

# Statute Law (Miscellaneous Provisions) Act (No 2) 2023 No 35

[2023-35]



New South Wales

## Status Information

### Currency of version

Historical version for 30 October 2023 to 30 October 2023 (accessed 20 May 2024 at 17:19)

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

### Provisions in force

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

### Notes—

- **Note**

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

### Authorisation

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

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# Statute Law (Miscellaneous Provisions) Act (No 2) 2023 No 35



New South Wales

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# Statute Law (Miscellaneous Provisions) Act (No 2) 2023 No 35



New South Wales

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

## 1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 2023*.

## 2 Commencement

This Act commences, or is taken to have commenced, as follows—

- (a) for Schedule 1.19—on the day on which the *Scrap Metal Industry Amendment (Review) Act 2022*, Schedule 1[8] commences,
- (b) for Schedule 2.2—on the day on which the *Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023*, Schedule 1[8] commences,
- (c) otherwise—on the date of assent to this Act.

## Schedule 1 Minor amendments

### 1.1 Animal Research Act 1985 No 123

#### Section 6 The Panel

Omit “Minister for Primary Industries” from section 6(2)(g).

Insert instead “Minister administering the *Biosecurity Act 2015*”.

### 1.2 Biosecurity Act 2015 No 24

#### Section 398 Description of land in notices and other instruments

Omit the section.

### 1.3 Casino Control Act 1992 No 15

**[1] Section 22C Casino operators to cooperate with NICC**

Omit “between the Crown and a casino operator” from section 22C(2)(b)(iii).

Insert instead “to which the Crown and a casino operator are parties”.

**[2] Section 37A Interim approval of controlled contract**

Omit “casino operator will” from section 37A(2)(b). Insert instead “NICC will”.

**[3] Section 42D Decision about application for approval of close associate**

Omit “application the NICC,” from section 42D(2). Insert instead “application, the NICC”.

**[4] Section 42H Disciplinary action against close associate**

Omit “licensee” from section 42H(2). Insert instead “casino operator”.

**[5] Section 42L Revocation of exemption of close associate**

Omit “given” from section 42L(4). Insert instead “give”.

**[6] Section 59 Disciplinary action against licensee**

Renumber subparagraphs (a) and (b) as (i) and (ii) in section 59(1), definition of ***disciplinary action***, paragraph (b).

**[7] Section 70 Conduct of gaming**

Omit “Subclauses” from section 70(1AC). Insert instead “Subsections”.

**[8] Section 76 Inducements**

Omit “NICC, and” from section 76(2)(c). Insert instead “NICC.”.

**[9] Section 76A Promotional prizes**

Insert “or” at the end of section 76A(1)(d).

**[10] Section 76A(4), definition of “player reward scheme”, paragraph (b)**

Omit “wages”. Insert instead “wagers”.

**[11] Section 137A Advisory committee about harm minimisation measures**

Omit “Committee” wherever occurring in section 137A(4). Insert instead “committee”.

**[12] Section 139E Annual reports**

Omit “the auditor” from section 139E(b). Insert instead “an auditor”.

**[13] Section 139E(e)**

Omit “regulations, and”. Insert instead “regulations,”.

**[14] Section 139F Nature of report of operations**

Renumber section 139F(3) as section 139F(2).

**[15] Section 139L Application for extension of time**

Insert “.” at the end of section 139L(5).

**[16] Section 170A Implementation of Independent Review of The Star Pty Ltd by Adam Bell SC**

Insert “the” before “independent” in section 170A(2).

**[17] Schedule 1 Constitution and procedure of NICC**

Renumber clause 7(1)(d)–(h) as clause 7(1)(d)–(i).

**[18] Schedule 4 Savings and transitional provisions**

Omit “as if had been granted the NICC” from clause 44(2).

Insert instead “as if it had been granted by the NICC”.

## **1.4 Children (Education and Care Services National Law Application) Act 2010 No 104**

### **Section 7 Meaning of generic terms in Education and Care Services National Law for the purposes of this jurisdiction**

Omit the definition of ***child protection law***. Insert instead—

***child protection law*** means the following—

- (a) the *Children and Young Persons (Care and Protection) Act 1998* and regulations made under that Act,
- (b) the *Children’s Guardian Act 2019*, Parts 6 and 8 and regulations made under the parts.

## **1.5 Coastal Management Act 2016 No 20**

### **[1] Section 10 Matters relating to identification of coastal management areas**

Omit “Division 4 (LEPs) of Part 3 (Environmental planning instruments) of the *Environmental Planning and Assessment Act 1979*” from section 10(1), note.

Insert instead “The *Environmental Planning and Assessment Act 1979*, Division 3.4”.

**[2] Section 21 Coastal management manual**

Omit “state of the” from section 21(7).

**[3] Section 27 Granting of development consent relating to coastal protection works**

Omit “Section 80A (6) of the *Environmental Planning and Assessment Act 1979*” from section 27(2)(a), note.

Insert instead “The *Environmental Planning and Assessment Act 1979*, section 4.17(6)”.

**[4] Schedule 1 Local government areas, coastal sediment compartments and border estuaries**

Omit “City of Greater Taree, Great Lakes” from Part 1, table. Insert instead “Mid-Coast”.

**[5] Schedule 1, Part 1, table**

Omit “City of Botany Bay, City of Rockdale”. Insert instead “Bayside”.

**[6] Schedule 1, Part 1, table**

Omit “City of Gosford, Hornsby, City of Hawkesbury, Pittwater”.

Insert instead “Central Coast, City of Hawkesbury, Hornsby, Northern Beaches”.

**[7] Schedule 1, Parts 1 and 2, tables (except matter relating to Wallis Lake)**

Omit “Great Lakes” and “City of Greater Taree” wherever occurring.

Insert instead “Mid-Coast”.

**[8] Schedule 1, Part 1, table**

Omit “Wyong, City of Gosford”. Insert instead “Central Coast”.

**[9] Schedule 1, Parts 1 and 2, tables**

Omit “Wyong” wherever occurring. Insert instead “Central Coast”.

**[10] Schedule 1, Part 1, table**

Omit “Ashfield, City of Auburn, City of Blacktown, Canada Bay, Hunters Hill, Ku-ring-gai, Lane Cove, Leichhardt, Manly, North Sydney, City of Parramatta, City of Ryde, City of Sydney, Warringah”.

Insert instead “City of Blacktown, Canada Bay, Cumberland, Hunters Hill, Inner West, Ku-ring-gai, Lane Cove, North Sydney, Northern Beaches, City of Parramatta, City of Ryde, City of Sydney”.

**[11] Schedule 1, Part 1, table**

Omit “Pittwater, Warringah, Manly”. Insert instead “Northern Beaches”.

**[12] Schedule 1, Part 2, table**

Omit “Botany Bay, Randwick, Sutherland”.

Insert instead “Bayside, Randwick, Sutherland Shire”.

**[13] Schedule 1, Part 2, table**

Omit “Greater Taree” from the matter relating to Camden Haven River. Insert instead “Mid-Coast”.

**[14] Schedule 1, Part 2, table**

Omit “Botany Bay, Burwood, Canterbury, Marrickville, Rockdale”.

Insert instead “Bayside, Burwood, Canterbury-Bankstown, Inner West”.

**[15] Schedule 1, Part 2, table**

Omit “City of Bankstown, Canterbury, City of Fairfield, Hurstville, Kogarah, Liverpool, Rockdale, Sutherland”.

Insert instead “Bayside, Canterbury-Bankstown, City of Fairfield, Georges River, Liverpool, Sutherland Shire”.

**[16] Schedule 1, Part 2, table**

Omit “Hastings, Kempsey”. Insert instead “Port Macquarie-Hastings, Kempsey”.

**[17] Schedule 1, Part 2, table**

Omit “City of Gosford, City of Hawkesbury, Hornsby, Ku-ring-gai, City of Penrith, Pittwater, The Hills Shire, Warringah”.

Insert instead “Central Coast, City of Hawkesbury, Hornsby, Ku-ring-gai, Northern Beaches, City of Penrith, The Hills Shire”.

**[18] Schedule 1, Part 2, table**

Omit “Manly, Warringah”. Insert instead “Northern Beaches”.

**[19] Schedule 1, Part 2, table**

Omit “Manly, Mosman, North Sydney, Warringah”.

Insert instead “Mosman, North Sydney, Northern Beaches”

**[20] Schedule 1, Part 2, table**

Omit “Pittwater, Warringah”. Insert instead “Northern Beaches”.

**[21] Schedule 1, Part 2, table**

Omit “Ashfield, Auburn, Canada Bay, Hunters Hill, Lane Cove, Leichhardt, Marrickville”.

Insert instead “Canada Bay, Cumberland, Hunters Hill, Inner West, Lane Cove”.

**[22] Schedule 1, Part 2, table**

Omit “Leichhardt, Mosman”. Insert instead “Inner West, Mosman”.

**[23] Schedule 1, Part 2, table**

Omit “Great Lakes, City of Greater Taree”. Insert instead “Mid-Coast”.

**[24] Schedule 3 Savings, transitional and other provisions**

Omit clause 3.

## **1.6 Combat Sports Act 2013 No 96**

**[1] Section 11 Application for registration as combatant**

Omit “(unless the Authority already has a current serological clearance for the applicant)” from section 11(2)(d).

**[2] Section 11(2C)**

Insert after section 11(2B)—

(2C) The Authority may exempt an applicant from a requirement under subsection (2)(c)–(e) if, at the time the application is made—

- (a) for a requirement under subsection (2)(c)—the Authority already holds a certificate of fitness for the applicant to engage in combat sport given by a medical practitioner not more than 28 days before the date on which the application is made, and
- (b) for a requirement under subsection (2)(d)—the Authority already holds a current serological clearance for the applicant, and
- (c) for a requirement under subsection (2)(e)—the Authority already holds the information.

**[3] Section 23 Application for registration as industry participant or promoter**

Insert after section 23(2B)—



(2C) The Authority may exempt an applicant from the requirement under subsection (2)(c) if, at the time the application is made, the Authority already holds the information.

**[4] Section 100 Personal liability**

Insert after section 100(2), definition of ***protected person***, paragraph (g)—

(h) a Public Service employee involved in the administration of this Act.

## **1.7 Community Land Development Act 2021 No 6**

**Section 103 Application of Act to electronic plans and documents**

Omit section 103(6), definition of ***document***.

## **1.8 Conveyancing Act 1919 No 6**

**[1] Section 6A Application of Act to electronic form plans and other documents**

Omit “, except office copies of court orders,” from section 6A(1)(b).

**[2] Section 6A(3)(a)**

Omit the paragraph.

**[3] Section 184E Method of registration**

Omit “This subsection does not apply to a trader’s bill of sale.” from section 184E(1).

**[4] Section 184E(5)**

Omit “(other than traders’ bills of sale)”.

**[5] Section 195AA, heading**

Omit the heading. Insert instead—  
195AA **Electronic plan lodgment system**

**[6] Section 195AA(1)-(3) and (5)**

Omit “e-plan system” wherever occurring.

Insert instead “electronic plan lodgment system”.

## 1.9 Fisheries Management Act 1994 No 38

### [1] Section 220ZZA Assessment guidelines

Omit “Minister for Planning” from section 220ZZA(2).

Insert instead “Minister administering the [Environmental Planning and Assessment Act 1979](#)”.

### [2] Section 221ZU Definitions

Insert in alphabetical order in section 221ZU(1)—

**Fisheries Minister** means the Minister administering this Act.

### [3] Section 221ZY, heading

Omit “**Minister for Primary Industries if a Minister**”.

Insert instead “**Fisheries Minister if another Minister**”.

### [4] Section 221ZY(2) and (3)

Omit “Minister for Primary Industries” wherever occurring.

Insert instead “Fisheries Minister”.

### [5] Section 221ZZ Concurrence of or consultation with Fisheries Agency Head if a Minister is not consent authority under Part 4 or determining authority under Part 5 of Planning Act

Omit “Minister for Primary Industries” wherever occurring.

Insert instead “Fisheries Minister”.

### [6] Section 221ZZ(4)

Omit “that Minister”. Insert instead “the Fisheries Minister”.

## 1.10 Forestry Act 2012 No 96

### Schedule 3 Savings, transitional and other provisions

Insert after clause 8(3)—

- (4) For subclause (1), in relation to a revocation of a reservation in accordance with the former Act, section 22, the reference to the Minister for Lands in the section is taken to be a reference to the Minister administering the [Crown Land Management Act 2016](#).

## 1.11 Heritage Act 1977 No 136

### Section 141 Determination of application

Insert after section 141(2)—

(3) The regulations may prescribe—

- (a) the circumstances in which the Heritage Council may request additional information from an applicant, and
- (b) the periods of time that must not be taken into account in calculating the expiration of the period referred to in subsection (2) if the Heritage Council has requested additional information from the applicant.

## 1.12 Interpretation Act 1987 No 15

### [1] Section 15 Minister

Insert after section 15(3)—

(4) In an Act or instrument, a reference to the Minister administering another Act means—

- (a) the Minister administering the other Act, or
- (b) if different Ministers are administering the other Act in different respects—the Minister administering the other Act in the relevant respect, or
- (c) if different Ministers are administering different portions of the other Act—the Minister administering the relevant portion of the other Act, or
- (d) if paragraphs (b) and (c) do not apply and 2 or more Ministers are administering the other Act or a portion of the other Act—any 1 of the Ministers administering the other Act or portion of the other Act.

### [2] Schedule 4 Dictionary

Insert in alphabetical order—

***personally insolvent***, for an individual, means the individual—

- (a) under the [Bankruptcy Act 1966](#) of the Commonwealth—
  - (i) is bankrupt, or
  - (ii) is a party to a debt agreement as a debtor, or

- (iii) is a party to a personal insolvency agreement as a debtor and the obligations created by the agreement remain undischarged, or
- (iv) authorises a controlling trustee to control the individual's property, whether or not the individual has entered into a personal insolvency agreement as a debtor, or
- (b) has a status under a law of a foreign country substantially similar to an individual referred to in paragraph (a), or
- (c) otherwise applies to take the benefit of a law for the relief of bankrupt or insolvent debtors.

### **1.13 Liquor Act 2007 No 90**

#### **Section 144C Committing demerit offence**

Omit section 144C(3). Insert instead—

- (3) Demerit offences committed in relation to a particular licence or licensed premises are taken, for the purposes of this part, to be a single demerit offence if the acts or circumstances giving rise to the offences occurred or existed within a single 24-hour period.

### **1.14 Medicines, Poisons and Therapeutic Goods Act 2022 No 73**

#### **Section 18 Wholesale supply between pharmacists**

Insert “single” before “customer” in section 18(a)(i).

### **1.15 Ozone Protection Act 1989 No 208**

#### **Section 32 Consultation prior to making of regulations**

Omit section 32(2). Insert instead—

- (2) Before recommending that regulations be made, the Minister must consult with a committee consisting of the Minister and the following Ministers—
  - (a) the Minister administering the *Health Services Act 1997*,
  - (b) the Minister administering the *Biosecurity Act 2015*,
  - (c) the Minister administering the *Fair Trading Act 1987*,
  - (d) the Minister administering the *Energy and Utilities Administration Act 1987*,
  - (e) the Minister administering the *Mining Act 1992*,

(f) the Minister administering the *Local Government Act 1993*,

(g) the Minister administering the *Environmental Planning and Assessment Act 1979*.

## **1.16 Protection of the Environment Operations Act 1997 No 156**

### **Section 295Y Environmental monitoring programs**

Omit “the Minister for Primary Industries or the Minister for Transport” from section 295Y(3).

Insert instead “the Minister administering the *Biosecurity Act 2015* or the Minister administering the *Transport Administration Act 1988*”.

## **1.17 Road Transport Act 2013 No 18**

### **[1] Sections 35(3) and 41(3)**

Omit “is delivered” wherever occurring. Insert instead “is given”.

### **[2] Sections 35(3) and 41(3)**

Omit “is so delivered” wherever occurring. Insert instead “is given”.

### **[3] Sections 35(5) and 41(4) and (5)**

Omit “served with” wherever occurring. Insert instead “given”.

### **[4] Sections 92(1) and 104I(1)**

Omit “a person authorised by Transport for NSW” wherever occurring.

Insert instead “an authorised officer”.

### **[5] Sections 92(1) and 104I(1)**

Omit “owner or person” wherever occurring. Insert instead “owner or officer”.

### **[6] Section 169A**

Omit “light” wherever occurring.

## **1.18 Royal Botanic Gardens and Domain Trust Act 1980 No 19**

### **Section 13 Executive Director**

Insert after section 13(2)—

(3) The Executive Director may also be referred to as the Chief Executive of the Royal

Botanic Gardens and Domain.

## **1.19 Scrap Metal Industry Act 2016 No 42**

### **Section 6 Registration of business**

Omit “whether” from section 6(2)(d2). Insert instead “information confirming”.

## **1.20 Surveying and Spatial Information Act 2002 No 83**

### **Section 33B**

Insert after section 33A—

#### **33B Exemptions by Surveyor-General**

- (1) The Surveyor-General may exempt a registered surveyor from a requirement imposed by a regulation if—
  - (a) the regulation is of a kind specified in section 36(2)(a), (b) or (f), and
  - (b) in the Surveyor-General’s opinion, it is not practicable or necessary to comply with the requirement.
- (2) An exemption may be granted—
  - (a) to all, or a class of, registered surveyors by a written direction published on a website maintained by the Surveyor-General, or
  - (b) to a registered surveyor—
    - (i) on application by the surveyor, and
    - (ii) by written notice given to the surveyor.
- (3) An exemption may be granted subject to conditions.
- (4) An exemption does not apply to a registered surveyor unless the surveyor complies with the conditions of the exemption.
- (5) It is a condition of an exemption that a registered surveyor—
  - (a) must record on each survey plan to which the exemption relates—
    - (i) that an exemption has been relied on, and
    - (ii) information sufficient to identify the particular exemption, and
    - (iii) if the conditions to which the exemption is subject require additional information to be included—the required information, and

- (b) must, when lodging the survey plan with the Registrar-General or a public authority, give the Registrar-General or public authority a copy of the exemption.
- (6) The regulations may prescribe requirements for applications made under subsection (2)(b)(i), including—
  - (a) the requirement that applications be in a form approved by the Surveyor-General, and
  - (b) the fee that must accompany an application.

## **1.21 Surveying and Spatial Information Regulation 2017**

### **Clause 91 Exemption by Surveyor-General**

Omit the clause.

## **1.22 Workers Compensation Act 1987 No 70**

### **Schedule 6 Savings, transitional and other provisions**

Insert after Part 19O—

## **Part 19P Provisions consequent on repeal of [Associated General Contractors Insurance Company Limited Act 1980](#) and [Bishopsgate Insurance Australia Limited Act 1983](#)**

### **1 Definition**

In this part—

***repealed Act*** means the following—

- (a) the [Associated General Contractors Insurance Company Limited Act 1980](#),
- (b) the [Bishopsgate Insurance Australia Limited Act 1983](#).

### **2 Saving of claims**

A claim arising under a repealed Act continues, despite the repeal of the Act, to be a claim payable by the Insurer's Guarantee Fund under this Act, Part 7, Division 7.

## **Schedule 2 Statute law revision amendments**

### **2.1 Adoption Act 2000 No 75**

#### **Section 29 Adoption by relative**

Omit “section 53 (b)” from section 29(a). Insert instead “section 53(1)(b)”.

### **2.2 Environmental Planning and Assessment Act 1979 No 203**

#### **Section 7.22 Definitions**

Omit “section 7.24(1)” from the definition of ***measures to conserve or enhance the natural environment***.

Insert instead “section 7.25”.

### **2.3 Government Sector Employment Regulation 2014**

#### **Clause 24 Repayment of severance or redundancy payments for non-executives on re-employment in public sector: section 88 (3) of Act**

Omit “and,” from clause 24(3), definition of ***employment***, paragraph (c).

Insert instead “, and”.

### **2.4 Greater Sydney Parklands Trust Act 2022 No 9**

#### **Schedule 4 Dictionary**

Omit “section 7” from the definition of ***Greater Sydney Parklands Trust***.

Insert instead “section 5”.

### **2.5 Health Care Complaints Act 1993 No 105**

#### **Section 92A Expedition of certain matters**

Omit “section 149C”. Insert instead “section 150D”.

### **2.6 Land and Environment Court Act 1979 No 204**

#### **Section 18 Class 2—local government and miscellaneous appeals and applications**

Omit “section 83” from section 18(k). Insert instead “section 90”.



## **2.7 Law Enforcement (Powers and Responsibilities) Act 2002 No 103**

### **Section 80J Decisions about applications for DECCD access orders**

Omit “considers” from section 80J(2)(b).

## **2.8 Local Government Act 1993 No 30**

### **[1] Section 52, heading**

Omit the heading. Insert instead—

52 **Effect of [Environmental Planning and Assessment Act 1979](#), s 3.16**

### **[2] Section 52, note**

Omit “Section 28 of the [Environmental Planning and Assessment Act 1979](#)”.

Insert instead “The [Environmental Planning and Assessment Act 1979](#), section 3.16”.

### **[3] Section 52, note**

Omit “Section 52 prevents section 28 of that Act”.

Insert instead “This section prevents that Act, section 3.16”.

## **2.9 Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12**

### **Sections 53(4), 78(f), 91(c), 147(2) and (5), 150(2), 151(2) and 152(1)(b)**

Omit “Minister for Health and Medical Research” wherever occurring.

Insert instead “Minister for Health”.

## **2.10 Police Act 1990 No 47**

### **[1] Section 131 Dealing with misconduct matters**

Omit “Part 8 of the [Government Sector Employment Rules 2014](#)” from section 131(1), note.

Insert instead “the [Government Sector Employment \(NSW Police Force\) Rules 2017](#), Part 6”.

### **[2] Section 179 Application of [Industrial Relations Act 1996](#)**

Omit “President of the Commission” wherever occurring in section 179(2) and (3).

Insert instead “Chief Commissioner”.

**[3] Section 179(3)**

Omit “President’s”. Insert instead “Chief Commissioner’s”.

**2.11 Security Industry Act 1997 No 157**

**Section 27A Provision of approved training, assessment and instruction**

Omit “sections 15 (1) (d), 17 (7),” from section 27A(1).

Insert instead “sections 15(1)(f)(iii), 17(7),”.

**2.12 State Environmental Planning Policy (Primary Production) 2021**

**Section 2.16 Certain development to temporarily contain livestock permissible without consent**

Omit “adjacent and” from section 2.16(3)(d). Insert instead “adjacent land”.

**Schedule 3 Government sector finance consequential amendments**

**3.1 Children’s Guardian Act 2019 No 25**

**Section 8N Annual reporting**

Omit “in its annual report made under the *Annual Reports (Departments) Act 1985* or the *Annual Reports (Statutory Bodies) Act 1984*”.

Insert instead “in its annual reporting information prepared under the *Government Sector Finance Act 2018*”.

**3.2 Forestry Restructuring and Nature Conservation Act 1995 No 50**

**Section 12 Audit by Auditor-General of payments from the Fund**

Omit “*Public Finance and Audit Act 1983*”.

Insert instead “*Government Sector Audit Act 1983*”.

**3.3 Greater Sydney Parklands Trust Act 2022 No 9**

**Sections 15(2), 21(5) and 24(6)**

Omit “annual report under the *Annual Reports (Statutory Bodies) Act 1984*” wherever occurring.

Insert instead “annual reporting information prepared under the *Government Sector Finance Act 2018*”.

### 3.4 Government Information (Public Access) Regulation 2018

#### Clause 8 Annual reporting requirements under section 125 of Act

Omit the note at the end of the clause. Insert instead—

**Note—**

An agency's report under the Act, section 125 may be included in the agency's annual reporting information required to be prepared under the *Government Sector Finance Act 2018*, Division 7.3.

### 3.5 Government Sector Employment (General) Rules 2014

#### Rule 28 Application of Part

Omit "*Public Finance and Audit Act 1983*" from rule 28(4)(b)(i).

Insert instead "*Government Sector Audit Act 1983*".

### 3.6 Government Sector Finance Act 2018 No 55

#### Schedule 1 Savings, transitional and other provisions

Insert after clause 9A—

#### **9B References to annual reports**

- (1) This clause applies to a GSF agency to which either of the following applied immediately before its repeal—
  - (a) the *Annual Reports (Statutory Bodies) Act 1984*,
  - (b) the *Annual Reports (Departments) Act 1985*.
- (2) A reference in an affected provision to an annual report of the GSF agency must be read, on and from 1 July 2023, as a reference to annual reporting information for the GSF agency.

### 3.7 State Records Act 1998 No 17

#### Section 12 Records management obligations

Omit "annual report under the *Annual Reports (Statutory Bodies) Act 1984*" from section 12(6).

Insert instead "annual reporting information prepared under the *Government Sector Finance Act 2018*".

#### **Schedule 4 Amendments relating to machinery of government**

## **changes**

### **4.1 Aboriginal Land Rights Act 1983 No 42**

#### **Section 165A Delegation**

Omit “Aboriginal Affairs, Department of Premier and Cabinet” from section 165A(a).

Insert instead “the Premier’s Department”.

### **4.2 Advocate for Children and Young People Act 2014 No 29**

#### **Section 31 Exemptions for Cabinet documents and other privileged material**

Omit “the Department of Premier and Cabinet” from section 31(2).

Insert instead “the Cabinet Office”.

### **4.3 Anzac Memorial (Building) Act 1923 No 27**

#### **Section 9A Delegation by trustees**

Omit “the Department of Premier and Cabinet”.

Insert instead “the Department of Communities and Justice”.

### **4.4 Cemeteries and Crematoria Act 2013 No 105**

#### **Dictionary**

Omit “the Director-General of the Department of Premier and Cabinet” from the definition of **Cemetery**, note, paragraph (c)(ii).

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

### **4.5 Children’s Guardian Act 2019 No 25**

#### **[1] Section 51 Notice to particular persons of reportable conduct or reportable conviction**

Omit “the Department of Premier and Cabinet” from section 51(2)(c).

Insert instead “the Premier’s Department”.

#### **[2] Section 70 Cabinet information and proceedings**

Omit “the Department of Premier and Cabinet” from section 70(2).

Insert instead “the Cabinet Office”.

## **4.6 Civil and Administrative Tribunal Act 2013 No 2**

### **Section 66 Effect of Government Information (Public Access) Act 2009**

Omit “the Department of Premier and Cabinet” wherever occurring in section 66(4).

Insert instead “the Cabinet Office”.

## **4.7 Coroners Act 2009 No 41**

### **Section 101E Members of Team**

Omit section 101E(3)(a). Insert instead—

(a) the Premier’s Department,

## **4.8 Electoral Act 2017 No 66**

### **Section 111 Use of prescribed premises as voting centres**

Omit “the Department of Premier and Cabinet” from section 111(1).

Insert instead “the Cabinet Office”.

## **4.9 Electricity Network Assets (Authorised Transactions) Act 2015 No 5**

### **Section 8 Electricity price guarantee**

Omit “the Department of Premier and Cabinet” wherever occurring in section 8(3) and (6).

Insert instead “the Cabinet Office”.

## **4.10 Electricity Supply Act 1995 No 94**

### **[1] Section 97HD Cabinet information and proceedings**

Omit “the Department of Premier and Cabinet” from section 97HD(2).

Insert instead “the Cabinet Office”.

### **[2] Schedule 4A Energy security safeguard schemes**

Omit “Secretary of the Department of Premier and Cabinet, or the General Counsel of that Department,” from clause 63(2).

Insert instead “Secretary or General Counsel of the Cabinet Office”.

**[3] Schedule 4A, clauses 132(2) and 198(2)**

Omit “Secretary of the Department of Premier and Cabinet, or the General Counsel of the Department,” wherever occurring.

Insert instead “Secretary or General Counsel of the Cabinet Office”.

**4.11 Environmental Planning and Assessment Act 1979 No 203**

**[1] Section 9.2, heading**

Omit “**Department of Premier and Cabinet**”.

Insert instead “**Premier’s Department**”.

**[2] Section 9.2(1) and (2)**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Premier’s Department”.

**4.12 Government Information (Information Commissioner) Act 2009 No 53**

**[1] Section 24 Report on compliance with Information Act**

Omit “the Department of Premier and Cabinet” from section 24(1)(c).

Insert instead “the Premier’s Department”.

**[2] Section 30 Cabinet proceedings**

Omit “the Department of Premier and Cabinet” from section 30(2).

Insert instead “the Cabinet Office”.

**4.13 Government Information (Public Access) Regulation 2018**

**[1] Schedule 3 Agencies declared to be part of other agencies**

Omit “Department of Premier and Cabinet” from the matter relating to Library Council of New South Wales.

Insert instead “Department of Enterprise, Investment and Trade”.

**[2] Schedule 3**

Omit “Department of Education” from the matter relating to Registrar under the [Aboriginal Land Rights Act 1983](#).

Insert instead “Premier’s Department”.

#### 4.14 Government Sector Employment Act 2013 No 40

**[1] Sections 18(2)(d) and 49(1), definition of “Industrial Relations Secretary” and note**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Premier’s Department”.

**[2] Section 83, heading**

Omit “DPC Secretary”.

Insert instead “Secretary of Premier’s Department”.

**[3] Section 83(1), definition of “DPC Secretary”**

Omit the definition. Insert in alphabetical order—

**Secretary** means the Secretary of the Premier’s Department.

**[4] Section 83(2)–(4A) and (6)**

Omit “DPC” wherever occurring.

#### 4.15 Government Sector Finance Regulation 2018

**Clause 5 Accountable authority: section 2.7 (3) of Act**

Omit “the Department of Premier and Cabinet”.

Insert instead “the Department of Planning and Environment”.

#### 4.16 Greater Cities Commission Act 2022 No 8

**[1] Section 6 Members of Commission**

Omit section 6(1)(d)(i). Insert instead—

(i) the Secretary of the Cabinet Office,

**[2] Section 12 Delegation of Commission’s functions**

Omit “the Department of Premier and Cabinet” from section 12(4), definition of **authorised person or body**, paragraph (f).

Insert instead “the Cabinet Office”.

#### **4.17 Heritage Act 1977 No 136**

##### **Sections 23(4), 36(1)(e), 121(5)(c) and 151(2)(b) and (3)**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Department of Planning and Environment”.

#### **4.18 Independent Commission Against Corruption Regulation 2017**

##### **[1] Appendix NSW Ministerial Code of Conduct**

Omit “the Department of Premier and Cabinet” wherever occurring in clause 11.

Insert instead “the Cabinet Office”.

##### **[2] Appendix, Schedule to the NSW Ministerial Code of Conduct**

Omit “the Department of Premier and Cabinet” wherever occurring in clauses 17(2), 18(3)–(5), 19, 21(2) and 22(3).

Insert instead “the Cabinet Office”.

#### **4.19 Independent Pricing and Regulatory Tribunal Act 1992 No 39**

##### **Section 25A Cabinet information and proceedings**

Omit “the Department of Premier and Cabinet” from section 25A(2).

Insert instead “the Cabinet Office”.

#### **4.20 Industrial Relations Act 1996 No 17**

##### **Section 92 Application of Part**

Omit “the Department of Premier and Cabinet” from section 92(2).

Insert instead “the Premier’s Department”.

#### **4.21 Industrial Relations Advisory Council Act 2010 No 76**

##### **Section 6(1)(b) and Schedule 1, clause 7(2)(b)**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Premier’s Department”.



## **4.22 Industrial Relations (General) Regulation 2020**

### **Clause 40(1) and Schedule 1, items 5-7**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Premier’s Department”.

## **4.23 Infrastructure NSW Act 2011 No 23**

### **Section 8 Board of Infrastructure NSW**

Omit section 8(2)(d). Insert instead—

(d) the Secretary of the Cabinet Office,

## **4.24 Jobs for NSW Act 2015 No 25**

### **Section 5 Establishment of Jobs for NSW**

Omit “the Department of Premier and Cabinet” from section 5(2)(d).

Insert instead “the Premier’s Department”.

## **4.25 Local Government Act 1993 No 30**

### **Sections 400J(2)(c) and 400T(2)(a)**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Premier’s Department”.

## **4.26 Local Government (General) Regulation 2021**

### **Section 112 Consultation concerning categorisation of land as an area of cultural significance**

Omit section 112(2)(a)(iv). Insert instead—

(iv) the Secretary of the Premier’s Department,

## **4.27 Members of Parliament Staff Act 2013 No 41**

### **Section 10 and Schedule 2, clauses 7(1) and 8(1) and (2)**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Premier’s Department”.

## 4.28 Music Festivals Act 2019 No 17

### Section 15 Membership of music festival roundtable

Omit section 15(a)(i). Insert instead—

- (i) the Cabinet Office,

## 4.29 Natural Resources Commission Act 2003 No 102

### Section 19 Cabinet information and proceedings

Omit “the Department of Premier and Cabinet” from section 19(2).

Insert instead “the Cabinet Office”.

## 4.30 Ombudsman Act 1974 No 68

### Section 22 Cabinet information and proceedings

Omit “the Department of Premier and Cabinet” from section 22(2).

Insert instead “the Cabinet Office”.

## 4.31 Parliamentary Budget Officer Act 2010 No 83

### [1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

**Department** means the Cabinet Office.

### [2] Sections 3(1), definition of “Secretary” and 16(3A)-(5)

Omit “of Premier and Cabinet” wherever occurring.

## 4.32 Payroll Tax Act 2007 No 21

### Section 66F Exemption for employers under Jobs Plus agreements

Omit “the Department of Premier and Cabinet” from section 66F(12), definition of **Jobs Plus administrator**, paragraph (c).

Insert instead “the Premier’s Department”.

#### **4.33 Privacy and Personal Information Protection Act 1998 No 133**

##### **Section 43 Disclosure of Cabinet or Executive Council information**

Omit “the Department of Premier and Cabinet” from section 43(2).

Insert instead “the Cabinet Office”.

#### **4.34 Public Health Regulation 2022**

##### **Section 92 Burials in certain areas prohibited**

Omit “the Department of Premier and Cabinet” from section 92(1)(d)(ii).

Insert instead “the Department of Planning and Environment”.

#### **4.35 Public Interest Disclosures Act 1994 No 92**

##### **Section 6A Steering Committee**

Omit “the Department of Premier and Cabinet” wherever occurring in section 6A(1)(b) and (4).

Insert instead “the Cabinet Office”.

#### **4.36 Public Interest Disclosures Act 2022 No 14**

##### **Sections 67(2)(b) and 70**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Cabinet Office”.

#### **4.37 Public Works and Procurement Regulation 2019**

##### **Clause 19 Cabinet information and proceedings**

Omit “the General Counsel of the Department of Premier and Cabinet” from clause 19(2).

Insert instead “the Secretary or General Counsel of the Cabinet Office”.

#### **4.38 Road Transport (General) Regulation 2021**

##### **Schedule 4 Authorised officers**

Omit “the Department of Premier and Cabinet” wherever occurring in Schedule 4, definition of **Class 6 officer**, paragraph (b).

Insert instead “the Department of Planning and Environment”.

#### **4.39 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

##### **Schedule 11 Conditions applying to complying development certificates under the Agritourism and Farm Stay Accommodation Code**

Omit “the Department of Premier and Cabinet” from clause 15(b).

Insert instead “the Department of Planning and Environment”.

#### **4.40 State Environmental Planning Policy (Transport and Infrastructure) 2021**

##### **Section 3.21 General conditions of complying development certificates**

Omit “the Department of Premier and Cabinet” from section 3.21(10)(b).

Insert instead “the Department of Planning and Environment”.

#### **4.41 State Records Act 1998 No 17**

##### **Sections 7(4A) and 16(1)**

Omit “the Department of Premier and Cabinet” wherever occurring.

Insert instead “the Cabinet Office”.

#### **4.42 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

##### **Section 7 Assessors**

Omit “the Department of Premier and Cabinet” from section 7(1)(a).

Insert instead “the Premier’s Department”.

#### **4.43 Victims Rights and Support Act 2013 No 37**

##### **Section 112A Provision of personal information to victims of crime and family victims**

Omit section 112A(3), definition of **victims rights agency**, paragraph (c).

Insert instead—

(c) the Cabinet Office,

## Schedule 5 Repeals

### Repeal of redundant Acts

The following Acts are repealed—

| Act  | Provisions repealed |
|--|---------------------|
| <i>Associated General Contractors Insurance Company Limited Act 1980 No 38</i> | Whole Act           |
| <i>Bishopsgate Insurance Australia Limited Act 1983 No 81</i>                  | Whole Act           |
| <i>Workers Compensation Amendment Act 2015 No 18</i>                           | Whole Act           |

## Schedule 6 General savings, transitional and other provisions

### 1 Effect of amendment of amending provisions

(1) An amendment made by this Act to an amending provision is, if the amending provision has commenced before the amendment, taken to have effect as from the commencement of the amending provision, whether or not the amending provision has been repealed.

(2) In this section—

**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 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.

### 2 Revocation of repeal

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

### 3 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the commencement of a provision of this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision

must not be made more than 2 years after the commencement.

- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before the date of assent to this Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
  - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or
  - (b) impose liabilities on a person for anything done or omitted to be done before the publication.
- (6) In this section—  
**person** does not include the State or an authority of the State.