to alcohol and drug offences under the [Marine Safety Act 1998](#), as a consequence of the repeal of section 28 and the inclusion of those offences in section 26 by the [Marine Legislation Amendment Act 2016](#).

Item [2] makes a consequential amendment.

1.12 Mining Act 1992 No 29

Section 292RA Waiver or refund of fees

Omit the section.

Explanatory note

The proposed amendment omits a section that allows the Secretary to waive or refund fees, including the annual rental fee or administrative levy for authorisations payable under Part 14A of the [Mining Act 1992](#), which is redundant because section 382A of that Act creates that same power.

1.13 Plantations and Reafforestation Act 1999 No 97

[1] Section 4 Definitions

Omit “Industry and Investment” from the definition of **Department** in section 4 (1).

Insert instead “Planning, Industry and Environment”.

[2] Section 4 (1)

Omit the definition of **Director-General**. Insert in alphabetical order:

Secretary means the Secretary of the Department.

[3] Section 15 Provisions relating to threatened species conservation

Omit “Director of NSW Fisheries” wherever occurring. Insert instead “Secretary”.

[4] Sections 17A (3) (a), 61B (2), 61C (1) (b) and 67 (2)

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

[5] Section 23 Public register relating to authorisations

Omit “the internet site of the Department” from section 23 (2).

Insert instead “an appropriate Government website”.

[6] Section 26 Public consultation

Omit “of Land and Water Conservation and at its regional offices (including on the internet site of the Department)” from section 26 (2) (a).

Insert instead “and at its regional offices (including on an appropriate Government website)”.

Commencement

The amendments to the [Plantations and Reafforestation Act 1999](#) commence on 1 July 2019.

Explanatory note

Item [5] of the proposed amendments allows the public register of authorised plantations to be made available for inspection on a Government website. Currently, the register must be made available on a specific Departmental website.

Item [6] updates the requirements for exhibition specified in the current provision by allowing a draft Plantations and Reafforestation Code to be exhibited for public consultation at the head office of the Department of Planning, Industry and Environment and its regional offices as well as on a Government website (instead of a specific Departmental website).

Items [1]-[4] update references to office holders and the Department.

1.14 Public Works and Procurement Act 1912 No 45

Section 165 Membership of Board

Omit “Public Service agencies, being the agencies” from section 165 (1) (b).

Insert instead “Departments (within the meaning of the [Government Sector Employment Act 2013](#)), being the Departments”.

Explanatory note

The proposed amendment limits a provision of the *Public Works and Procurement Act 1912* (the **principal Act**) enabling the heads of Public Service agencies to be appointed as members of the New South Wales Procurement Board, so that only the heads of Public Service Departments may be appointed. The provision was transferred into the principal Act by Schedule 6.7 to the *Government Sector Employment Act 2013* (the **GSE Act**), and subsequently amended in 2017 as a consequence of clause 12 of Schedule 4 to the GSE Act. The inadvertent effect of the 2017 amendment was to change the operation of the provision transferred into the principal Act by the GSE Act. The proposed amendment restores the effect of the transferred provision.

1.15 Registered Clubs Act 1976 No 31

Section 49

Omit the section. Insert instead:

49 Amendment of rules of club

(1) A registered club must:

- (a) within one month after amending its rules, lodge with the Secretary notice of the amendment, and
- (b) if requested by the Secretary, lodge with the Secretary a copy of the rules of the club (other than the rules contained in section 30 (1) and (2)) and of the amendments certified as correct by the secretary of the club within one month after the request.

(2) Notice of an amendment or a copy of the rules and amendments may be lodged electronically or in another manner approved by the Secretary.

Maximum penalty: 5 penalty units.

Explanatory note

The proposed amendment provides that a registered club is required to notify the Secretary of any change to the club's rules (rather than providing the Secretary with a copy of the rules and the changes) and requires a club to provide a copy of the rules and the changes if requested by the Secretary.

1.16 Road Transport Act 2013 No 18

[1] Section 67A

Omit the section. Insert instead:

67A Transfer of ownership of heavy vehicle number-plates to authority of another jurisdiction

Despite section 67, a heavy vehicle number-plate issued by the Authority in connection with the registration of a heavy vehicle becomes, on the subsequent registration of that heavy vehicle by an authority of another jurisdiction under a corresponding law, the property of that authority.

[2] Section 145 Offences involving death, injury or damage resulting from unsafe loads

Omit “*Load Restraint Guide: Guidelines and performance standards for the safe carriage of loads on road vehicles, Second Edition*”, as published by the National Transport Commission in April 2004” from section 145 (6).

Insert instead:

following documents published by the National Transport Commission as in force from time to time:

(a) in respect of heavy vehicles—the *Load Restraint Guide 2018*,

(b) in respect of light vehicles—the *Load Restraint Guide for Light Vehicles 2018*.

[3] Section 271A National Facial Biometric Matching Capability

Insert “associated” after “any photographs and” in section 271A (5).

Explanatory note

Item [1] of the proposed amendments extends a provision that enables the transfer of ownership of heavy vehicle number-plates to road authorities so that it applies to authorities of all other jurisdictions. Currently, the provision is limited to road authorities of jurisdictions to which the Heavy Vehicle National Law applies.

Item [2] updates a reference to national standards that provides basic safety principles for the safe carriage of loads on road vehicles.

Item [3] makes it clear that the personal information an authorised government agency may release to the National Facial Biometric Matching Capability is limited to associated personal information held by the agency, which includes the name, date of birth, gender and address of the individual who appears in a photograph.

1.17 Road Transport (General) Regulation 2013

[1] Clause 50R Load requirements

Omit “*Load Restraint Guide: Guidelines and Performance Standards for the Safe Carriage of Loads on Road Vehicles, Second Edition*” from clause 50R (4).

Insert instead “*Load Restraint Guide for Light Vehicles 2018*”.

[2] Schedule 5 Penalty notice offences

Omit “Drive in a tramway” from the matter relating to rule 155A under the heading *Road Rules 2014*.

[3] Schedule 5

Omit “Clause 129 (1),” where secondly occurring in the matter relating to *Road Transport (Vehicle Registration) Regulation 2017*.

Explanatory note

Item [1] of the proposed amendments update a reference to a national standard that provides basic safety principles for the safe carriage of loads on light vehicles.

Item [2] omits unnecessary text.

Item [3] removes duplicated matter to clarify the level of penalty applicable.

1.18 Road Transport (Vehicle Registration) Regulation 2017

[1] Clause 18 Definitions

Omit “**participating jurisdiction** and **road authority** have the same meanings as in the *Heavy Vehicle National Law (NSW)*.”.

[2] Clause 20 Number-plates generally

Omit “in a participating” and “in respect of the heavy vehicle by the road authority of the participating jurisdiction” from clause 20 (4).

Insert instead “under a corresponding law of another” and “under that corresponding law in respect of the heavy vehicle”, respectively.

[3] Clause 23 Authority may alter distinguishing number of registration

Omit “by a road authority of a participating” from clause 23 (6).

Insert instead “under a corresponding law of another”.

[4] Clause 47 Procedures for suspension and cancellation of registration

Insert after clause 47 (5):

(5A) Subclause (5) does not apply to a number-plate issued by the Authority in respect of a heavy vehicle that becomes the property of an authority of another jurisdiction because of the operation of section 67A of the Act.

Explanatory note

Items [1]–[3] of the proposed amendments extend provisions that enable the transfer of ownership of heavy vehicle number-plates to road authorities of jurisdictions in which the Heavy Vehicle National Law applies so that the provisions apply to any entity that is authorised to register vehicles under a corresponding law of another jurisdiction. Currently, the provisions are limited to those number-plates issued by road authorities of jurisdictions in which the Heavy Vehicle National Law applies.

Item [4] is consequential on a proposed amendment made to the *Road Transport Act 2013* in this Schedule.

1.19 State Emergency and Rescue Management Act 1989 No 165

Section 42 State Rescue Board

Omit section 42 (2). Insert instead:

- (2) The Board has the functions conferred or imposed on it by or under this or any other Act.

Explanatory note

The proposed amendment removes a reference to the State Rescue Board as a statutory body representing the Crown, as the Board was dissolved as a corporation by the *Emergency Services Legislation Amendment Act 2018* and no longer requires the status, privileges and immunities of the Crown.

1.20 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

[1] Section 10A Definitions

Insert in alphabetical order:

head of a Public Service agency has the same meaning as in the *Government Sector Employment Act 2013*.

Public Service agency has the same meaning as in the *Government Sector Employment Act 2013*.

[2] Section 11B Salary sacrifice for motor vehicles and superannuation for office holders not subject to section 11A

Insert after section 11B (4):

(4A) The Minister may delegate the exercise of any function of the Minister under this section (other than this power of delegation) to:

- (a) the head of a Public Service agency, or
- (b) any person employed in a Public Service agency responsible to the Minister.

[3] Section 11C Salary sacrifice for living away from home expenses for office holders not subject to section 11A

Insert after section 11C (4):

(4A) The Minister may delegate the exercise of any function of the Minister under this section (other than this power of delegation) to:

- (a) the head of a Public Service agency, or
- (b) any person employed in a Public Service agency responsible to the Minister.

Explanatory note

The proposed amendments enable the Minister to delegate to the head of a Public Service agency or a person employed in a Public Service agency responsible to the Minister the functions of approving and revoking certain salary sacrifice arrangements relating to motor vehicles for private use, employee superannuation contributions and living away from home expenses.

1.21 Subordinate Legislation Act 1989 No 146

Schedule 5 Further postponement of repeal of certain statutory rules

Insert after clause 9:

10 Postponement of repeal of other statutory rules due for repeal in 2019

The following statutory rules remain in force until 1 September 2020, unless sooner repealed:

- (a) *Building and Construction Industry Security of Payment Regulation 2008*,
- (b) *Building Professionals Regulation 2007*,
- (c) *Local Government (General) Regulation 2005*,
- (d) *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*,
- (e) *Protection of the Environment Operations (General) Regulation 2009*,
- (f) *Tow Truck Industry Regulation 2008*,
- (g) *Water Industry Competition (Access to Infrastructure Services) Regulation 2007*,
- (h) *Water Industry Competition (General) Regulation 2008*.

11 Postponement of repeal of **Poisons and Therapeutic Goods Regulation 2008**

The *Poisons and Therapeutic Goods Regulation 2008* remains in force until 1 September 2021, unless sooner repealed.

Explanatory note

The proposed amendment keeps a number of statutory rules in force for a further period of 1 year (or 2 years in one case) after the date on which they would otherwise be repealed by the *Subordinate Legislation Act 1989*. However, any of the statutory rules may be repealed sooner by other legislation.

The proposed amendment is necessary as the statutory rules have each been postponed on at least 5 occasions and are due to be repealed by the *Subordinate Legislation Act 1989* on 1 September 2019.

Each of the statutory rules continues to be required and the repeal of each of the statutory rules is to be further postponed until 1 September 2020 (or 1 September 2021 in the case of the *Poisons and Therapeutic Goods Regulation 2008*) for the following reasons:

- (a) It is considered that it would be premature to remake the *Building and Construction Industry Security of Payment Regulation 2008* before the commencement of amendments to the *Building and Construction Industry Security of Payment Act 1999*, which are contained in the as yet uncommenced *Building and Construction Industry Security of Payment Amendment Act 2018*.
- (b) The *Building Professionals Act 2005* and the *Building Professionals Regulation 2007* are due to be repealed on the

commencement of the [Building and Development Certifiers Act 2018](#). It is therefore considered unnecessary to remake the [Building Professionals Regulation 2007](#).

- (c) The Department of Planning and Environment is currently reviewing the [Local Government Act 1993](#), including the [Local Government \(General\) Regulation 2005](#) and the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2005](#). It is considered that it would be premature to remake the Regulations before the conclusion of that review.
- (d) The [Protection of the Environment Operations Act 1997](#) is currently under comprehensive review. It is considered that it would be premature to remake the [Protection of the Environment Operations \(General\) Regulation 2009](#) before the conclusion of that review.
- (e) The [Tow Truck Industry Regulation 2008](#) has been the subject of a comprehensive review with significant consultation with key stakeholders in early 2019. It is considered prudent to extend the automatic repeal date for the regulation to ensure the outcomes of the review, and the outcomes of public consultation on the proposed [Tow Truck Industry Regulation 2019](#), are carefully and fully considered and the regulation appropriately remade.
- (f) The [Water Industry Competition \(Access to Infrastructure Services\) Regulation 2007](#) relates to an access regime under Part 3 of the [Water Industry Competition Act 2006](#) that is certified as an effective access regime under the [Competition and Consumer Act 2010](#) of the Commonwealth until 2019. The certification may be renewed later this year and it is considered premature to review or remake the Regulation before a decision is made about that recertification.
- (g) The [Water Industry Competition Act 2006](#) and the [Water Industry Competition Amendment \(Review\) Act 2014](#) (which, when fully commenced, makes significant amendments to the [Water Industry Competition Act 2006](#)) are currently under comprehensive review. It is considered that it would be premature to remake the [Water Industry Competition \(General\) Regulation 2008](#) before the conclusion of that review.
- (h) The [Poisons and Therapeutic Goods Act 1966](#) is currently under comprehensive review. It is considered that it would be premature to remake the [Poisons and Therapeutic Goods Regulation 2008](#) before the conclusion of that review.

1.22 Sydney Water Act 1994 No 88

[1] Schedule 5 Annual report of Corporation

Omit “exceeds \$30,000” from clause 3 (c) (i). Insert instead “is or exceeds \$50,000”.

[2] Schedule 5, clause 3 (c) (ii)

Omit “\$30,000” wherever occurring. Insert instead “\$50,000”.

Explanatory note

The proposed amendments vary the cost threshold for the inclusion by Sydney Water Corporation in its annual report of certain details relating to consultants engaged by Sydney Water Corporation each financial year. The amendments will remove an inconsistency between this threshold and the threshold in the [Annual Reports \(Statutory Bodies\) Regulation 2015](#).

Schedule 2 Amendments by way of statute law revision—miscellaneous amendments

2.1 Bellingen Local Environmental Plan 2010

Land Use Table, Zone RE1, item 3

Omit “Recreational” wherever occurring. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects typographical errors.

2.2 Biodiversity Conservation Act 2016 No 63

Section 7.9 (1) (b)

Omit “Part 5.1”. Insert instead “Division 5.2”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.3 Centennial Park and Moore Park Trust Act 1983 No 145

Schedule 1, clauses 8 and 9A

Omit “Chairman” and “chairman” wherever occurring.

Insert instead “Chairperson” and “chairperson”, respectively.

Explanatory note

The proposed amendment corrects the title of an office holder.

2.4 Cessnock Local Environmental Plan 2011

Schedule 1, clause 4 (2)

Omit “recreational” from the subclause. Insert instead “recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.5 Charitable Fundraising Act 1991 No 69

Section 4 (3)

Insert after section 4 (2):

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

Explanatory note

The proposed amendment clarifies the status of notes.

2.6 Children’s Court Rule 2000

Clause 37 (1) (c) (vi)

Omit the subparagraph.

Explanatory note

The proposed amendment omits a redundant provision.

2.7 Companion Animals Act 1998 No 87

Section 45 (2)

Omit the subsection.

Explanatory note

The proposed amendment omits a redundant provision.

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

Section 9 (2) (c)

Omit “the Liquor, Hospitality, Miscellaneous Workers Union”.

Insert instead “United Voice”.

Explanatory note

The proposed amendment updates the name of an organisation.

2.9 Conveyancing (Sale of Land) Regulation 2017

Schedule 4, Part 1, clause 6

Omit “Minister administering the *Environmental Planning and Assessment Act 1979* pursuant to section 9 of”.

Insert instead “Planning Ministerial Corporation within the meaning of the *Environmental Planning and Assessment Act 1979* pursuant to clause 31 of Schedule 2 to”.

Explanatory note

The proposed amendment updates the name of the entity that enters into the contracts to which the provision applies.

2.10 Coolamon Local Environmental Plan 2011

Land Use Table, Zone RE1, item 3

Omit “Recreational” wherever occurring. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects typographical errors.

2.11 Crimes (Criminal Organisations Control) Act 2012 No 9

Section 27 (6), definition of “prescribed activity”, paragraph (l)

Omit “*Greyhound Racing Act 2009*”. Insert instead “*Greyhound Racing Act 2017*”.

Explanatory note

The proposed amendment updates a reference to an Act.

2.12 Environmental Planning and Assessment Act 1979 No 203

[1] Section 10.4 (2)

Omit “under that Part”. Insert instead “under that Act”.

[2] Schedule 2, Part 3, clause 9 (e)

Omit “West”. Insert instead “Western”.

Explanatory note

Item [1] of the proposed amendments corrects a reference to an Act.

Item [2] corrects a typographical error.

2.13 Fair Trading Act 1987 No 68

Section 9A Advisory committees

Renumber as section 9B.

Explanatory note

The proposed amendment corrects numbering.

2.14 Forestry Act 2012 No 96

Section 69SB (2), note

Omit “Divisions 2 and” from paragraph (a). Insert instead “Division”.

Explanatory note

The proposed amendment corrects a cross-reference in a note.

2.15 Goulburn Mulwaree Local Environmental Plan 2009

Clause 4.1C (3)

Omit “plan”. Insert instead “Plan”.

Explanatory note

The proposed amendment corrects a reference.

2.16 Hunter Water Act 1991 No 53

Section 52

Omit “Secretary of the Department of Industry, Skills and Regional Development” wherever occurring.

Insert instead “Secretary of the Department of Planning, Industry and Environment”.

Commencement

The amendment to the [Hunter Water Act 1991](#) commences on 1 July 2019.

Explanatory note

The proposed amendment updates a reference to a Department.

2.17 Ku-ring-gai Local Environmental Plan 2015

Land Use Table, Zone R1, item 3

Omit “Recreational” from the item. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

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

Schedule 2

Omit the matter relating to the [Charitable Fundraising Act 1991](#). Insert instead:

[Charitable Fundraising Act 1991](#), section 25I

Commencement

The amendment to the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#) commences on the commencement of Schedule 1 [26] to the [Charitable Fundraising Amendment Act 2018](#).

Explanatory note

The proposed amendment updates a cross-reference.

2.19 Local Government (General) Regulation 2005

[1] Clause 290 (1) (b)

Omit “2017)”. Insert instead “2017”.

[2] Clause 347 (2) (b)

Renumber subparagraphs (a) and (b) as subparagraphs (i) and (ii), respectively.

Explanatory note

The proposed amendments correct typographical and numbering errors.

2.20 Mid-Western Regional Local Environmental Plan 2012

Land Use Table, Zone RU1, item 4

Omit “Recreational” from the item. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.21 Nambucca Local Environmental Plan 2010

Land Use Table, Zone RE1, item 3

Omit “Recreational” from the item. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.22 North Sydney Local Environmental Plan 2013

Schedule 1, clause 37 (2)

Omit “recreational” from the subclause. Insert instead “recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.23 Oberon Local Environmental Plan 2013

[1] Land Use Table, Zone B2, item 4

Omit “Pond-based aquaculture Recreation”.

Insert instead “Pond-based aquaculture; Recreation”.

[2] Land Use Table, Zone B2, item 4

Omit “Recreational” wherever occurring. Insert instead “Recreation”.

Explanatory note

The proposed amendments correct typographical errors.

2.24 Penrith Local Environmental Plan 2010

Schedule 1, clause 14 (2)

Omit “recreational”. Insert instead “recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.25 Residential Tenancies Regulation 2010

Clause 3 (2)

Omit “and 2”. Insert instead “, 2 and 2A”.

Explanatory note

The proposed amendment clarifies the status of notes.

2.26 Rock Fishing Safety Act 2016 No 66

[1] Section 4 High risk rock fishing locations

Omit “Department of Justice” from section 4 (3).

Insert instead “Department of Planning, Industry and Environment”.

[2] Section 4 (3)

Omit “the www.watersafety.nsw.gov.au website and any other website that the Secretary considers appropriate”.

Insert instead “a publicly accessible website maintained by the Department”.

Commencement

The amendments to the [Rock Fishing Safety Act 2016](#) commence on 1 July 2019.

Explanatory note

Item [1] of the proposed amendments update a reference to the Secretary of a Department.

Item [2] updates the details of the Department’s website as a consequence of the [Administrative Arrangements \(Administrative Changes—Rock Fishing Safety\) Order 2018](#).

2.27 Ryde Local Environmental Plan 2010

Land Use Table, Zone SP1, item 3

Omit “Recreational” wherever occurring. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects typographical errors.

2.28 Shoalhaven Local Environmental Plan 2014

Land Use Table, Zone B7, item 4

Omit “Recreational” wherever occurring. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects typographical errors.

2.29 Sporting Injuries Insurance Act 1978 No 141

Schedule 1, Table A, Part 4

Renumber the secondly occurring paragraph (a) of item 1 as paragraph (b).

Explanatory note

The proposed amendment corrects a numbering error.

2.30 State Environmental Planning Policy (Concurrences) 2018

Part 1, heading

Omit the heading.

Explanatory note

The proposed amendment removes a redundant heading.

2.31 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 2.80B (p)

Omit “licenced”. Insert instead “licensed”.

[2] Clause 3B.30 (5), table

Omit “<4.5m”. Insert instead “0–4.5m”.

[3] Clause 4A.11 (1)

Insert “,” after “winches”.

Explanatory note

The proposed amendments corrects typographical errors.

2.32 Tamworth Regional Local Environmental Plan 2010

Land Use Table, Zone B1, item 4

Omit “Recreational” from the item. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.33 Warringah Local Environmental Plan 2011

Schedule 1, clause 9 (2)

Omit “recreational”. Insert instead “recreation”.

Explanatory note

The proposed amendment corrects a typographical error.

2.34 Water Management Act 2000 No 92

Section 398 (1)

Insert “of” after “exercise”.

Explanatory note

The proposed amendment corrects a typographical error.

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

[1] Clause 17 (2) (a)

Omit “that that”. Insert instead “that”.

[2] Clause 21

Insert “of” after “Division 2”.

[3] Clause 43 (4)

Omit “an an”. Insert instead “an”.

Explanatory note

The proposed amendments correct typographical errors.

2.36 Water Sharing Plan for the Central Coast Unregulated Water

Sources 2009

[1] Clause 17 (1) (d)

Omit “and”.

[2] Clause 17 (1) (f) (iv)

Insert “and” after “8 ML/day,”.

[3] Clause 61C

Insert “(1)” before “Dealings” where firstly occurring.

Explanatory note

The proposed amendments correct typographical and numbering errors.

2.37 Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012

Appendix 4

Omit “OFFCIE”. Insert instead “OFFICE”.

Explanatory note

The proposed amendment corrects a spelling error.

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

[1] Clause 30 (j), note

Omit “licencing” and “licenced” wherever occurring.

Insert instead “licensing” and “licensed”, respectively.

[2] Clause 69 (2) (e) (xii)

Omit “and”.

[3] Clause 70 (1)-(3) and (6)

Omit “71Q” wherever occurring. Insert instead “71Q,”.

Explanatory note

The proposed amendments correct spelling and typographical errors.

2.39 Water Sharing Plan for the Namoi Unregulated and Alluvial Water

Sources 2012

[1] Clause 81

Renumber subclauses (1A)–(1B) as subclauses (1A), (1B) and (1C), respectively.

[2] Appendix 4

Omit “the the”. Insert instead “the”.

Explanatory note

The proposed amendments correct numbering and typographical errors.

2.40 Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012

[1] Clause 4 (1) (a) (xi)

Omit “and”.

[2] Clause 19

Omit “, there”. Insert instead “There”.

[3] Clause 63 (1) (j)

Omit “and” where lastly occurring.

[4] Clause 72 (h)

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

Explanatory note

The proposed amendments correct typographical errors.

2.41 Wellington Local Environmental Plan 2012

Land Use Table, Zone B2, item 4

Omit “Recreational” wherever occurring. Insert instead “Recreation”.

Explanatory note

The proposed amendment corrects typographical errors.

2.42 Wollongong Local Environmental Plan 2009

[1] Land Use Table, Zone B6, item 3

Omit “Recreational” from the item. Insert instead “Recreation”.

[2] Land Use Table, Zone RE1, item 3

Omit “Recreational” from the item. Insert instead “Recreation”.

Explanatory note

The proposed amendments correct typographical errors.

2.43 Work Health and Safety Act 2011 No 10

Section 71 (3)

Omit “section 70 (1) (f)”. Insert instead “section 70 (1) (g)”.

Explanatory note

The proposed amendment corrects a cross-reference.

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

Sections 28 (2) (b) and 69 (2) (c)

Omit “Construction, Forestry, Mining and Energy Union (Mining and Energy Division)” wherever occurring.

Insert instead “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)”.

Explanatory note

The proposed amendment updates the name of an organisation.

2.45 Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

Clauses 160 (1) (b) (i) and 164 (2) (a)

Omit “Construction, Forestry, Mining and Energy Union, Mining and Energy Division” wherever occurring.

Insert instead “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)”.

Explanatory note

The proposed amendment updates the name of an organisation.

Schedule 3 Repeals

1 Repeal of redundant Act, instruments and provisions

The following Act and instruments are repealed:

Act or instrument	Provisions repealed
Universities Governing Bodies Act 2011 No 51	Whole Act
Universities Governing Bodies (Charles Sturt University) Order 2012	Whole Order
Universities Governing Bodies (Macquarie University) Order 2012	Whole Order
Universities Governing Bodies (Southern Cross University) Order 2015	Whole Order
Universities Governing Bodies (University of New England) Order 2016	Whole Order
Universities Governing Bodies (University of New South Wales) Order 2012	Whole Order
Universities Governing Bodies (University of Newcastle) Order 2012	Whole Order
Universities Governing Bodies (University of Sydney) Order 2016	Whole Order
Universities Governing Bodies (University of Technology, Sydney) Order 2012	Whole Order
Universities Governing Bodies (University of Wollongong) Order 2012	Whole Order
Universities Governing Bodies (Western Sydney University) Order 2019	Whole Order

2 Repeal of amending provisions that have commenced

The following provisions of Acts or instruments are repealed:

Act or instrument	Provisions repealed
Government Telecommunications Act 2018 No 67	Schedule 1, Part 3
Snowy Hydro Legacy Fund Act 2018 No 38	Section 16
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Schedule 6

3 Repeal and transfer of provisions

- (1) **Repeal of certain provisions of *Crimes (Administration of Sentences) Regulation 2014***
Clauses 4 and 5 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* are repealed.
- (2) **Amendment of *Crimes (Administration of Sentences) Act 1999 No 93*** Transfer clauses 4 and 5 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* after clause 129 of Schedule 5 to the *Crimes (Administration of Sentences) Act 1999*, as clauses 129A and 129B, with the following modifications to those clauses:
 - (a) omit “of the Act” wherever occurring in clauses 129A and 129B (1) and (2) (b),
 - (b) omit “the Act or this Regulation” from clause 129B (3) and insert instead “this Act or any regulations made under this Act”.
- (3) Insert at the end of clause 129A:
 - (2) Subclause (1) re-enacts clause 4 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) Insert at the end of clause 129B:
 - (4) Subclauses (1)–(3) re-enact clause 5 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Explanatory note

Clause 3 repeals certain transitional provisions of the *Crimes (Administration of Sentences) Regulation 2014* and transfers the substance of those provisions into the *Crimes (Administration of Sentences) Act 1999*.

Schedule 4 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

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