

# Statute Law (Miscellaneous Provisions) Act (No 2) 2024 No 82

[2024-82]



New South Wales

## Status Information

### Currency of version

Historical version for 21 November 2024 to 21 November 2024 (accessed 23 January 2025 at 11:08)

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

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# Statute Law (Miscellaneous Provisions) Act (No 2) 2024 No 82



New South Wales

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# Statute Law (Miscellaneous Provisions) Act (No 2) 2024 No 82



New South Wales

An Act to amend certain 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) 2024*.

## 2 Commencement

This Act commences as follows—

- (a) for Schedule 2.3—immediately after the commencement of the *Equality Legislation Amendment (LGBTIQA+) Act 2024*, Schedule 3[4],
- (b) 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 “National Parks and Wildlife Service” from section 6(2)(h).

Insert instead “Department of Climate Change, Energy, the Environment and Water”.

#### Explanatory note

The proposed amendment updates a reference following a machinery of government change.

### 1.2 Associations Incorporation Act 2009 No 7

#### Section 29 Register of committee members

Insert after section 29(4)—

- (5) An association must, on request, give a person a copy of the register within a reasonable period, free of charge.

**Explanatory note**

The proposed amendment requires an association to give a person a copy of the register of committee members on request.

### 1.3 Biofuels Act 2007 No 23

#### Section 24 Expert Panel

Omit section 24(1)(a3). Insert instead—

- (a3) the Secretary of the Department of Primary Industries and Regional Development or the Secretary's nominee,

**Explanatory note**

The proposed amendment updates a reference following a machinery of government change.

### 1.4 Biosecurity Act 2015 No 24

#### [1] Section 7 General definitions

Omit "*Apis mellifera*L." from the definition of **bee**. Insert instead "*Apis mellifera*".

#### [2] Section 7, definition of "Department"

Omit "Regional NSW".

Insert instead "the Department of Primary Industries and Regional Development".

**Explanatory note**

Item [1] removes a standard scientific nomenclature from the definition of **bee** to clarify the meaning and ensure there is consistency throughout the [Biosecurity Act 2015](#).

Item [2] updates a reference following a machinery of government change.

### 1.5 Community Land Management Act 2021 No 7

#### Section 99 Auditing of accounts and financial statements

Omit "Australian Accounting Standards Board" from section 99(5), definition of **Australian Auditing Standards**.

Insert instead "Auditing and Assurance Standards Board".

**Explanatory note**

The proposed amendment corrects the definition of **Australian Auditing Standards** to provide that the standards are issued by the Auditing and Assurance Standards Board.

## **1.6 Contaminated Land Management Act 1997 No 140**

### **Sections 11(4)(e) and 13(5)(a)**

Omit “Industry, Skills and Regional Development” wherever occurring.

Insert instead “Primary Industries and Regional Development”.

#### **Explanatory note**

The proposed amendment updates references following a machinery of government change.

## **1.7 Fisheries Management Act 1994 No 38**

### **Section 4 Definitions**

Omit “Regional NSW” from section 4(1), definition of **Department**.

Insert instead “the Department of Primary Industries and Regional Development”.

#### **Explanatory note**

The proposed amendment updates a reference following a machinery of government change.

## **1.8 Forestry Act 2012 No 96**

### **Sections 69A(2) and 69N(1) and (3)**

Omit “Lands and Forestry” wherever occurring. Insert instead “Agriculture”.

#### **Explanatory note**

The proposed amendment updates references following a machinery of government change.

## **1.9 Forestry Regulation 2022**

### **Section 72 Delegation of Minister’s functions—the Act, s 90**

Omit “Planning and Environment” from section 72(b).

Insert instead “Climate Change, Energy, the Environment and Water”.

#### **Explanatory note**

The proposed amendment updates a reference following a machinery of government change.

## **1.10 Government Sector Finance Act 2018 No 55**

### **Section 9.7 Delegable functions**

Omit “cluster or other” from section 9.7(2), note.

#### **Explanatory note**

The proposed amendment updates a note to reflect current administrative arrangements.

## **1.11 McGarvie Smith Institute Incorporation Act 1928 No 28**

### **Section 5 Objects and powers**

Omit “Industry and Investment of New South Wales” from section 5(b).

Insert instead “Primary Industries and Regional Development”.

#### **Explanatory note**

The proposed amendment updates a reference following a machinery of government change.

## **1.12 National Parks and Wildlife Act 1974 No 80**

### **Section 21 Delegation**

Omit section 21(3)(c)(iii). Insert instead—

- (iii) on the Secretary, as an authority, under the *Public Spaces (Unattended Property) Act 2021*, or

#### **Explanatory note**

The proposed amendment replaces a reference to the *Impounding Act 1993*, which was repealed by the *Public Spaces (Unattended Property) Act 2021*, to enable the Secretary of the Department of Climate Change, Energy, the Environment and Water to delegate the Secretary’s functions under the *Public Spaces (Unattended Property) Act 2021*.

## **1.13 Photo Card Act 2005 No 20**

### **Section 5 Photo Card to be issued by TfNSW**

Insert after section 5(5)—

- (6) The regulations may provide for—
  - (a) the waiver or refund of fees payable for the issue of a Photo Card, or
  - (b) the exemption of persons, or classes of persons, from the requirement to pay a fee for the issue of a Photo Card.

#### **Explanatory note**

The proposed amendment allows regulations to be made to waive or exempt fees for Photo Cards.

## **1.14 Poisons and Therapeutic Goods Act 1966 No 31**

### **Section 6 Poisons Advisory Committee**

Omit “Department of Industry, Skills and Regional Development for the time being

nominated by the Minister for Primary Industries” from section 6(2)(d).

Insert instead “Department of Primary Industries and Regional Development for the time being nominated by the Minister for Agriculture”.

**Explanatory note**

The proposed amendment update references following a machinery of government change.

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

### **[1] Section 60 Establishment of Information and Privacy Advisory Committee**

Omit “(not being officers of public sector agencies)” wherever occurring in section 60(2)(b) and (c).

### **[2] Section 60(2A)**

Insert after section 60(2)—

(2A) The persons appointed under subsection (2)(b) and (c) must not be officers of a public sector agency, other than members of the academic staff of a university.

**Explanatory note**

Items [1] and [2] allow members of the academic staff of a university to be appointed as members of the Information and Privacy Advisory Committee.

## **1.16 Property and Stock Agents Act 2002 No 66**

### **Section 26A Duration of certificate of registration**

Omit section 26A(2).

**Explanatory note**

The proposed amendment removes a provision that is redundant following the insertion of section 26AA by the [Customer Service Legislation Amendment Act 2024](#), Schedule 3.

## **1.17 Superannuation Act 1916 No 28**

### **[1] Section 39 Desertion of spouse or de facto partner or child**

Omit section 39(3).

### **[2] Section 39(4)(a) and (b)**

Omit “or certificate” wherever occurring.

### **[3] Section 39(4)(b)**

Omit “subsection (1), (2) or (3)”. Insert instead “subsection (1) or (2)”.

**Explanatory note**

Items [1]-[3] remove redundant references to the *Maintenance Act 1964*, which was repealed on 12 December 1994 by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1994*.

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

### **2.1 Children’s Guardian Amendment (Code of Practice) Regulation 2024**

#### **Schedule 1 Amendment of Children’s Guardian Regulation 2022**

Omit “**Section 14 Residential**” from Schedule 1[3], proposed section 14, heading.

Insert instead “**14 Residential**”.

**Explanatory note**

The proposed amendment removes a redundant word from a provision heading.

### **2.2 Coroners Act 2009 No 41**

#### **Section 36 State Coroner to inform Ombudsman and others about certain child and disability death**

Omit “section 23(d)” from section 36(1)(b). Insert instead “section 23(1)(d)”.

**Explanatory note**

The proposed amendment corrects an incorrect reference to a section number.

### **2.3 Crimes (Domestic and Personal Violence) Act 2007 No 80**

#### **Section 53 Discretion to refuse to issue process in apprehended personal violence order matters**

Omit “the defendant having engaged in conduct amounting to” from section 53(5)(d).

**Explanatory note**

The proposed amendment corrects a grammatical error.

### **2.4 Crown Land Management Act 2016 No 58**

#### **Section 1.5 General definitions**

Omit “to, Crown land” from section 1.5(1), definition of ***Crown land manager***.

Insert instead “to Crown land,”.

**Explanatory note**

The proposed amendment corrects a grammatical error.



## 2.5 Forestry Regulation 2022

### [1] Sections 22(3) and 60(2), definition of “relevant person”, paragraph (e)(i)

Omit “Regional NSW” wherever occurring.

Insert instead “Primary Industries and Regional Development”.

### [2] Section 60 Approaching or interfering with forestry equipment—the Act, s 92

Omit “Planning and Environment” from section 60(2), definition of *relevant person*, paragraph (e)(ii).

Insert instead “Climate Change, Energy, the Environment and Water”.

#### Explanatory note

Items [1] and [2] update references following machinery of government changes.

## 2.6 Government Advertising Regulation 2024

### Section 8 Exemption from restrictions on advertising campaigns during pre-election period—the Act, s 4(5)

Omit “*National Parks and Wildlife Service Act 1974*” from section 8(2)(e).

Insert instead “*National Parks and Wildlife Act 1974*”.

#### Explanatory note

The proposed amendment corrects a typographical error.

## 2.7 Government Sector Finance 2018 No 55

### Section 4.14B Notification of proposed budget allocation

Insert “annual Appropriation” before “Act” in section 4.14B(4).

#### Explanatory note

The proposed amendment corrects a typographical error.

## 2.8 Industrial Relations Act 1996 No 17

### Schedule 6 Administrator for CFMEU, C & G Division

Insert “the following” after “means” in clause 9(3), definition of *relevant person*.

#### Explanatory note

The proposed amendment corrects lead-in text for a list.

## 2.9 Law Enforcement and National Security (Assumed Identities) Act

## 2010 No 73

### Section 4 Definitions

Omit section 4(1), definition of **law enforcement agency**, paragraph (g)(iv).

Insert instead—

(iv) the Department of Home Affairs,

#### Explanatory note

The proposed amendment corrects a reference to a Commonwealth department consequent on the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* of the Commonwealth.

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

### Section 79 References in other Acts to “authorised justice” or “authorised officer”

Omit “paragraph (a)”. Insert instead “paragraph (d)”.

#### Explanatory note

The proposed amendment corrects an incorrect reference to a paragraph number.

## 2.11 Mining and Petroleum Legislation Amendment Act 2022 No 21

### Schedule 2 Amendment of **Petroleum (Onshore) Act 1991 No 84**

Omit “section 106E(7)(b)” wherever occurring in Schedule 2[63] and [68].

Insert instead “section 106E(7)(a)”.

#### Explanatory note

The proposed amendment corrects an incorrect reference to a paragraph number.

## 2.12 Ombudsman Act 1974 No 68

### [1] Section 5 Definitions

Insert “the following” after “means” in section 5(1), definition of **public authority**.

### [2] Section 5(1), definition of “public authority”, paragraph (g1)

Omit “and”.

### [3] Section 25K, heading

Omit the heading. Insert instead—

25K **Definitions**

#### Explanatory note

Items [1] and [2] correct a typographical error in a list. Item [3] corrects a typographical error in a provision heading.

## 2.13 Police Regulation (Superannuation) Act 1906 No 28

### Section 9A Commencement of pension

Omit “section 10B (2) (b)” from section 9A(4)(a). Insert instead “section 10B(2)(c)”.

#### Explanatory note

The proposed amendment corrects a cross-reference.

## 2.14 Property and Development NSW Act 2006 No 40

### Long title and sections 3(1), definition of “Chief Executive Officer” and 14

Insert “and Development” after “Property” wherever occurring.

#### Explanatory note

The proposed amendment updates references to Property NSW with references to Property and Development NSW that were not updated in the [Property NSW Amendment Act 2024](#).

## Schedule 3 Amendments consequential on the abolishment of the Government Printer

### 3.1 Antiochian Orthodox Church Property Trust Act 1993 No 20

#### Section 5 New dioceses

Omit section 5(2). Insert instead—

(2) The notice in the Gazette is conclusive evidence of the creation of a new diocese.

#### Explanatory note

The proposed amendment updates a reference to the Gazette to remove a reference to the Government Printer.

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

#### Schedule 1 General interpretative provisions

Omit clause 13(1), definition of **Government Printer**.

#### Explanatory note

The proposed amendment removes a defined term that is not used in the Act.

### 3.3 Environmental Planning and Assessment Act 1979 No 203

#### [1] Section 10.8 Evidence

Omit “printed by the Government Printer or by the authority of the Government” from section 10.8(1)(a).

Insert instead “published on the NSW legislation website, in the Gazette or on the NSW planning portal”.

#### [2] Section 10.8(3)(c)

Omit “white copy.” from section 10.8(3)(b). Insert instead—

white copy, and

(c) may be a physical or electronic copy of the document, map or plan.

#### Explanatory note

Items [1] and [2] omit a reference to the Government Printer and provide that copies of certain documents, maps and plans published on the NSW legislation website, the NSW planning portal or in the Gazette are admissible in evidence.

### 3.4 Heritage Act 1977 No 136

#### [1] Section 151 Evidence

Omit “thereof if it purports to be printed by the Government Printer or by the authority of the Government” from section 151(1).

Insert instead “of that order if it purports to be published in the Gazette”.

#### [2] Section 151(2)(a) and (a1)

Omit section 151(2)(a). Insert instead—

(a) it purports to be published in the Gazette or on a NSW Government website, or

(a1) it purports to be printed by the authority of the Government, or

#### Explanatory note

Items [1] and [2] omit references to the Government Printer and provide that an interim heritage order published in the Gazette is admissible in evidence, and a copy or extract of a document, map or plan referred to in an interim heritage order is admissible in evidence if it is published in the Gazette or on a NSW Government website.

### 3.5 Interpretation Act 1987 No 15

#### [1] Section 22 References to enactments etc of Acts

Omit “that has been printed by the Government Printer” from section 22(2).

Insert instead “published on the NSW legislation website”.

**[2] Section 34 Use of extrinsic material in the interpretation of Acts and statutory rules**

Omit “as printed by the Government Printer” from section 34(2)(a).

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

**[3] Section 69A Evidence of publication of Australian standards or other publications**

Omit “printed by the Government Printer or” from section 69A(b).

Insert instead “published on the NSW legislation website or in the Gazette, or printed”.

**[4] Schedule 3 Savings and transitional provisions**

Insert after clause 11—

**12 Acts Printed by the NSW Government Printer**

- (1) This clause applies to Acts printed by the Government Printer before the commencement of the *Statute Law (Miscellaneous Provisions) Act (No 2) 2024*.
- (2) The date purporting to be the date of assent, as appearing on the Act, is admissible in any legal proceedings as evidence of the date of assent to the Act.
- (3) All matters not forming part of the Act that are set out in the document containing the text of the Act are material that may be considered in the interpretation of the Act, or a statutory rule made under the Act, under section 34.
- (4) In this clause—

**Government Printer** means the Government Printer of New South Wales, and includes any other person authorised by or on behalf of the Government to print any Act or instrument or other document.

**[5] Schedule 4 Dictionary**

Omit the definition of **Government Printer**.

**Explanatory note**

Items [1]-[3] and [5] omit references to the Government Printer, as the functions of the Government Printer have been taken over by the NSW Parliamentary Counsel and the NSW legislation website. Item [4] is a savings and transitional provision relating to existing copies of Acts that were printed by the Government Printer.

### 3.6 Local Government Act 1993 No 30

#### Dictionary

Omit “Government Printer” from the note at the end of the Dictionary.

#### Explanatory note

The proposed amendment removes a reference to the *Interpretation Act 1987* definition of Government Printer.

### 3.7 Parliamentary Papers (Supplementary Provisions) Act 1975 No 49

#### [1] Section 5, heading

Omit “to Government Printer”.

#### [2] Section 5(1)

Omit “printed, the Government Printer is authorised to”.

Insert instead “published, a relevant person may”.

#### [3] Section 5(2)

Omit “The Government Printer”. Insert instead “A relevant person”.

#### [4] Section 5(3)

Insert after section 5(2)—

(3) In this section—

**publish** includes print.

**relevant person** means the following—

- (a) the Clerk of the Parliaments and Clerk of the Legislative Council,
- (b) the Deputy Clerk of the Legislative Council,
- (c) the Clerk of the Legislative Assembly,
- (d) the Deputy Clerk of the Legislative Assembly.

#### [5] Section 9

Insert after section 8—

### 9 NSW Parliament website

- (1) An Act that authorises the Clerk of a House of Parliament to print a document

authorises the Clerk to publish the document on the NSW Parliament website.

- (2) A document published by the Clerk of a House of Parliament on the NSW Parliament website is taken to be printed by, or by the authority of, the Clerk.
- (3) This section extends to anything done before the commencement of this section.
- (4) In this section—

**NSW Parliament website** means the website with the URL of [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au), or another website used by the Parliament of New South Wales.

#### **Explanatory note**

Items [1]-[4] remove references to the Government Printer and authorise the Clerk of the Parliaments and Clerk of the Legislative Council or the Clerk of the Legislative Assembly, or a Deputy Clerk of either House, to publish parliamentary documents.

Item [5] provides for the publication of documents on the NSW Parliament website by the Clerks.

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

### **Section 25 Incorporation of documents and modification of definitions**

Omit section 25(3)(b). Insert instead—

- (b) by the production of a document purporting to be a copy of it and purporting to be—
  - (i) published on the NSW legislation website, in the Gazette or on another NSW Government website, or
  - (ii) printed by the authority of the Government, or
  - (iii) printed by the government printer or by the authority of the government of another jurisdiction.

#### **Explanatory note**

The proposed amendment removes a reference to the NSW Government Printer and provides that evidence of a publication of the National Transport Commission that has been incorporated in a statutory rule under the Act includes copies of the publication published on the NSW legislation website or another NSW Government website or in the Gazette, or printed by the authority of the Government.

## **3.9 Roman Catholic Church Trust Property Act 1936 No 24**

### **[1] Section 5 New dioceses**

Omit section 5(2). Insert instead—

(2) The notice in the Gazette is conclusive evidence of the statements published.

**[2] Section 5A Change of name of diocese**

Omit section 5A(2). Insert instead—

(2) The notice in the Gazette is conclusive evidence of the statements published.

**Explanatory note**

Items [1] and [2] update references to the Gazette to remove references to the Government Printer.

## **Schedule 4 Amendments consequential on repeal of [Impounding Act 1993 No 31](#)**

### **4.1 Animal Research Regulation 2021**

#### **Schedule 1 Supplementary provisions of Code of Practice**

Omit section 12(5), definition of ***impounding authority***, paragraph (a). Insert instead—

(a) an authority within the meaning of the [Public Spaces \(Unattended Property\) Act 2021](#), or

**Explanatory note**

The proposed amendment updates the definition of ***impounding authority*** to remove a reference and include an authority under the [Public Spaces \(Unattended Property\) Act 2021](#).

### **4.2 Companion Animals Act 1998 No 87**

#### **Section 5 Definitions**

Omit section 5(1), definition of ***council pound***, paragraph (a). Insert instead—

(a) a place of care established by a council under the [Public Spaces \(Unattended Property\) Act 2021](#), or

**Explanatory note**

The proposed amendment updates the definition of ***council pound*** to remove a repealed reference and include a place of care established by a council.

### **4.3 Crown Land Management Act 2016 No 58**

#### **Section 9.24 Impounding of animals and articles**

Omit “For the purposes of the [Impounding Act 1993](#)” from section 9.24(1).



Insert instead “For the *Public Spaces (Unattended Property) Act 2021*”.

**Explanatory note**

The proposed amendment replaces a reference to the *Impounding Act 1993* with a reference to the *Public Spaces (Unattended Property) Act 2021*.

## 4.4 Fines Act 1996 No 99

### Section 38 Circumstances in which person issued with penalty reminder notice for vehicle or vessel offence is not liable to pay penalty

Omit section 38(4), definition of **vehicle or vessel offence**, paragraph (f). Insert instead—

(f) an offence under the *Public Spaces (Unattended Property) Act 2021*, section 37,

**Explanatory note**

The proposed amendment replaces a reference to the *Impounding Act 1993* with a reference to the *Public Spaces (Unattended Property) Act 2021*.

## 4.5 Local Government Act 1993 No 30

### [1] Section 22 Other functions

Omit the matter relating to the *Impounding Act 1993* from the note, table.

Insert in alphabetical order—

<i>Public Spaces (Unattended Property) Act 2021</i>	taking possession of property
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### [2] Section 651C Unlawful detention of vehicles

Omit “*Impounding Act 1993*” from section 651C(2)(a).

Insert instead “*Public Spaces (Unattended Property) Act 2021*”.

### [3] Section 681A Confiscation of recreational equipment

Omit “delivered to a a public pound within the meaning of the *Impounding Act 1993*” from section 681A(5)(a).

Insert instead “taken to a place of storage within the meaning of the *Public Spaces (Unattended Property) Act 2021*”.

### [4] Section 681A(5)(b)

Omit the paragraph. Insert instead—

- (b) if it is taken to a place of storage, the person must be notified in writing of the address of the place of storage.

**[5] Section 681A(6)**

Omit the subsection. Insert instead—

- (6) For confiscated equipment that is taken to a place of storage, the *Public Spaces (Unattended Property) Act 2021* applies, except for sections 29 and 30(3)(b), as if the equipment had been taken into possession under that Act and must be returned on demand.

**[6] Section 681A(7)**

Omit “release for confiscated equipment, as referred to in section 24 of the *Impounding Act 1993*”.

Insert instead “return for confiscated equipment, under the *Public Spaces (Unattended Property) Act 2021*, section 32(7)”.

**Explanatory note**

Item [1] makes it clear that a council has functions conferred on it by the *Public Spaces (Unattended Property) Act 2021*.

Items [2] and [6] replace references to the *Impounding Act 1993* with references to the *Public Spaces (Unattended Property) Act 2021*.

Items [3] and [4] replace references to a public pound with references to a place of storage. Item [5] makes it clear that the *Public Spaces (Unattended Property) Act 2021* applies when recreational equipment is confiscated by an authorised person.

## **4.6 Local Land Services Act 2013 No 51**

**[1] Part 8, heading and note**

Omit “articles” wherever occurring. Insert instead “items”.

**[2] Part 8, note**

Omit “*Impounding Act 1993*” wherever occurring.

Insert instead “*Public Spaces (Unattended Property) Act 2021*”.

**[3] Part 8, note**

Omit “an impounding authority”. Insert instead “an authority”.

**[4] Section 114 Definitions**

Insert in section 114(1) in alphabetical order—

**impound** means to take possession of an animal under—

- (a) this part or,
- (b) the *Public Spaces (Unattended Property) Act 2021*.

**[5] Section 114(2)**

Omit “*Impounding Act 1993*”.

Insert instead “*Public Spaces (Unattended Property) Act 2021*”.

**[6] Section 114(2), note**

Omit “**impounding**”.

**[7] Section 115 Unattended stock**

Omit “for the purposes of sections 9 (2) (d) and 32 (3) (d) of the *Impounding Act 1993*”.

Insert instead “for the *Public Spaces (Unattended Property) Act 2021*, sections 18(2)(d) and 37(4)(d)”.

**[8] Section 116 Offence of causing or permitting stock to be on a public road, travelling stock reserve or public land without authority**

Omit “impounding officer” wherever occurring in section 116(3).

Insert instead “authorised officer”.

**[9] Section 116(3)**

Omit “under section 9 of the *Impounding Act 1993*”.

Insert instead “under the *Public Spaces (Unattended Property) Act 2021*, section 18”.

**[10] Section 117 Release of impounded stock**

Omit “impounding authority”. Insert instead “authority”.

**[11] Section 117**

Omit “being impounded”.

Insert instead “this part or the *Public Spaces (Unattended Property) Act 2021*”.

**Explanatory note**

Item [1] updates references to articles with references to items to be consistent with terminology used in the *Public Spaces (Unattended Property) Act 2021*.

Items [2], [5], [7] and [9] replace references to the *Impounding Act 1993* with references to the *Public Spaces (Unattended*

*Property) Act 2021.*

Items [3], [6], [8] and [10] replace references to an impounding authority or impounding officer with references to an authority or authorised officer.

Items [4] and [11] make it clear that impounding refers to taking possession of an animal within the meaning of the *Local Land Services Act 2013*, Part 8 or the *Public Spaces (Unattended Property) Act 2021*.

## 4.7 Local Land Services Regulation 2014

### [1] Part 7, heading

Omit “**Impounding**”. Insert instead “**Taking possession**”.

### [2] Clause 81 Unattended stock

Omit “section 9 (2) (d) and 32 (3) (d) of the *Impounding Act 1993*”.

Insert instead “the *Public Spaces (Unattended Property) Act 2021*, sections 18(2)(d) and 37(4)(d)”.

#### Explanatory note

Item [1] updates a reference to impounding with a reference to taking possession to be consistent with terminology used in the *Public Spaces (Unattended Property) Act 2021*.

Item [2] replaces a reference to the *Impounding Act 1993* with a reference to the *Public Spaces (Unattended Property) Act 2021*.

## 4.8 Place Management NSW Regulation 2022

### [1] Section 41 Confiscation of articles used in offences—the Act, s 46(2)(h)

Omit section 41(4)(b). Insert instead—

(b) taken to a place of storage, within the meaning of the *Public Spaces (Unattended Property) Act 2021*.

### [2] Section 41(5)

Omit “delivered to a public pound”. Insert instead “taken to a place of storage”.

### [3] Section 41(5)

Omit “pound’s address”. Insert instead “address of the place of storage”.

### [4] Section 41(6)

Omit the subsection, including the note. Insert instead—

(6) For a confiscated object that is taken to a place of storage, the *Public Spaces (Unattended Property) Act 2021* applies, except for sections 29 and 30(3)(b), as if

the object had been taken into possession under that Act.

**Note—**

The *Public Spaces (Unattended Property) Act 2021*, section 30 provides for the return of property taken into possession by an authorised officer on application.

**[5] Section 41(7)**

Omit “release for a confiscated object, as referred to in the *Impounding Act 1993*, section 24”.

Insert instead “return for a confiscated object, as referred to in the *Public Spaces (Unattended Property) Act 2021*, section 32(7)”.

**Explanatory note**

Items [1] and [5] replace references to the *Impounding Act 1993* with references to the *Public Spaces (Unattended Property) Act 2021*.

Items [2]–[4] replace references to a public pound with references to a place of storage.

## **4.9 Property and Stock Agents Act 2002 No 66**

### **Section 5 Exemptions**

Omit “*Impounding Act 1993*” from section 5(1)(g).

Insert instead “*Public Spaces (Unattended Property) Act 2021*”.

**Explanatory note**

The proposed amendment replaces a reference to the *Impounding Act 1993* with a reference to the *Public Spaces (Unattended Property) Act 2021*.

## **4.10 Road Transport (Vehicle Registration) Regulation 2017**

### **[1] Clause 132 Proceeds of sales of vehicles seized under section 79 of the Act**

Omit “in respect of the impounding, holding and disposing of the vehicle” from clause 132(5), definition of **net proceeds of sale**, paragraph (a).

Insert instead “for a vehicle that has been taken into possession, held and disposed of”.

### **[2] Clause 132(5), definition of “net proceeds of sale”, paragraph (a)**

Omit “*Impounding Act 1993*”.

Insert instead “*Public Spaces (Unattended Property) Act 2021*”.

**Explanatory note**

Item [1] replaces a reference to impounding with a reference to taking possession, to reflect terminology used in the *Public Spaces (Unattended Property) Act 2021*.

Item [2] replaces a reference to the *Impounding Act 1993* with a reference to the *Public Spaces (Unattended Property) Act 2021*.

## 4.11 Sydney Olympic Park Authority Regulation 2018

### [1] Clause 27 Confiscation of articles

Omit “delivered to a public pound (within the meaning of the *Impounding Act 1993*)” from clause 27(4).

Insert instead “taken to a place of storage, within the meaning of the *Public Spaces (Unattended Property) Act 2021*”.

### [2] Clause 27(5)

Omit “public pound”. Insert instead “place of storage”.

### [3] Clause 27(5)

Omit “the pound”. Insert instead “the place of storage”.

### [4] Clause 27(6)

Omit the subclause. Insert instead—

- (6) For a confiscated article that is taken to a place of storage, the *Public Spaces (Unattended Property) Act 2021* applies, except for sections 29 and 30(b), as if the object had been taken into possession under that Act and must be returned on demand.

### [5] Clause 27(7)

Omit “release of a confiscated article, as referred to section 24 of the *Impounding Act 1993*”.

Insert instead “return of a confiscated article, as referred to in the *Public Spaces (Unattended Property) Act 2021*, section 32(7)”.

### Explanatory note

Items [1]-[3] replace references to a public pound with references to a place of storage.

Item [4] makes it clear that the *Public Spaces (Unattended Property) Act 2021* applies in certain circumstances when an article is confiscated by an authorised person.

Item [5] replaces a reference to the *Impounding Act 1993* with a reference to the *Public Spaces (Unattended Property) Act 2021*.

## Schedule 5 Repeals

### 1 Repeal of redundant Acts and provisions

The following Acts and provisions are repealed—

<b>Act or instrument</b>	<b>Provisions repealed</b>
<a href="#">Appropriation Act 2018 No 35</a>	Whole Act
<a href="#">Appropriation Act 2019 No 3</a>	Whole Act
<a href="#">Appropriation Act 2020 No 41</a>	Whole Act
<a href="#">Appropriation Act 2021 No 18</a>	Whole Act
<a href="#">Appropriation Act 2022 No 30</a>	Whole Act
<a href="#">Appropriation (Parliament) Act 2018 No 36</a>	Whole Act
<a href="#">Appropriation (Parliament) Act 2019 No 4</a>	Whole Act
<a href="#">Appropriation (Parliament) Act 2020 No 42</a>	Whole Act
<a href="#">Appropriation (Parliament) Act 2021 No 19</a>	Whole Act
<a href="#">Appropriation (Parliament) Act 2022 No 31</a>	Whole Act
<a href="#">Statute Law (Miscellaneous Provisions) Act 2019 No 1</a>	Whole Act
<a href="#">Statute Law (Miscellaneous Provisions) Act 2020 No 30</a>	Whole Act
<a href="#">Statute Law (Miscellaneous Provisions) Act 2022 No 26</a>	Whole Act
<a href="#">Statute Law (Miscellaneous Provisions) Act 2023 No 7</a>	Whole Act
<a href="#">Statute Law (Miscellaneous Provisions) Act (No 2) 2022 No 59</a>	Whole Act
<a href="#">Statute Law (Miscellaneous Provisions) Act (No 2) 2023 No 35</a>	Whole Act
<a href="#">Licensing and Registration (Uniform Procedures) Act 2002 No 28</a>	Schedule 4
<a href="#">Scrap Metal Industry Amendment (Review) Act 2022 No 51</a>	Schedule 2

#### **Explanatory note**

This section repeals certain Acts and provisions that no longer have effect.

## **Schedule 6 General savings, transitional and other provisions**

### **1 Effect of amendment of amending provisions**

(1) An amendment made by Schedule 1 or 2 to an amending provision contained in an

Act or instrument is, if the amending provision has commenced before the Schedule 1 or 2 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 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 section 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,

an 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 amended or repealed.

**Explanatory note**

This section 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, an 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 section 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

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

##### **Explanatory note**

The effect of this section is to enable the Governor, by proclamation, to revoke the repeal of an Act or instrument, or a provision of an Act or instrument, by the proposed Act or a previous Statute Law 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) A 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 a 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 to—
  - (a) affect, in a manner prejudicial to a 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) impose liabilities on a 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 section enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.