

Passed by both Houses



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2015

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2015



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2015

Act No , 2015

An Act to repeal certain Acts and instruments 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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2015*.

2 Commencement

- (1) This Act commences on 8 July 2015, except as provided by this section.
- (2) The amendments made by Schedule 1 commence on the day or days specified in that Schedule in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).
- (3) Schedule 3 commences on 15 July 2015.
- (4) Schedule 4 commences on 1 August 2015.
- (5) Schedule 7 commences on the date of assent to this Act.

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1 Aboriginal Land Rights Act 1983 No 42

[1] Section 84 Approval of community, land and business plans

Insert after section 84 (1):

- (1A) A Local Aboriginal Land Council resolution that approves the adoption of a community, land and business plan must be passed by not less than 80 per cent of the voting members of the Council present at a meeting at which a quorum is present.

[2] Section 111 New South Wales Aboriginal Land Council's responsibilities in relation to certain arrangements and transfers

Omit section 111 (7) (as inserted by the *Aboriginal Land Rights Amendment Act 2014*).

Insert instead:

(7) Requirement for approval resolutions

A resolution that approves the New South Wales Aboriginal Land Council's proposed transfer or disposal of an asset or termination of an arrangement under this section must contain a statement identifying the purpose of the proposed action and any conditions to which the approval is subject.

[3] Section 165 Functions of Registrar

Insert after section 165 (h1):

- (h2) to keep and maintain a register in relation to Aboriginal Land Agreements made under section 36AA,

[4] Schedule 3 Procedure of Boards and Councils

Omit "A decision" from clause 5 (1).

Insert instead "Except as otherwise provided by this Act, a decision".

Commencement

Item [2] of the amendments to the *Aboriginal Land Rights Act 1983* commences, or is taken to have commenced, on the commencement of Schedule 1 [43] to the *Aboriginal Land Rights Amendment Act 2014*.

Explanatory note

Item [1] of the proposed amendments requires a resolution approving a Local Aboriginal Land Council's community, land and business plan to be passed by not less than 80% of the voting members of the Council present at the meeting concerned. A Local Aboriginal Land Council's community, land and business plan sets out, among other things, the Council's strategies and objectives for land and business dealings. The proposed amendment is consistent with the requirement in section 42G of the *Aboriginal Land Rights Act 1983* (the **principal Act**) relating to resolutions approving land dealings by a Local Aboriginal Land Council. Item [4] makes a consequential amendment.

Item [2] removes special requirements for the transfer or disposal of an asset, or the termination of certain arrangements, by the New South Wales Aboriginal Land Council (**NSWALC**) to be approved by a resolution passed by not less than 80% of the voting members present at a meeting that has been notified at least 14 days before the date of the meeting. The proposed amendment will result in an ordinary notice and resolution being sufficient, consistent with the position applying in relation to other decisions of the NSWALC.

Item [3] makes it clear that the functions of the Registrar appointed under the principal Act include keeping and maintaining a register of Aboriginal Land Agreements made under the new section 36AA of the principal Act (which is to be inserted by the *Aboriginal Land Rights Amendment Act 2014*).

1.2 Biological Control Act 1985 No 199

Section 3 Definitions

Omit the definition of *Council* from section 3 (1). Insert instead:

Council means the Agriculture Ministers' Forum or, if that body ceases to exist:

- (a) any body that replaces that body and has as its members Ministers of Australian (or Australian and New Zealand) jurisdictions with portfolio responsibility for primary industries, or
- (b) if the Minister, by order published in the Gazette, prescribes a body that has as its members Ministers of Australian (or Australian and New Zealand) jurisdictions with portfolio responsibility for primary industries—that prescribed body.

Explanatory note

The proposed amendment will update a definition of the body (the *Council*) that is recognised by the Act as having the function of making recommendations to the New South Wales Biological Control Authority with respect to the biological control of pests. The definition of *Council* currently refers to the former Agricultural and Resource Management Council of Australia and New Zealand. The proposed amendment updates the definition to refer to the Agriculture Ministers' Forum (or, if that body ceases to exist, either a ministerial body that replaces that body or a ministerial body prescribed by the Minister for Primary Industries by order published in the Gazette).

1.3 Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63

[1] Section 7 Classified films not to be sold or exhibited under different title or in altered form

Omit “of the Commonwealth Act” from section 7 (2) (b).

Insert instead “or (3) of the Commonwealth Act or to which section 20A of that Act applies”.

[2] Sections 15 (4) (b), 20 (2) (b), 21 (3) (b), 23 (3) (b), 34 (5) (b), 42 (2) (b) and 43 (3) (b)

Insert “or 22CH (1)” after “section 22B (3)” wherever occurring.

[3] Sections 20 (2) (a), 21 (3) (a), 23 (3) (a), 42 (2) (a) and 43 (3) (a)

Insert “22CH (4),” after “section” wherever occurring.

[4] Section 28 Classified computer games not to be sold or demonstrated under different title or in altered form

Insert at the end of the section:

- (2) Subsection (1) is not contravened by the sale or demonstration of a classified computer game:
 - (a) under a title different from that under which it is classified if it is contained on one device that consists only of 2 or more classified computer games, or
 - (b) with modifications to which section 20A of the Commonwealth Act applies or that are referred to in section 21 (2) or (3) of that Act, or both.

Explanatory note

The proposed amendments are generally consequential on changes to the National Classification Scheme that extend the types of modifications that do not affect the classification of classified material

and that provide for a new method for classifying material under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth.

Item [1] includes the new types of modifications as modifications excluded from the offence of selling or exhibiting a classified film under a different title or in an altered form.

Item [4] excludes from the offence of selling or demonstrating classified computer games under a different title or in an altered form, the same modifications and alterations in title that apply to the corresponding offence applying to classified films.

Items [2] and [3] extend various provisions (that allow certain material, the classification of which has been revoked or that has been reclassified, to bear its previous classification markings, or that allow the display of those previous markings and associated consumer advice, for a limited period after the revocation or reclassification) to revocation of a classification, or reclassification, made using the new method of classification referred to above.

1.4 Conveyancers Licensing Act 2003 No 3

[1] Section 19 Business names

Omit section 19 (1) and (2).

[2] Section 19 (4)

Omit “The provisions of this section are”. Insert instead “Subsection (3) is”.

Explanatory note

Item [1] of the proposed amendments removes provisions relating to the approval of business names of licensed conveyancers by the Commissioner for Fair Trading, including an offence of conducting a conveyancing business under an unapproved business name. The *Business Names Registration Act 2011* of the Commonwealth provides for the registration of business names by the Australian Securities and Investments Commission (**ASIC**) and includes an offence of carrying on a business under an unregistered business name (section 18). The proposed amendment removes an unnecessary duplication of both roles (of the Commissioner for Fair Trading and ASIC) and offences. Item [2] makes a consequential amendment.

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

Section 145 Final audit on merger etc

Omit “prescribed statements and information” from section 145 (1).

Insert instead “the statements referred to in section 143 (2)”.

Explanatory note

The proposed amendment to the *Co-operative Housing and Starr-Bowkett Societies Act 1998* removes a requirement for matters that must be contained in certain audits to be prescribed by a regulation and recreates in that Act the substance of the relevant provision of the *Co-operative Housing and Starr-Bowkett Societies Regulation 2005*.

1.6 Co-operative Housing and Starr-Bowkett Societies Regulation 2005

[1] Part 9, heading

Omit the heading. Insert instead:

Part 9 Returns

[2] Clause 24 Prescribed statements and information

Omit the clause.

Explanatory note

Item [2] of the proposed amendments is consequential on the proposed amendment to section 145 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998* in this Schedule. Item [1] makes a consequential amendment.

1.7 Crime Commission Act 2012 No 66

[1] Section 50 Members of the Management Committee

Omit section 50 (1) (e). Insert instead:

- (e) the Secretary of the Department of Justice or a senior executive of that Department nominated by the Secretary.

[2] Schedule 2 Provisions relating to the members and procedure of the Management Committee

Omit clause 2 (2) (d). Insert instead:

- (d) the Secretary of the Department of Justice or the Secretary's nominee.

Commencement

The amendments to the *Crime Commission Act 2012* commence, or are taken to have commenced, on 1 July 2015.

Explanatory note

At present the Chief Executive of the Ministry for Police and Emergency Services is an ex-officio member of the New South Wales Crime Commission Management Committee. The Ministry for Police and Emergency Services is to be amalgamated with the Department of Justice on 1 July 2015 by administrative arrangements order and references to the Ministry and the Chief Executive of the Ministry will be construed as references to the Department of Justice and the Secretary of that Department, respectively.

Item [1] of the proposed amendments enables the Secretary of the Department of Justice to nominate a senior executive of that Department to be a member of the Management Committee instead of the Secretary. Item [2] is a consequential amendment.

1.8 Environmental Planning and Assessment Act 1979 No 203

Section 79BA Consultation and development consent—certain bush fire prone land

Omit “the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6,” from section 79BA (1) (a).

Insert instead “the version (as prescribed by the regulations) of the document entitled *Planning for Bush Fire Protection*”.

Explanatory note

The proposed amendment makes it clear that the regulations may prescribe a version of the document that a consent authority must take into account in determining whether development consent can be granted in relation to bush fire prone land.

1.9 Environmental Planning and Assessment Amendment Act 2014 No 79

[1] Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203—Enforcement powers

Insert “(including a tenant or other lawful occupant who is not the owner)” after “the premises” in the definition of *occupier* in proposed section 119A in Schedule 2 [2].

[2] Schedule 3 Amendment of Environmental Planning and Assessment Act 1979 No 203—ePlanning

Insert after item [5]:

[5A] Section 79 Public participation—designated development

Omit “in a newspaper circulating in the locality” from section 79 (1) (d).

Commencement

Item [1] of the amendments to the *Environmental Planning and Assessment Amendment Act 2014* commences on the date of assent to the *Statute Law (Miscellaneous Provisions) Act 2015*.

Explanatory note

Item [1] of the proposed amendments makes it clear that the definition of **occupier** of premises includes a tenant or other lawful occupant who is not the owner of the premises.

Item [2] inserts an additional amendment relating to the proposed introduction of the NSW planning portal website. The amendment removes the requirement that notice of a development application for designated development be published in a newspaper circulating in the locality and allows instead for notification in accordance with the regulations. The amendment was inadvertently omitted when other amendments were made by the *Environmental Planning and Assessment Amendment Act 2014* to enable notification on the NSW planning portal website when the website becomes operational for the purposes of notification.

1.10 Environmental Planning and Assessment Regulation 2000

Clause 272 Planning for Bush Fire Protection

Omit “the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006,”.

Insert instead “the version of the document entitled *Planning for Bush Fire Protection* with ISBN 0 9751033 2 6 and dated December 2006”.

Explanatory note

The proposed amendment is consequential on the proposed amendment to section 79BA of the *Environmental Planning and Assessment Act 1979* in this Schedule.

1.11 Gambling (Two-up) Act 1998 No 115

Section 4A

Omit the section. Insert instead:

4A Meaning of “commemorative day”

A *commemorative day* means any of the following:

- (a) 15 August (in any year),
- (b) 11 November (in any year, but only that part of that day that is after 12 noon),
- (c) any other day or part of a day prescribed by the regulations as a commemorative day for the purposes of this Act.

Explanatory note

The proposed amendment incorporates into the *Gambling (Two-up) Act 1998* a provision in the *Gambling (Two-up) Regulation 2010* that allows two-up to be played in certain circumstances on Victory in the Pacific Day (15 August) and after 12 noon on Remembrance Day (11 November). These dates have been prescribed by regulations for about 10 years as commemorative days on which a game of two-up is allowed to be played.

The Regulation is made redundant by the proposed amendment and consequently its repeal is contained in Schedule 6.

1.12 Gaming Machines Act 2001 No 127

Section 32 Gaming machine thresholds for venues

Omit “or any hotel or club premises in respect of which gaming machine entitlements have not been allocated as at the commencement of this section (as inserted by the *Gaming Machines Amendment Act 2008*),” from section 32 (4).

Explanatory note

The proposed amendment removes redundant text relating to the setting by the Independent Liquor and Gaming Authority of a zero gaming machine threshold (ie the maximum number of gaming machines that may be authorised to be kept in a hotel or club) for those hotels or clubs that had not

been allocated gaming machine entitlements at the time the gaming machine threshold scheme was introduced.

1.13 Health Care Complaints Act 1993 No 105

[1] Section 25 Notification of certain complaints to Health Secretary

Insert after the matter relating to the *Anatomy Act 1977* in section 25 (1):

- *Assisted Reproductive Technology Act 2007*

[2] Schedule 4 Savings, transitional and other provisions

Insert after Part 8:

Part 9 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2015

23 Notification of certain complaints relating to breach of Assisted Reproductive Technology Act 2007

The amendment made to section 25 by the *Statute Law (Miscellaneous Provisions) Act 2015* extends to any complaint made before 8 July 2015 (except for any complaint that the Commission is no longer dealing with on that day).

Explanatory note

Item [1] of the proposed amendments ensures that the Health Care Complaints Commission is required to notify the Health Secretary of the details of complaints that have been assessed by the Commission and appear to it to involve a possible breach of the *Assisted Reproductive Technology Act 2007*. As is the case with other Acts listed in section 25 (1) of the *Health Care Complaints Act 1993*, enforcement of the *Assisted Reproductive Technology Act 2007* is primarily the responsibility of the Health Secretary. Item [2] extends the proposed amendment to complaints that the Commission has received before the amendment commences and is still dealing with on that commencement.

1.14 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

approved form means a form approved by the principal registrar of the Tribunal.

[2] Section 30 Enforcement of orders for possession

Omit “in or to the effect of the form prescribed by the regulations” from section 30 (1).

Insert instead “in the approved form”.

Explanatory note

The proposed amendments replace a requirement for certain warrants for possession to be in the form prescribed by regulations with a requirement for those warrants to be in the form approved by the principal registrar of the Civil and Administrative Tribunal of New South Wales. The warrants for possession concerned are issued by that principal registrar. A similar amendment is proposed to be made to the *Residential (Land Lease) Communities Act 2013* in this Schedule.

1.15 Holiday Parks (Long-term Casual Occupation) Regulation 2009

[1] Clause 12 Warrant enforcing order for possession of premises

Omit the clause.

[2] Schedule 1 Form

Omit the Schedule.

Explanatory note

The proposed amendments are consequential on the proposed amendments to the *Holiday Parks (Long-term Casual Occupation) Act 2002* in this Schedule.

1.16 Home Building Act 1989 No 147

[1] Section 127 Power to obtain information

Omit “authorised officer” from section 127 (7). Insert instead “authorised person”.

[2] Section 127 (7)

Omit “the officer”. Insert instead “the authorised person”.

[3] Section 127A Power to request name and address of persons undertaking residential building work or specialist work

Omit “authorised officer” wherever occurring in section 127A (1), (2) and (5).

Insert instead “authorised person”.

[4] Section 127A (6)

Omit the subsection. Insert instead:

(6) In this section:

authorised person means:

- (a) a person authorised in writing by the Chief Executive for the purposes of this section and holding a certificate issued by the Chief Executive as to that authority, or
- (b) an investigator appointed under section 18 of the *Fair Trading Act 1987*.

[5] Schedule 4 Savings and transitional provisions

Omit clause 91 (4).

Explanatory note

Items [3] and [4] of the proposed amendments extend a power to request the name and address of persons undertaking residential building or specialist work to investigators appointed under the *Fair Trading Act 1987*. (Relevantly, such investigators also have the power to obtain certain information under section 127 of the *Home Building Act 1989*.)

Items [1] and [2] correct terminology.

Item [5] removes a transitional annual reporting obligation that is no longer required.

1.17 Liquor Act 2007 No 90

[1] Section 48 Community impact

Omit the note to section 48 (3D).

[2] Section 49B Special provisions relating to multi-occasion ETAs

Omit section 49B (5).

[3] Section 144F 3 strikes—remedial action

Omit “the third strike was incurred” from section 144F (3) (b) (i) and (c) and (4) (a) wherever occurring.

Insert instead “the prescribed offence resulting in the third strike being incurred was committed”.

Explanatory note

Item [2] of the proposed amendments removes a provision that has had the unintended effect of automatically revoking any ongoing extended trading authorisation (including those that do not relate to late trading) for licensed premises when a multi-occasion extended trading authorisation is granted for those premises. Item [1] makes a consequential amendment.

Item [3] makes it clear that the disqualification of a licensee, manager, business owner or close associate under the 3-strikes disciplinary scheme applies in relation to the person who was the licensee, manager, business owner or close associate at the time when the offence that resulted in the third strike being incurred was committed.

1.18 Mental Health Amendment (Statutory Review) Act 2014 No 85

[1] Schedule 1 Amendment of Mental Health Act 2007 No 8

Insert “or the director of community treatment” after “officer” in proposed section 72A (3) in Schedule 1 [44].

[2] Schedule 1 [82]

Omit “serious harm” wherever occurring in proposed item 1 (b).

Insert instead “serious physical harm”.

[3] Schedule 1 [86]

Insert “or the director of community treatment” after “The authorised medical officer” in the proposed note.

Explanatory note

Item [1] of the proposed amendments inserts a missing reference to a director of community treatment in a provision that applies in relation to both an authorised medical officer and a director of community treatment. Item [3] makes a consequential amendment to a note.

Item [2] revises the mental health certificate required to be given by a medical practitioner or accredited person under section 19 of the *Mental Health Act 2007* when detaining a mentally disordered person to reflect more accurately the definition of **mentally disordered person** in that Act.

1.19 Passenger Transport Act 2014 No 46

[1] Section 123 Referrals to IPART

Omit section 123 (6). Insert instead:

- (6) A referral may be varied or withdrawn by the Minister, with the approval of the Minister administering the *Independent Pricing and Regulatory Tribunal Act 1992*. A variation or withdrawal of a referral does not affect the operation of this Act or that Act in respect of a report on the referral, or the subject-matter of the report, if the report was received by the Minister from IPART before the variation or withdrawal.

[2] Section 166 Penalty notices

Omit section 166 (10). Insert instead:

- (10) In this section:
authorised officer means:
(a) a police officer, or

- (b) another authorised officer authorised in writing by TfNSW or RMS as an authorised officer for the purposes of this section.

[3] Schedule 3 Savings, transitional and other provisions

Insert “during any period during which the existing air service licence is taken to be an air route licence under this Act” after “this Act” in clause 5 (5).

Explanatory note

Item [1] of the proposed amendments clarifies that a report, or the subject-matter of a report, by the Independent Pricing and Regulatory Tribunal in response to a referral of the Minister for Transport and Infrastructure to it (for recommendations as to fares for public passenger services) is not affected by a variation or withdrawal of the referral if the Minister received the report before the variation or withdrawal was made.

Item [2] removes the requirement for police officers to be specifically authorised by Transport for NSW or Roads and Maritime Services to issue penalty notices under the *Passenger Transport Act 2014* (the **new Act**). This corrects a drafting oversight and continues the existing situation in relation to the issue of penalty notices under the *Passenger Transport Act 1990* (which is to be repealed and replaced by the new Act).

Item [3] corrects a savings provision to ensure that an air route to which a deemed air route licence applies is only deemed to be a “regulated air route” for the purposes of the new Act until the date on which either the relevant licence would have expired under the *Air Transport Act 1964* (if that Act had not been repealed by the new Act) or the licence is sooner cancelled under the new Act.

1.20 Prevention of Cruelty to Animals Act 1979 No 200

[1] The whole Act (except section 4)

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

[2] Section 4 Definitions

Omit the definition of *Director-General* from section 4 (1).

Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

Items [1] and [2] make minor amendments that update terminology consequent on the enactment of the *Government Sector Employment Act 2013*.

1.21 Public Health Act 2010 No 127

Section 98 Public health and disease registers

Omit the definition of *personal information* from section 98 (7). Insert instead:

personal information has the same meaning as in the *Health Records and Information Privacy Act 2002*.

Explanatory note

The proposed amendment removes an existing limitation on a power to provide personal information that prevents the power from being used to provide personal information that is health information. The amended provision will enable the Secretary of the Ministry of Health, or a person authorised by the Secretary, to provide personal information (whether or not it is also health information) to a health records linkage organisation (such as the Centre for Health Records Linkage) so that it can establish and provide unique identifier numbers for the purposes of public health or disease registers. Currently, only personal information that is not health information can be provided to a health records linkage organisation and, therefore, public health and disease registers established under the *Public Health Act 2010* (apart from the Pap Test Register) cannot contain any information collected in providing a health service. Unique identifier numbers are used on the registers in place of identifying particulars (such as names and addresses) of the individuals to whom information contained in the registers relates.

1.22 Registered Clubs Act 1976 No 31

[1] Schedule 2 Savings, transitional and other provisions

Omit the note to clause 94 (1).

[2] Schedule 2, clause 94 (2A) and (2B)

Omit “subclause (1)” wherever occurring. Insert instead “subclause (2)”.

[3] Schedule 2, clause 94 (2B) (a)

Omit “that restricts the on-premises trading hours of the club’s premises to the standard trading period under that Act”.

Insert instead “to reduce the on-premises trading hours of the club’s premises”.

Explanatory note

Item [3] of the proposed amendments provides that if a condition that has been imposed under the *Liquor Act 2007* on a club reducing its trading hours is subsequently revoked under that Act, the club’s trading hours automatically revert to the unrestricted trading hours that previously applied to the club before the commencement of the *Liquor Act 2007*. At present, the automatic reversion to previous unrestricted trading hours only applies if the revoked condition operated to restrict the club’s trading hours to the standard trading period under the *Liquor Act 2007*.

Item [1] removes a superfluous note and item [2] corrects cross-references.

1.23 Residential (Land Lease) Communities Act 2013 No 97

Section 134 Enforcement of possession orders

Omit “approved form” from section 134 (4).

Insert instead “form approved by the principal registrar of the Tribunal”.

Explanatory note

The proposed amendment replaces a requirement for certain warrants for possession to be in the form approved by the Commissioner for Fair Trading with a requirement for those warrants to be in the form approved by the principal registrar of the Civil and Administrative Tribunal of New South Wales. The warrants for possession concerned are issued by that principal registrar. A similar amendment is proposed to be made to the *Holiday Parks (Long-term Casual Occupation) Act 2002* in this Schedule.

1.24 Saint John’s College Act 1857

Section 8B Extraordinary vacancies in offices of fellows

Insert after section 8B (4):

- (4A) The visitor may, in consultation with the Vice-Chancellor, extend the term of office of a fellow appointed under this section for a further period of up to 2 years.

Explanatory note

The proposed amendment enables the Roman Catholic Archbishop of Sydney, in consultation with the Vice-Chancellor of the University of Sydney, to extend, for a further period of up to 2 years, the term of office of certain members of the governing body of Saint John’s College.

1.25 State Emergency and Rescue Management Act 1989 No 165

[1] Section 3 Definitions

Omit the definition of *Chief Executive, Emergency Services* from section 3 (1).

Insert in alphabetical order:

Secretary means the Secretary of the Department of Justice.

[2] Section 3 (1), definition of “government agency”

Omit paragraph (a). Insert instead:

- (a) a Public Service agency,

[3] Sections 12 (4) and 17 (1)

Omit “the Chief Executive, Emergency Services” wherever occurring.

Insert instead “the Secretary”.

[4] Section 12 (4) (a)

Omit “the Chief Executive determines”. Insert instead “the Secretary determines”.

[5] Section 20A

Omit the section. Insert instead:

20A State Emergency Recovery Controller

- (1) There is to be a State Emergency Recovery Controller.
- (2) The office of the State Emergency Recovery Controller is to be held:
 - (a) by the Secretary (unless a person is designated under paragraph (b)), or
 - (b) by a senior executive of the Department of Justice designated by the Secretary.

[6] Section 63A Staff

Omit “is to be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002*” from section 63A (1).

Insert instead “are to be employed in the Public Service under the *Government Sector Employment Act 2013*”.

[7] Section 63AA

Insert after section 63A:

63AA Delegation by Secretary

The Secretary may delegate any of the Secretary’s functions under this Act (other than this power of delegation) to an employee of the Department of Justice.

[8] Schedule 2 Provisions relating to members and procedure of emergency management organisations

Omit clause 5 (1). Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

Commencement

Items [1], [3]–[5] and [7] of the amendments to the *State Emergency and Rescue Management Act 1989* commence, or are taken to have commenced, on 1 July 2015.

Explanatory note

The role of Chief Executive, Emergency Services under the *State Emergency and Rescue Management Act 1989* (**the Act**) is currently held by the Chief Executive of the Ministry for Police and Emergency Services. The role includes the functions of the State Emergency Recovery Controller (**SERCON**) under the Act. The Ministry for Police and Emergency Services is to be amalgamated with the Department of Justice on 1 July 2015 by an administrative arrangements order and references to

the Chief Executive will be required by that order to be construed as references to the Secretary of the Department.

Items [1], [3] and [4] of the proposed amendments replace references to the Chief Executive of the Ministry for Police and Emergency Services with references to the Secretary of the Department of Justice.

Item [5] provides that the office of the SERCON is to be held by the Secretary of the Department of Justice or by a senior executive of that Department designated by the Secretary. Item [5] also abolishes the office of the Deputy SERCON (who has the functions of the SERCON during the absence or a vacancy in that office) as such an absence or vacancy can be filled in the ordinary way under the *Government Sector Employment Act 2013*.

Item [7] enables the Secretary of the Department of Justice to delegate the Secretary's functions under the Act to an employee of the Department.

Items [2], [6] and [8] update terminology and references relating to Public Service employees and related matters as a consequence of the *Government Sector Employment Act 2013*.

1.26 Subordinate Legislation Act 1989 No 146

Schedule 5 Further postponement of repeal of certain statutory rules

Insert after clause 3:

4 Postponement of repeal of other statutory rules due for repeal in 2015

The following statutory rules remain in force until 1 September 2016, unless sooner repealed:

- (a) *Community Services (Complaints, Reviews and Monitoring) Regulation 2004*,
- (b) *Employment Protection Regulation 2001*,
- (c) *Local Government (General) Regulation 2005*,
- (d) *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

5 Postponement of repeal of Water Industry Competition (Access to Infrastructure Services) Regulation 2007 due for repeal in 2015

The *Water Industry Competition (Access to Infrastructure Services) Regulation 2007* remains in force until 1 September 2019, unless sooner repealed.

Explanatory note

The proposed amendment keeps a number of regulations in force for a further period after the date on which they would otherwise be repealed by the *Subordinate Legislation Act 1989*. However, any of the regulations may be repealed sooner by other legislation.

The proposed amendment is necessary as the regulations have each been postponed on at least 5 occasions and are due to be repealed by the *Subordinate Legislation Act 1989* on 1 September 2015.

Each of the regulations continues to be required and the repeal of each of the regulations is to be further postponed until 1 September 2016 (in the case of the regulations referred to in proposed clause 4) or 1 September 2019 (in the case of the *Water Industry Competition (Access to Infrastructure Services) Regulation 2007*) for the following reasons:

- (a) The *Community Services (Complaints, Reviews and Monitoring) Regulation 2004* contains provisions that relate to safeguards for vulnerable children and people with a disability. A review is currently being undertaken to determine the national safeguards framework for the National Disability Insurance Scheme. It is therefore proposed to postpone the repeal of the Regulation pending the conclusion of that review.
- (b) The Office of Industrial Relations is to undertake a review of the *Employment Protection Act 1982* and other industrial legislation in light of the enactment of the *Government Sector Employment Act 2013* and related legislation. It is considered that it would be premature to remake the *Employment Protection Regulation 2001* before the conclusion of that review.
- (c) The *Local Government (General) Regulation 2005* contains provisions that support the day-to-day operation of the *Local Government Act 1993*. That Act is currently under

comprehensive review. It is considered that it would be premature to remake the Regulation before the conclusion of that review.

- (d) The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* sets standards for the design and operation of caravan parks, camping grounds and manufactured home estates and for the design and construction of manufactured homes and other moveable dwellings with the aim of promoting the safety and amenity of residents. A review is being undertaken to determine whether the Regulation should be remade or replaced and whether to align it with the outcome of the current review of the *Local Government Act 1993*. It is considered that it would be premature to remake the Regulation before the conclusion of that review.
- (e) 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 has been certified as an effective access regime under the *Competition and Consumer Act 2010* of the Commonwealth until 2019. Given that the Commonwealth certification, the access regime and the Regulation are not proposed to be reviewed until 2019, it is proposed to postpone the repeal of that Regulation until that time.

1.27 University of Technology, Sydney, Act 1989 No 69

[1] Long title

Omit “University of Technology, Sydney;”.

Insert instead “University of Technology Sydney;”.

[2] Section 1 Name of Act

Omit “*University of Technology, Sydney, Act 1989*”.

Insert instead “*University of Technology Sydney Act 1989*”.

[3] Section 3 Definitions

Omit “University of Technology, Sydney,” from the definition of *University* in section 3 (1).

Insert instead “University of Technology Sydney”.

[4] Section 5 Incorporation of University

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

Commencement

The amendments to the *University of Technology, Sydney, Act 1989* commence on 1 August 2015.

Explanatory note

Items [3] and [4] of the proposed amendments remove the comma from the name of the University of Technology, Sydney.

Items [1] and [2] make consequential amendments. Consequential amendments to other Acts and instruments are contained in Schedule 4.

1.28 University of Western Sydney Act 1997 No 116

Schedule 1 Provisions relating to members and procedure of Board

Omit clause 2 (b).

Explanatory note

The proposed amendment removes the requirement that an appointed or elected member of the Board of Trustees of the University of Western Sydney reside in New South Wales or the Australian Capital Territory.

1.29 Veterinary Practice Act 2003 No 87

Section 21 Qualifications for full registration

Omit “5” from section 21 (1) (a). Insert instead “4”.

Explanatory note

The proposed amendment reduces, from 5 academic years to 4 academic years, the minimum length of the course in veterinary science that a person must complete to be eligible for full registration as a veterinary practitioner.

Schedule 2 Amendments by way of statute law revision

2.1 Adoption Act 2000 No 75

Section 26

Insert “of” after “behalf” where secondly occurring.

Explanatory note

The proposed amendment inserts a missing word.

2.2 Associations Incorporation Act 2009 No 7

Section 85 (2) (note) and (3)

Omit “Division 3 of Part 5” wherever occurring. Insert instead “Part 5A”.

Explanatory note

The proposed amendment updates cross-references.

2.3 Births, Deaths and Marriages Registration Regulation 2011

[1] Clause 18

Omit “(other than a service that is fee exempt under clause 19)”.

[2] Clause 19

Omit the clause.

Explanatory note

Item [2] of the proposed amendments repeals a spent provision. Item [1] makes a consequential amendment.

2.4 Child Protection (Offenders Prohibition Orders) Act 2004 No 46

Section 17A

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.5 Children (Community Service Orders) Act 1987 No 56

Section 28 (2) (a)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.6 Children (Criminal Proceedings) Act 1987 No 55

Section 21 (3)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.7 Coastal Protection Act 1979 No 13

Section 4B (2)

Omit the subsection.

Explanatory note

The proposed amendment omits duplicated matter.

2.8 Commercial Agents and Private Inquiry Agents Act 2004 No 70

Section 30 (2) (note) and (3)

Omit “Division 3 of Part 5” wherever occurring. Insert instead “Part 5A”.

Explanatory note

The proposed amendment updates cross-references.

2.9 Crimes (Administration of Sentences) Act 1999 No 93

Section 62 (1) and (2)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates cross-references.

2.10 Crimes (Administration of Sentences) Regulation 2014

Clause 166 (3) (a)

Omit “and”. Insert instead “or”.

Explanatory note

The proposed amendment corrects a conjunction.

2.11 Crimes (Forensic Procedures) Act 2000 No 59

Section 115A

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates cross-references.

2.12 Crimes (Sentencing Procedure) Act 1999 No 92

Section 10A (2) and note

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates cross-references.

2.13 Criminal Appeal Act 1912 No 16

Section 5F (7)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.14 Criminal Procedure Act 1986 No 209

[1] Section 8 (3)

Omit “is”. Insert instead “are”.

[2] Sections 121 (paragraph (c) of the definition of “criminal proceedings”) and 256

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

Item [1] of the proposed amendments corrects a grammatical error. Item [2] updates cross-references.

2.15 Director of Public Prosecutions Act 1986 No 207

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

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.16 District Court Rules 1973

[1] Part 3, rule 3 (5)

Insert “to” after “not”.

[2] Part 53, rules 2–3, 7 (2), 10 (2) (gi) and 12A

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

Item [1] of the proposed amendments inserts a missing word. Item [2] updates cross-references.

2.17 Electricity Supply (Corrosion Protection) Regulation 2014

Clause 6 (1)

Omit “made be”. Insert instead “be made”.

Explanatory note

The proposed amendment corrects word order.

2.18 Electricity Supply (General) Regulation 2014

Part 4, heading, and clauses 14 (1), 21 (4), 22 (1) (a) and 67

Omit “service providers” wherever occurring. Insert instead “distributors”.

Explanatory note

The proposed amendment updates terminology.

2.19 Environmental Planning and Assessment Amendment Act 2014 No 79

Schedule 2 [2], proposed section 119E (4) (b)

Omit “the of”. Insert instead “the”.

Explanatory note

The proposed amendment omits a redundant word.

2.20 Environmental Planning and Assessment Regulation 2000

[1] Clause 108 (1) (a) and (b)

Omit “to be to be” wherever occurring. Insert instead “to be”.

[2] Schedule 3, clause 38, paragraph (c) of the definition of “environmentally sensitive area”

Omit “Division 2 of Part 7 of the *Fisheries Management Act 1994*”.

Insert instead “Division 2 of Part 5 of the *Marine Estate Management Act 2014*”.

Explanatory note

Item [1] of the proposed amendments removes duplicate words. Item [2] updates a cross-reference.

2.21 Financial Transaction Reports Act 1992 No 99

[1] Section 4 (2), note

Omit the note.

[2] Note at end of Act

Omit the note.

Explanatory note

The proposed amendments omit redundant matter.

2.22 Fines Act 1996 No 99

Schedule 1

Omit “*Electricity Supply Act 1995*, section 103A”.

Insert instead “*Electricity Supply Act 1995*, section 187”.

Explanatory note

The proposed amendment updates a cross-reference.

2.23 Fisheries Management Act 1994 No 38

Section 220O, note

Omit “, declaration of aquatic reserves (ss 194–197)”.

Explanatory note

The proposed amendment removes matter made redundant by the enactment of the *Marine Estate Management Act 2014*.

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

Schedule 1 [25], Schedule 5A

Insert “[NSW]” at the end of the heading to Part 6.

Explanatory note

The proposed amendment inserts a missing reference.

2.25 Industrial Relations Act 1996 No 17

[1] Section 197 (2)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

[2] Section 382 (1)

Omit “*Shop Trading Act 2008*”. Insert instead “*Retail Trading Act 2008*”.

[3] Schedule 2, clause 13 (5)

Omit “section”. Insert instead “clause”.

Explanatory note

Items [1] and [2] of the proposed amendments update cross-references. Item [3] corrects terminology.

2.26 Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 No 32

[1] Schedule 2.3

Omit the subschedule.

[2] Schedule 2.17, heading

Omit “*Shop Trading Act 2008*”. Insert instead “*Retail Trading Act 2008*”.

Explanatory note

Item [1] of the proposed amendments repeals an uncommenced amendment to a repealed Act. Item [2] updates a cross-reference.

2.27 Landlord and Tenant Act 1899 No 18

[1] Section 2AA (1) (c)

Omit “*Shop Trading Act 2008*”. Insert instead “*Retail Trading Act 2008*”.

[2] Section 31 (2) and (3)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendments update cross-references.

2.28 Landlord and Tenant (Amendment) Act 1948 No 25

[1] Section 8 (1B) (b) (i)

Omit “*Shop Trading Act 2008*”. Insert instead “*Retail Trading Act 2008*”.

[2] Section 41 (2)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendments update cross-references.

2.29 Law Enforcement and National Security (Assumed Identities) Act 2010 No 73

Section 6 (4) (c)

Omit “a an”. Insert instead “an”.

Explanatory note

The proposed amendment omits a redundant word.

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

Section 144

Omit “*Disorderly Houses Act 1943*”. Insert instead “*Restricted Premises Act 1943*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.31 Lithgow Local Environmental Plan 2014

Schedule 5, Part 1

Omit “former” from the matter relating to item I113. Insert instead “former”.

Explanatory note

The proposed amendment corrects a spelling error.

2.32 Marine Estate Management Regulation 2009

Clause 26

Omit “its”. Insert instead “their”.

Explanatory note

The proposed amendment corrects a grammatical error.

2.33 Marine Pollution Regulation 2014

Clause 15 (1) (c) (iv) and (v)

Omit the subparagraphs. Insert instead:

- (iv) a marine park or an aquatic reserve (within the meaning of the *Marine Estate Management Act 2014*),

Explanatory note

The proposed amendment updates references consequent on the enactment of the *Marine Estate Management Act 2014*.

2.34 Mining Act 1992 No 29

Section 175C (1A)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.35 Minors (Property and Contracts) Act 1970 No 60

Section 27 (7)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.36 Motor Dealers and Repairers Regulation 2014

[1] Clause 54 (i)

Omit “and”. Insert instead “any”.

[2] Schedule 2, Form 9, heading

Omit “**Motor Vehicle (Caravans and Trailers)**”.

Insert instead “**Towable Recreational Vehicles**”.

[3] Schedule 2, Form 9

Omit “**MOTOR VEHICLES (Caravans and Trailers)**”.

Insert instead “**TOWABLE RECREATIONAL VEHICLES**”.

[4] Schedule 2, Form 12

Omit “make take”. Insert instead “may take”.

Explanatory note

Items [1] and [4] of the proposed amendments correct typographical errors. Items [2] and [3] update terminology.

2.37 Narromine Local Environmental Plan 2011

[1] Clause 4.2D (4)

Renumber paragraph (b) where secondly occurring as paragraph (c).

[2] Clause 4.2D, note

Omit “sets”. Insert instead “set”.

Explanatory note

The proposed amendments correct typographical errors.

2.38 National Parks and Wildlife Act 1974 No 80

[1] Section 71M, note

Omit “71R–71U” and “71R–71T”.

Insert instead “71R, 71S and 71U” and “71R and 71S”, respectively.

[2] Sections 71AB (1) and 71BD (1)

Omit “, 71S and 71T” wherever occurring. Insert instead “and 71S”.

[3] Section 71AY

Omit “state game reserve,”.

[4] Section 88 (1)

Omit “section 87”. Insert instead “Division 2”.

[5] Section 154 (k)

Omit “permits issued under section 87”.

Insert instead “Aboriginal heritage impact permits”.

Explanatory note

Items [1] and [2] of the proposed amendments omit references to a repealed provision. Item [3] repeals a reference to a category of reserve that no longer exists. Items [4] and [5] update references consequent on the enactment of the *National Parks and Wildlife Amendment Act 2010*.

2.39 Passenger Transport Act 2014 No 46

[1] Section 124 (3) (c)

Omit “polices”. Insert instead “policies”.

[2] Schedule 3, clause 12 (1)

Omit “a service provided by”.

Explanatory note

Item [1] of the proposed amendments corrects a typographical error. Item [2] clarifies terminology.

2.40 Photo Card Act 2005 No 20

Section 31 (2)

Omit “or”. Insert instead “of”.

Explanatory note

The proposed amendment corrects a typographical error.

2.41 Pipelines Regulation 2013

Schedule 1, Form 2

Omit “[date] to [date]”. Insert instead “[place] to [place]”.

Explanatory note

The proposed amendment replaces incorrect words.

2.42 Protection of the Environment Operations Act 1997 No 156

Section 290 (2)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*”.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates a cross-reference.

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

Clause 77 (5)

Omit “68 (1) (l) or 71 (a)”. Insert instead “69 (1) (l) or 72 (a)”.

Explanatory note

The proposed amendment corrects cross-references.

2.44 Protection of the Environment Operations (General) Regulation 2009

[1] Clause 81 (6) (l)

Omit “a marine park ranger within the meaning of the *Marine Parks Act 1997*”.

Insert instead “an authorised officer within the meaning of the *Marine Estate Management Act 2014*”.

[2] Clause 84, definition of “marine park”

Omit “*Marine Parks Act 1997*”.

Insert instead “*Marine Estate Management Act 2014*”.

Explanatory note

The proposed amendments update references consequent on the enactment of the *Marine Estate Management Act 2014*.

2.45 Public Finance and Audit Act 1983 No 152

Schedule 2

Omit “New South Wales Electoral Commission” where firstly occurring.

Explanatory note

The proposed amendment omits duplicated matter.

2.46 Regional Development Act 2004 No 58

Section 5, note

Omit “Division 3 of Part 5”. Insert instead “Part 5A”.

Explanatory note

The proposed amendment updates a cross-reference.

2.47 Residential (Land Lease) Communities Act 2013 No 97

Section 112 (4) (b)

Omit “dealer’s licence under the *Motor Dealers Act 1974*”.

Insert instead “motor dealer’s licence under the *Motor Dealers and Repairers Act 2013*”.

Explanatory note

The proposed amendment updates terminology and a cross-reference.

2.48 Retirement Villages Act 1999 No 81

Section 129 (2) (h) (i)

Insert “the” after “on”.

Explanatory note

The proposed amendment inserts a missing word.

2.49 Rice Marketing Act 1983 No 176

Section 52 (3)

Omit “*Auctioneers and Agents Act 1941*”.

Insert instead “*Property, Stock and Business Agents Act 2002*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.50 Road Transport (Driver Licensing) Regulation 2008

Clause 91 (2) (a)

Omit “approved interlock installer or approved interlock service provider”.

Insert instead “acceptable provider”.

Explanatory note

The proposed amendment updates terminology.

2.51 Road Transport (Vehicle Registration) Regulation 2007

Clause 14E (1) (b)

Omit “NSW Rego App”. Insert instead “Service NSW App”.

Explanatory note

The proposed amendment updates a reference to a program.

2.52 State Environmental Planning Policy (State and Regional Development) 2011

Schedule 5, clause 4 (4) (b)

Omit “Beverley Hills”. Insert instead “Beverly Hills”.

Explanatory note

The proposed amendment corrects the name of a suburb.

2.53 Supreme Court Act 1970 No 52

Sections 69B (2), 71A (9), 75A (3) (a) and 101 (2) (h)

Omit “*Crimes (Local Courts Appeal and Review) Act 2001*” wherever occurring.

Insert instead “*Crimes (Appeal and Review) Act 2001*”.

Explanatory note

The proposed amendment updates cross-references.

2.54 Supreme Court (Corporations) Rules 1999

Rules 15A.6 (2), 15A.7 (2) and (4) and 15A.9 (3) and (5)

Omit “paragraph” wherever occurring. Insert instead “subrule”.

Explanatory note

The proposed amendment corrects terminology.

2.55 Supreme Court Rules 1970

Part 13, rule 3 (5)

Insert “to” after “not”.

Explanatory note

The proposed amendment inserts a missing word.

2.56 Taxation Administration Act 1996 No 97

Section 82 (j)

Omit “Chief Executive Officer of the Australian Customs Service”.

Insert instead “Comptroller-General of Customs”.

Explanatory note

The proposed amendment updates terminology.

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

[1] Clause 31 (a)

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

[2] Clause 31 (a)

Omit “paragraphs (c) and (e)”. Insert instead “paragraphs (b) and (d)”.

[3] Clause 31

Renumber paragraphs (c)–(f) as paragraphs (b)–(e).

[4] Clause 31 (b) (as renumbered by item [3])

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

[5] Clause 31 (c) (as renumbered by item [3])

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

[6] Clause 31 (c) (as renumbered by item [3])

Omit “paragraphs (c) and (e)”. Insert instead “paragraphs (b) and (d)”.

[7] Clause 31 (d) (as renumbered by item [3]), note

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

Explanatory note

The proposed amendments correct numbering and cross-references.

2.58 Work Health and Safety (Mines) Regulation 2014

Clause 3 (1), note

Omit “Act”. Insert instead “Regulation”.

Explanatory note

The proposed amendment corrects a reference.

2.59 Wyong Local Environmental Plan 2013

Schedule 5, Part 1

Insert “Local” in the column headed “**Significance**” in the matter relating to items I33 and I39.

Explanatory note

The proposed amendment inserts missing information.

Schedule 3 Consequential amendments relating to enactment of Government Sector Employment Act 2013

Explanatory note

This Schedule contains amendments that update terminology and references relating to Public Service agencies, heads of agencies and Public Service employees as a consequence of the *Government Sector Employment Act 2013*. The Schedule also includes other miscellaneous amendments that are consequential on the enactment of that Act.

3.1 Art Gallery of New South Wales Act 1980 No 65

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of the Art Gallery.

[2] Section 8 (11), note

Omit the note.

[3] Section 11

Insert before section 12:

11 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust.

[4] Section 13 (6)

Omit the subsection. Insert instead:

(6) In this section, **authorised person** means the Director or a member of staff of the Trust.

[5] Section 14 (2) (a)

Omit the paragraph. Insert instead:

(a) the remuneration of members of staff of the Trust, or

[6] Schedule 1, clause 3

Omit the clause. Insert instead:

3 Application of Government Sector Employment Act 2013

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

3.2 Australian Jockey and Sydney Turf Clubs Merger Act 2010 No 93

Schedule 4, clause 7 (1)

Omit the subclause. Insert instead:

(1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a Trustee.

3.3 Australian Museum Trust Act 1975 No 95

[1] **Section 4 (1), definition of “Director”**

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of the Australian Museum.

[2] **Section 8 (11), note**

Omit the note.

[3] **Section 11**

Insert before section 12:

11 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust.

[4] **Section 13 (6)**

Omit the subsection. Insert instead:

- (6) In this section, **authorised person** means the Director or a member of staff of the Trust.

[5] **Schedule 1, clause 4**

Omit the clause. Insert instead:

4 Application of Government Sector Employment Act 2013

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

3.4 Bank Integration Act 1992 No 80

Section 5 (1), definition of “authorised person”

Omit paragraph (b) (ii). Insert instead:

- (ii) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*,

3.5 Building and Construction Industry Long Service Payments Act 1986 No 19

Schedule 1, clause 6 (1)

Omit “*Public Service Act 1979*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.6 Centenary Institute of Cancer Medicine and Cell Biology Act 1985 No 192

Schedule 1, clause 8 (1)

Omit “*Public Service Act 1979*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.7 Centennial Park and Moore Park Trust Act 1983 No 145

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of Centennial Park and Moore Park.

[2] Section 9 (12)

Omit the subsection including the note.

[3] Section 13

Insert before section 14:

13 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] Schedule 1, clause 4

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.8 Central Coast Water Corporation Act 2006 No 105

[1] Schedule 3, clause 6 (1) (d)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[2] Schedule 3, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a director of the Corporation.

[3] Schedule 3, clause 8 (2)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[4] Schedule 3, clause 8 (2) (b)

Omit “section 118 (7)”. Insert instead “section 78 (7)”.

[5] Schedule 4, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the chief executive officer.

[6] Schedule 4, clause 7 (2)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[7] Schedule 4, clause 7 (2) (b)

Omit “section 118 (7)”. Insert instead “section 78 (7)”.

3.9 Children’s Court Act 1987 No 53

[1] Section 10A (1)

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Section 11

Omit “*Public Service Act 1979*”.

Insert instead “*Government Sector Employment Act 2013*”.

[3] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Government Sector Employment Act 2013 not to apply

The office of Children’s Magistrate is a statutory office and the *Government Sector Employment Act 2013* does not apply to that office.

3.10 Civil and Administrative Tribunal Act 2013 No 2

[1] Section 66 (4) and clause 9 (3) of Schedule 3

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

[2] Schedule 2, clause 14 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.11 Coal Innovation Administration Act 2008 No 50

[1] Section 14

Omit “Government”. Insert instead “Public”.

[2] Schedule 1, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

**3.12 Community Services (Complaints, Reviews and Monitoring) Act 1993
No 2**

[1] Section 4 (1), definition of “relevant Minister”

Omit paragraph (a). Insert instead:

- (a) in the case of a service provider that is a Public Service agency, the Minister to whom that agency is responsible, or

[2] Section 7 (4)

Omit the subsection. Insert instead:

- (4) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an Official Community Visitor.

[3] Section 34C (4) (e) and (f)

Omit “Attorney General and” wherever occurring.

[4] Section 34K (1) (a)

Omit “the Department Head, chief executive officer or senior member of any department of the government”.

Insert instead “head, chief executive officer, senior executive or senior member of any Public Service agency”.

[5] Section 34L (1) (d)

Omit “a Department Head, chief executive officer or senior member of any department of the government”.

Insert instead “the head, chief executive officer, senior executive or senior member of any Public Service agency”.

[6] Section 38 (1) (d)

Omit “Department Head, chief executive officer or senior member of any department of the government”.

Insert instead “head, chief executive officer, senior executive or senior member of any Public Service agency”.

[7] Schedule 2, clause 4

Omit “department of the government”. Insert instead “Public Service agency”.

[8] Schedule 2, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.13 Community Welfare Act 1987 No 52

[1] Section 3 (1), definition of “officer”

Omit the definition. Insert in alphabetical order:

employee means a person employed in the Department.

[2] Section 11 (2)

Omit “officer’s”. Insert instead “employee’s”.

[3] Section 11 (5)

Omit “Board”. Insert instead “Commissioner”.

[4] Sections 75, 76B and 76C and clause 12 of Schedule 2

Omit “officer” wherever occurring. Insert instead “employee”.

3.14 Council of Law Reporting Act 1969 No 59

Section 8 (2) (a)

Omit the paragraph. Insert instead:

- (a) with the approval of the Minister to whom the Public Service agency concerned is responsible and of the Public Service Commissioner, and on such terms as may be arranged, make use of the services of persons employed in a Public Service agency, and

3.15 Crime Commission Act 2012 No 66

[1] Section 4 (1), definition of “government agency”

Omit paragraph (b). Insert instead:

- (b) a government sector agency within the meaning of the *Government Sector Employment Act 2013*,

[2] Section 14 (2)

Omit the subsection including the note.

[3] Section 74 (1)

Omit the subsection. Insert instead:

- (1) The staff of the Commission comprises:
 - (a) those persons who are employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions, and
 - (b) the persons referred to in subsections (2), (3) and (4).

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

[4] Section 74 (6)

Omit the subsection. Insert instead:

- (6) The regulations may make provision for or with respect to the appointment, conditions of employment, discipline, code of conduct and termination of employment of staff of the Commission (except in so far as provision is made for those matters under the *Government Sector Employment Act 2013*).

[5] Section 78A (2) (d)

Omit “Attorney General and”.

[6] Schedule 1, clause 9

Omit the clause. Insert instead:

9 Public Service employment provisions excluded

The offices of Commissioner and Assistant Commissioner are statutory offices and the *Government Sector Employment Act 2013* does not apply to those offices.

[7] Schedule 2, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

[8] Schedule 3, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The office of Inspector is a statutory office and the *Government Sector Employment Act 2013* does not apply to that office.

3.16 Crimes (Administration of Sentences) Act 1999 No 93

[1] Section 3 (1), definitions of “Commissioner” and “Corrective Services NSW”

Omit “and Attorney General” wherever occurring.

[2] Section 3 (1), definition of “law enforcement agency”

Omit “Juvenile” from paragraph (h).

[3] Sections 78 (3) and 193 (3)

Omit “Director-General of the Department of Juvenile Justice” wherever occurring.

Insert instead “Secretary of the Department of Justice”.

[4] Sections 92 (5) and 242 (6)

Omit “and Attorney General” wherever occurring.

[5] Section 128A (2) (b)

Omit “public servant employed within the Department of Juvenile Justice”.

Insert instead “person employed in the Department of Justice”.

- [6] **Section 193 (4)**
Omit “Director-General of the Department of Health”.
Insert instead “Secretary of the Ministry of Health”.
- [7] **Section 231**
Omit “staff are to be appointed or employed under the *Public Sector Management Act 1988*”.
Insert instead “are to be employed in the Public Service under the *Government Sector Employment Act 2013*”.
- [8] **Section 235B**
Omit “*Public Sector Management Act 1988* or the regulations”.
Insert instead “*Government Sector Employment Act 2013* or the regulations or rules”.
- [9] **Section 236N (1)**
Omit “under Chapter 1A of the *Public Sector Employment and Management Act 2002*”.
Insert instead “under Part 4 of the *Government Sector Employment Act 2013*”.
- [10] **Section 241 (3)**
Omit “*Public Sector Management Act 1988*”.
Insert instead “*Government Sector Employment Act 2013*”.
- [11] **Section 242 (1)**
Omit “appointed under the *Public Sector Management Act 1988*”.
Insert instead “employed in the Public Service under the *Government Sector Employment Act 2013*”.
- [12] **Section 252A (1)**
Omit “an officer of the Department of Juvenile Justice”.
Insert instead “a person employed in the Department of Justice”.
- [13] **Schedule 1, clause 9 (1)**
Omit the subclause. Insert instead:
 - (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.
- [14] **Schedule 2, clause 9 (1)**
Omit the subclause. Insert instead:
 - (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

3.17 Crimes (Sentencing Procedure) Act 1999 No 92

- [1] **Section 3 (1), definition of “juvenile justice officer”**
Omit “Juvenile”.

[2] Sections 51A (2) (b) and 100D (1) (b)

Omit “public servant employed within the Department of Juvenile Justice” wherever occurring.

Insert instead “person employed in the Department of Justice”.

[3] Section 60A, definition of “person responsible for the detention of the offender”

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

[4] Section 60A, definition of “person responsible for the detention of the offender”

Omit “Attorney General and” wherever occurring.

[5] Section 63 (4), definition of “correctional officer”

Omit “Corrective Services” from paragraph (b). Insert instead “Justice”.

[6] Sections 100I (2) (h) and 100J (4)

Omit “Attorney General’s Department” wherever occurring.

Insert instead “Department of Justice”.

[7] Section 100L

Omit “government department”. Insert instead “Public Service agency”.

[8] Schedule 1A, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.18 Crown Advocate Act 1979 No 59

Section 4

Omit the section. Insert instead:

4 Government Sector Employment Act 2013 not to apply

The office of Crown Advocate is a statutory office and the *Government Sector Employment Act 2013* does not apply to that office.

3.19 Crown Prosecutors Act 1986 No 208

[1] Section 11

Omit the section. Insert instead:

11 Government Sector Employment Act 2013 not to apply

The offices of Senior Crown Prosecutor, Deputy Senior Crown Prosecutor and Crown Prosecutor are statutory offices and the *Government Sector Employment Act 2013* (including Part 6) does not apply to those offices.

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

Omit the paragraph. Insert instead:

- (a) a Public Service employee,

[3] Schedule 1, clause 3 (1) (b)

Omit the paragraph. Insert instead:

- (b) was, immediately before being appointed as a Crown Prosecutor, a Public Service employee or member of staff of a statutory body,

[4] Schedule 1, clause 3 (1)

Omit “appointed to some position in the Public Service or the service of that statutory body, as the case may be, not lower in classification and salary than that which the person held”.

Insert instead “employed in the Public Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed”.

[5] Schedule 1, clause 3 (2) (a)

Omit “officer or employee”. Insert instead “employee or member of staff”.

[6] Schedule 1, clause 3 (2)

Omit “appointment as such an officer or employee”.

Insert instead “employment as such an employee or member of staff”.

3.20 Director of Public Prosecutions Act 1986 No 207

[1] Section 9A (1)

Omit “Government Service or”. Insert instead “Public Service or as”.

[2] Section 15A (9), definition of “law enforcement officer”

Omit “an officer”. Insert “a member of staff”.

[3] Section 32

Omit the section. Insert instead:

32 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Director and Solicitor to exercise their functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Director or Solicitor makes use of) may be referred to as officers or employees, or members of staff, of the Director or Solicitor. Section 47A of the *Constitution Act 1902* precludes the Director and Solicitor from employing staff.

[4] Schedule 1, clause 7

Omit the clause. Insert instead:

7 Government Sector Employment Act 2013

The office of a Senior Officer is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

[5] Schedule 1, clause 9 (1)

Omit the subclause. Insert instead:

- (1) Subject to subclause (2) and to the terms of appointment, if a Senior Officer was, immediately before being appointed as a Senior Officer:
 - (a) a Public Service employee, or
 - (b) a contributor to a superannuation scheme, or
 - (c) a member of staff of a statutory body, or
 - (d) a person in respect of whom provision was made by any Act for the retention of any rights accrued or accruing to the person as a Public Service employee or member of staff of a statutory body,the Senior Officer:
 - (e) retains any rights accrued or accruing to the Senior Officer as such an employee, contributor or member of staff, and
 - (f) may continue to contribute to any superannuation scheme to which the Senior Officer was a contributor immediately before being appointed as a Senior Officer, and
 - (g) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,as if the Senior Officer had continued to be such an employee, contributor or member of staff during his or her service as a Senior Officer, and:
 - (h) his or her service as a Senior Officer is taken to be service as an employee or member of staff for the purpose of any law under which those rights accrued or were accruing, under which the Senior Officer continues to contribute or by which that entitlement is conferred, and
 - (i) the Senior Officer is taken to be an employee or member of staff for the purposes of the superannuation scheme to which the Senior Officer is entitled to contribute under this clause.

[6] Schedule 1, clause 9 (3)

Omit “officer or employee”. Insert instead “employee or member of staff”.

[7] Schedule 1, clause 11 (1) (b)

Omit the paragraph. Insert instead:

- (b) was, immediately before being appointed as a Senior Officer, a Public Service employee or member of staff of a statutory body,

[8] Schedule 1, clause 11 (1)

Omit “appointed to some position in the Public Service or the service of that statutory body, as the case may be, not lower in classification and salary than that which the person held”.

Insert instead “employed in the Public Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed”.

[9] Schedule 1, clause 11 (2) (a)

Omit “officer or employee”. Insert instead “employee or member of staff”.

[10] Schedule 1, clause 11 (2)

Omit “appointment as such an officer or employee”.

Insert instead “employment as such an employee or member of staff”.

3.21 Election Funding, Expenditure and Disclosures Act 1981 No 78

[1] Section 110 (1), definition of “inspector”

Omit paragraph (a). Insert instead:

(a) who is employed in the Public Service, or

[2] Section 110A (8) (a)

Omit the paragraph. Insert instead:

(a) who is employed in the Public Service, or

3.22 Electricity Generator Assets (Authorised Transactions) Act 2012 No 35

[1] Section 27

Omit “officer of the Government Service”. Insert instead “Public Service employee”.

[2] Schedule 2, clause 2 (5)

Omit “*Public Sector Employment and Management Act 2002* (Chapter 5 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.23 Energy and Utilities Administration Act 1987 No 103

[1] Long title

Omit “to establish the Department of Energy;”.

[2] Section 3 (1), definition of “State agency”

Omit paragraph (b). Insert instead:

(b) a Public Service agency, or

[3] Section 9

Insert after section 8:

9 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Corporation to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Corporation makes use of) may be referred to as officers or employees, or members of staff, of the Corporation. Section 47A of the *Constitution Act 1902* precludes the Corporation from employing staff.

[4] Section 12 (1A)

Omit the subsection including the note.

[5] Section 42 (b)

Omit “officer of the Department or”. Insert instead “member of staff of the”.

[6] Section 45 (5) (b)

Omit the paragraph. Insert instead:

(b) a Public Service employee, or

3.24 Energy Services Corporations Act 1995 No 95

Schedule 2, clause 2 (4)

Omit “*Public Sector Management Act 1988* (Part 8 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.25 Environmental Planning and Assessment Act 1979 No 203

[1] Section 4 (1), definition of “officer of the Department”

Omit the definition. Insert in alphabetical order:

employee of the Department means a person employed in the Department.

Note. This includes the Secretary—see section 23 (5) of the *Government Sector Employment Act 2013*.

[2] Section 4 (1), definition of “public authority”

Omit paragraph (b). Insert instead:

(b) a Public Service agency, or

[3] Section 4 (1), definition of “public authority”

Omit paragraph (d). Insert instead:

(d) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or

[4] Section 4 (3A)

Omit “government Department”. Insert instead “Public Service agency”.

[5] Sections 5B (1), 5C (2) (c), 5D (note), 26 (1B), 34A, 79B, 110C, 112B (2), 112C, 112D, 112E and 115N (5)

Omit “Director-General of the Department of Environment, Climate Change and Water” wherever occurring.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

[6] Sections 5C (2) (c) and 34A (7)

Omit “Director-General of the Department of Industry and Investment” wherever occurring.

Insert instead “Secretary of the Department of Industry, Skills and Regional Development”.

[7] Sections 8 (3), 23 (1) (a) and 150 (1) (b) (i)

Omit “officer” wherever occurring. Insert instead “employee”.

[8] Section 23 (1) (b)

Omit “officer, employee or servant”. Insert instead “person”.

[9] Section 23D (3) and (4)

Omit the subsections. Insert instead:

- (3) The Commission may, with the approval of the Secretary:
 - (a) arrange for the use of the services of any staff or facilities of a public authority, and
 - (b) engage such consultants as it requires to exercise its functions.

[10] Sections 34A (5) (a), 79B (4) (b) and 112C (2) (a)

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

Insert instead “the Chief Executive” and “the Chief Executive’s”, respectively.

[11] Sections 79B (8A) and (8B) (b) and 112C (4)

Omit “the Director-General” wherever occurring.

Insert instead “the Chief Executive”.

[12] Section 79BA (1) (a)

Omit “of Planning”.

[13] Section 115Z (5) (b)

Omit “Department”. Insert instead “Public Service agency”.

[14] Section 117A

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

[15] Section 117B (1) (a)

Omit “Director-General of the Department”.

Insert instead “Chief Executive of the Office”.

[16] Section 121ZC (6) (b)

Omit “member of staff of New South Wales Fire Brigades”.

Insert instead “person employed in Fire and Rescue NSW”.

[17] Section 145B (4) (c)

Omit the paragraph. Insert instead:

- (c) a Public Service employee, and

[18] Section 158 (c)

Omit the paragraph. Insert instead:

- (c) an employee of the Department, or

[19] Section 158

Omit “the Secretary, a member of staff, a member, a panel member, a committee member or a”.

Insert instead “Secretary, employee, member or”.

[20] Schedule 3, clause 8 (1) (d) and Schedule 4, clause 9 (1) (e)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[21] Schedule 3, clause 12 (1)

Omit the subclause. Insert instead:

- (1) The office of a member is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

[22] Schedule 4, clause 13 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

[23] Schedule 5B, clause 10 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.26 Environmental Planning and Assessment Regulation 2000

[1] The whole Regulation (except Schedules 6 and 7 and where otherwise amended by this subschedule)

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

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

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

Omit the definition.

[3] Clauses 68 (1) (b) and 111 (1) (b)

Omit “Director-General” wherever occurring. Insert instead “Chief Executive”.

[4] Clauses 68 (1) (b) and 111 (1) (b) and (2)

Omit “National Parks and Wildlife” wherever occurring.

Insert instead “the Office of Environment and Heritage”.

[5] Clauses 100 (6) (a) (i), 112 (1) (c) and 244 (heading)

Omit “Director-General of National Parks and Wildlife” wherever occurring.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

[6] Clause 100 (6) (b) (i)

Omit “Director of NSW Fisheries”.

Insert instead “Secretary of the Department of Industry, Skills and Regional Development”.

[7] Clause 123 (1)

Omit “Fair Trading”. Insert instead “Finance, Services and Innovation”.

- [8] **Clause 136E, note 3**
Omit “Department of Environment, Climate Change and Water”.
Insert instead “Office of Environment and Heritage”.
- [9] **Clause 186Q (2) (b) and (c)**
Omit “an officer of” wherever occurring. Insert instead “a person employed in”.
- [10] **Clause 284 (3) (b)**
Omit “member of staff of”. Insert instead “person employed in”.
- [11] **Schedule 4, clause 4**
Omit “Services, Technology and Administration”.
Insert instead “Finance, Services and Innovation”.
- [12] **Schedule 4, clause 10**
Omit “Director-General of the Department of Environment, Climate Change and Water”.
Insert instead “Chief Executive of the Office of Environment and Heritage”.
- [13] **Schedule 4, clauses 15 (a) (ii), 16 (b) and 17 (1) (b)**
Omit “of Planning” wherever occurring.
- [14] **Schedule 4, clause 19 (c)**
Omit “of Planning and Infrastructure”.

3.27 Fire Services Joint Standing Committee Act 1998 No 18

- [1] **Schedule 1, clause 5 (1) (d)**
Omit “Part 8 of the *Public Sector Management Act 1988*”.
Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.
- [2] **Schedule 1, clause 8 (1)**
Omit the subclause. Insert instead:
(1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.28 Garvan Institute of Medical Research Act 1984 No 106

- Schedule 1, clause 9 (1)**
Omit “*Public Service Act 1979*”.
Insert instead “*Government Sector Employment Act 2013*”.

3.29 Government Information (Information Commissioner) Act 2009 No 53

- Section 30 (2)**
Omit “Director-General or Deputy Director-General (General Counsel)”.
Insert instead “Secretary or General Counsel”.

3.30 Government Property NSW Act 2006 No 40

[1] **Section 3 (1), definition of “Chief Executive Officer”**

Omit the definition. Insert instead:

Chief Executive Officer means the person employed in the Public Service as the Chief Executive Officer of Government Property NSW.

[2] **Section 3 (1), definition of “government agency”**

Omit paragraph (c). Insert instead:

(c) a Public Service agency,

[3] **Section 7A**

Insert after section 7:

7A Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable Government Property NSW to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services Government Property NSW makes use of) may be referred to as officers or employees, or members of staff, of Government Property NSW. Section 47A of the *Constitution Act 1902* precludes Government Property NSW from employing staff.

[4] **Section 8 (4) (a)**

Omit the paragraph. Insert instead:

(a) a member of staff of Government Property NSW, or

[5] **Section 11 (4)**

Omit the subsection including the note.

[6] **Section 12 (2)**

Omit “officer of”. Insert instead “person employed in or by”.

[7] **Section 21A (9)**

Omit the subsection. Insert instead:

(9) A reference in this section to land owned or occupied by a government agency that is a Public Service agency is a reference to land owned or occupied, or under the control of, the agency or the Minister to whom the agency is responsible.

3.31 Greyhound Racing Act 2009 No 19

Sections 13 (3) and 14 (3) and clause 17 (1) of Schedule 1

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

3.32 Harness Racing Act 2009 No 20

Sections 13 (3) and 14 (3) and clause 17 (1) of Schedule 1

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

3.33 Health Care Complaints Act 1993 No 105

Schedule 2, clause 3 (1) (d)

Omit “Part 8 of the *Public Sector Management Act 1988*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

3.34 Historic Houses Act 1980 No 94

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of Historic Houses.

[2] Section 8 (8)

Omit the subsection including the note.

[3] Section 13

Insert before section 14:

13 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] Section 15 (6)

Omit the subsection. Insert instead:

- (6) In this section, **authorised person** means the Director or a member of staff of the Trust.

[5] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Application of Government Sector Employment Act 2013

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

3.35 Home Building Act 1989 No 147

Schedule 5, clause 9 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.36 Inspector of Custodial Services Act 2012 No 55

[1] Section 5 (1)

Omit the subsection. Insert instead:

- (1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Inspector to exercise his or her functions.

[2] Sections 5 (3) (a) and 14 (2)

Omit “Division of the Government Service” wherever occurring.

Insert instead “Public Service agency”.

[3] Section 5 (4)

Omit the subsection. Insert instead:

- (4) The head of the Public Service agency in which staff of the Inspector are employed may delegate to the Inspector or a member of staff of the Inspector any of the agency head’s functions under the *Government Sector Employment Act 2013* with respect to those staff (other than this power of delegation).

[4] Section 5 (5)

Omit “subsections (1)–(4)”. Insert instead “subsection (3)”.

[5] Section 14 (2) (a)

Omit “Division Head”. Insert instead “head of the agency”.

[6] Section 14 (3)

Omit “a Division Head” and “the Division Head”.

Insert instead “an agency head” and “the agency head”, respectively.

[7] Schedule 1, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The office of Inspector is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

3.37 Land and Environment Court Act 1979 No 204

[1] Sections 13 (5) and 15 (1)

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Schedule 1, clause 3

Omit the clause. Insert instead:

3 Application of Government Sector Employment Act 2013

The office of a Commissioner is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

[3] Schedule 1, clause 8 (2)

Omit the subclause. Insert instead:

- (2) Subject to subclause (3) and to the terms of appointment, if a full-time Commissioner was, immediately before being appointed as full-time Commissioner:
- (a) a Public Service employee, or
 - (b) a contributor to a superannuation scheme, or
 - (c) a member of staff of a statutory body, or
 - (d) a person in respect of whom provision was made by an Act for the retention of any rights accrued or accruing to the person as a Public Service employee or member of staff of a statutory body,
- the Commissioner:
- (e) retains any rights accrued or accruing to the Commissioner as such an employee, contributor or member of staff, and
 - (f) may continue to contribute to any superannuation scheme to which the Commissioner was a contributor immediately before being appointed as Commissioner, and
 - (g) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- as if the Commissioner had continued to be such an employee, contributor or member of staff during the Commissioner's service as Commissioner, and:
- (h) the Commissioner's service as Commissioner is taken to be service as an employee or member of staff for the purposes of any law under which those rights accrued or were accruing, under which the Commissioner continues to contribute or by which that entitlement is conferred, and
 - (i) the Commissioner is taken to be an employee or member of staff, and the Government of New South Wales is taken to be the Commissioner's employer, for the purpose of the superannuation scheme to which the Commissioner is entitled to contribute under this subclause.

[4] Schedule 1, clause 8 (4)

Omit "officer or employee". Insert instead "employee or member of staff".

[5] Schedule 1, clause 9 (1), definition of "retiring age"

Omit the definition. Insert instead:

retiring age means:

- (a) in relation to a person who was, immediately before being appointed as a full-time Commissioner, a person employed in the Public Service—the age of 60 years, and
- (b) in relation to a person who was, immediately before being appointed as a full-time Commissioner, a member of staff of a statutory body and except as provided in paragraph (a)—the age at which members of staff (being members of staff of the class to which that person belonged immediately before being appointed as a full-time Commissioner) of that body are entitled to retire.

[6] Schedule 1, clause 9 (2)

Omit the subclause. Insert instead:

- (2) If a person ceases to be a full-time Commissioner, otherwise than pursuant to clause 7 (paragraph (b) excepted), the person is, if the person has not attained the retiring age, entitled to be employed, if, immediately before being appointed as full-time Commissioner, the person was:
 - (a) a person employed in the Public Service—in the Public Service, or
 - (b) a member of staff of a statutory body—as a member of staff of that body,at a work level and salary not lower than the level at which the person was employed immediately before being appointed as Commissioner.

3.38 Law and Justice Foundation Act 2000 No 97

[1] Section 9 (1)

Omit “Part 2 of the *Public Sector Management Act 1988*”.

Insert instead “The *Government Sector Employment Act 2013*”.

[2] Section 9 (2)

Omit the subsection. Insert instead:

- (2) The Foundation may, with the approval of the Minister to whom a Public Service agency is responsible, make use of the services of a person employed in that agency on such terms as may be arranged.

[3] Schedule 1, clause 6 (2)

Omit the subclause. Insert instead:

- (2) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

[4] Schedule 2, clause 1 (2)

Omit the subclause. Insert instead:

- (2) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the Director.

3.39 Law Reform Commission Act 1967 No 39

[1] Section 8 (6)

Omit “*Public Service Act 1979*”.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Section 14

Omit the section. Insert instead:

14 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission.

[3] Schedule 1, clause 2

Omit the clause. Insert instead:

2 Preservation of rights—generally

Subject to clause 3 and to the terms of his or her appointment, if a commissioner was, immediately before appointment as a commissioner:

- (a) a Public Service employee, or
- (b) a contributor to a superannuation scheme, or
- (c) a member of staff of a statutory body, or
- (d) a person in respect of whom provision was made by any Act that the person retain any rights accrued or accruing to the person as a Public Service employee or member of staff of a statutory body,

the commissioner:

- (e) retains any rights accrued or accruing to the commissioner as such an employee, contributor or member of staff, and
- (f) may continue to contribute to any superannuation scheme to which the commissioner was a contributor immediately before appointment as a commissioner, and
- (g) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if the commissioner had continued to be such an employee, contributor or member of staff during service as a commissioner, and:

- (h) service as a commissioner is taken to be service as an employee or member of staff for the purpose of any law under which those rights accrued or were accruing, under which the commissioner continues to contribute or by which that entitlement is conferred, and
- (i) the commissioner is taken to be an employee or member of staff, and the Government of New South Wales is taken to be the commissioner's employer, for the purposes of the superannuation scheme to which the commissioner is entitled to contribute under this clause.

[4] Schedule 1, clause 3 (2)

Omit "officer or employee". Insert instead "employee or member of staff".

[5] Schedule 1, clause 5

Omit the clause. Insert instead:

5 Reappointment to former employment in certain cases

- (1) In this clause, *retiring age* means, in relation to a person who was, immediately before appointment as a commissioner:
 - (a) a person employed in the Public Service—the age of 60 years, or
 - (b) a member of staff of a statutory body—the age at which members of staff (being members of staff of the class to which that person belonged immediately before appointment as a commissioner) of that statutory body are entitled to retire.
- (2) A person who ceased to be a commissioner, otherwise than pursuant to section 9 (2), is, if the person has not attained the retiring age, entitled to be employed, if, immediately before appointment as a commissioner, the person was:
 - (a) a person employed in the Public Service—in the Public Service, or
 - (b) a member of staff of a statutory body—as a member of staff of that body,at a work level and salary not lower than the level at which the person was employed immediately before appointment as a commissioner.

3.40 Library Act 1939 No 40

[1] Section 2 (1), definition of “State Librarian”

Omit the definition. Insert instead:

State Librarian means the person employed in the Public Service as the State Librarian.

[2] Section 4B (12), note

Omit the note.

[3] Section 5A

Insert after section 5:

5A Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Council to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Council makes use of) may be referred to as officers or employees, or members of staff, of the Council.

[4] Section 7B (6)

Omit the subsection. Insert instead:

- (6) In this section, *authorised person* means the State Librarian or a member of staff of the Council.

[5] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Public Service employment provisions excluded

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.41 Loan Fund Companies Act 1976 No 94

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

Omit the subsections. Insert instead:

- (1) The Supervisor is the person employed in the Public Service as the Supervisor of Loan Fund Companies.

[2] Section 6 (1)

Omit “a person appointed by the Governor as”.

Insert instead “the person employed in the Public Service as the”.

3.42 Mental Health Commission Act 2012 No 13

[1] Section 4 (1), definition of “public sector agency”

Omit paragraph (a). Insert instead:

- (a) a Public Service agency,

[2] Section 5 (5)

Omit the subsection including the note.

[3] Section 14A

Insert after section 14:

14A Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

[4] Schedule 1, clause 6 (1)

Omit the subclause. Insert instead:

- (1) The offices of Commissioner and Deputy Commissioner are statutory offices and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to those offices.

3.43 Museum of Applied Arts and Sciences Act 1945 No 31

[1] **Section 7**

Omit the section. Insert instead:

7 Application of Government Sector Employment Act 2013

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

[2] **Section 13**

Omit “officers or employees”. Insert instead “members of staff”.

[3] **Section 13**

Omit “its officers”. Insert instead “its members of staff”.

[4] **Section 14 (2), note**

Omit the note.

[5] **Section 14A**

Insert after section 14:

14A Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the trustees to exercise their functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the trustees make use of) may be referred to as officers or employees, or members of staff, of the trustees.

[6] **Section 15**

Omit “officers and employees”. Insert instead “members of staff”.

3.44 Natural Resources Commission Act 2003 No 102

[1] **Section 4 (1), definition of “government agency”**

Omit “government department” from paragraph (a).

Insert instead “Public Service agency”.

[2] **Section 10**

Insert after section 9:

10 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

[3] **Section 13 (2)**

Omit the subsection including the note.

[4] Section 19 (2)

Omit “Director-General or Deputy Director-General (General Counsel)”.

Insert instead “Secretary or General Counsel”.

[5] Schedule 1, clause 5 (1) (d)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[6] Schedule 1, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The offices of Commissioner and Assistant Commissioner are statutory offices and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to those offices.

3.45 Parramatta Park Trust Act 2001 No 17

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

Omit the definition. Insert instead:

Director means the person employed in the Public Service as Director of Parramatta Park.

[2] Section 7 (6)

Omit the subsection including the note.

[3] Section 21

Insert after section 20:

21 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] Schedule 2, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

3.46 Ports and Maritime Administration Act 1995 No 13

[1] Section 27 (3) (d)

Omit the paragraph. Insert instead:

- (d) a Public Service employee, or

[2] Section 41 (4)

Omit the subsection including the note.

3.47 Ports Assets (Authorised Transactions) Act 2012 No 101

[1] **Section 33**

Omit “officer of the Government Service”. Insert instead “Public Service employee”.

[2] **Schedule 2, clause 2 (5)**

Omit “*Public Sector Employment and Management Act 2002* (Chapter 5 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.48 Professional Standards Act 1994 No 81

[1] **Section 46**

Omit “government department, an administrative office”.

Insert instead “Public Service agency”.

[2] **Schedule 2, clause 5 (1) (d)**

Omit “Part 8 of the *Public Sector Management Act 1988*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[3] **Schedule 2, clause 7 (1)**

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.49 Public Authorities (Financial Arrangements) Act 1987 No 33

Section 33

Omit the section. Insert instead:

33 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Financing Corporation to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Financing Corporation makes use of) may be referred to as officers or employees, or members of staff, of the Financing Corporation. Section 47A of the *Constitution Act 1902* precludes the Financing Corporation from employing staff.

3.50 Public Defenders Act 1995 No 28

[1] **Section 13**

Omit the section. Insert instead:

13 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Senior Public Defender to exercise his or her functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Senior Public Defender makes use of) may be referred to as officers or employees, or members of staff, of the Senior Public

Defender. Section 47A of the *Constitution Act 1902* precludes the Senior Public Defender from employing staff.

[2] Schedule 1, clause 1, definition of “public servant”

Omit the definition. Insert instead:

public servant means a person employed in the Public Service or a member of staff of a statutory body.

[3] Schedule 1, clause 7

Omit the clause. Insert instead:

7 Government Sector Employment Act 2013

The office of an Officer is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

[4] Schedule 1, clause 9 (1)

Omit the subclause. Insert instead:

- (1) A person who:
 - (a) ceases to be an Officer by resignation or who completes a term of office as an Officer and is not reappointed, and
 - (b) was, immediately before being appointed as an Officer:
 - (i) a person employed in the Public Service, the Teaching Service or the NSW Health Service, or
 - (ii) a member of staff of a statutory body,is entitled to be employed in the Public Service, the Teaching Service or the NSW Health Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed immediately before being appointed as an Officer.

[5] Schedule 1, clause 9 (2)

Omit “officer or employee” wherever occurring.

Insert instead “employee or member of staff”.

3.51 Racing Appeals Tribunal Act 1983 No 199

[1] Section 14 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Section 19

Omit “officers or servants” wherever occurring. Insert instead “members of staff”.

[3] Section 19 (1) (b)

Omit the paragraph. Insert instead:

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

3.52 Royal Botanic Gardens and Domain Trust Act 1980 No 19

[1] **Section 4 (1), definition of “Executive Director”**

Omit the definition. Insert instead:

Executive Director means the person employed in the Public Service as the Executive Director of the Royal Botanic Gardens and Domain.

[2] **Section 8 (11)**

Omit the subsection including the note.

[3] **Section 12**

Insert before section 13:

12 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] **Section 14 (6)**

Omit the subsection. Insert instead:

- (6) In this section, ***authorised person*** means the Executive Director or any other member of staff of the Trust.

[5] **Section 15 (2) (a)**

Omit the paragraph. Insert instead:

- (a) the remuneration of any member of staff of the Trust, or

[6] **Schedule 1, clause 4**

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.53 Solicitor General Act 1969 No 80

[1] **Section 2 (9)**

Omit the subsection. Insert instead:

- (9) The office of Solicitor General is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

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

Omit the subclause. Insert instead:

- (1) This clause applies to the Solicitor General if the Solicitor General, immediately before being appointed as Solicitor General, was:
- (a) a person employed in the Public Service, the Teaching Service or the NSW Health Service, or
 - (b) a contributor to a superannuation scheme, or
 - (c) a member of staff of a statutory body, or

- (d) a person in respect of whom provision was made by any Act for the retention of any rights accrued or accruing to the person as an employee or member of staff.

[3] Schedule 1, clause 2 (2)

Omit “officer, contributor or person” wherever occurring.

Insert instead “employee, contributor or member of staff”.

[4] Schedule 1, clauses 2 (3), (4) and (6) and 3 (2)

Omit “officer or employee” wherever occurring.

Insert instead “employee or member of staff”.

[5] Schedule 1, clause 3 (1)

Omit the subclause. Insert instead:

- (1) A person who:
 - (a) ceases to be Solicitor General by resignation or who completes a term of office as Solicitor General and is not reappointed, and
 - (b) was, immediately before being appointed as Solicitor General:
 - (i) a person employed in the Public Service, the Teaching Service or the NSW Health Service, or
 - (ii) a member of staff of a statutory body,is entitled to be employed in the Public Service, the Teaching Service or the NSW Health Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed immediately before being appointed as Solicitor General.

3.54 Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 8 (2)

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

[2] Standard Instrument, clause 4.6 (4) (b) and (5)

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

[3] Standard Instrument, Dictionary, definition of “heritage conservation management plan”

Omit “Division of the Government Service”. Insert instead “Public Service agency”.

[4] Standard Instrument, Dictionary, definition of “public utility undertaking”

Omit “Government Department” wherever occurring.

Insert instead “Public Service agency”.

3.55 Superannuation Administration Authority Corporatisation Act 1999 No 5

Schedule 3, clause 3 (5)

Omit “*Public Sector Management Act 1988* (Part 8 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.56 Sydney Opera House Trust Act 1961 No 9

[1] Section 4 (7)

Omit the subsection including the note.

[2] Section 9 Application of Government Sector Employment Act 2013

Omit section 9 (1). Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

[3] Section 16

Insert after section 15:

16 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

3.57 Thoroughbred Racing Act 1996 No 37

Section 18 (3)

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.58 Veterinary Practice Act 2003 No 87

[1] Sections 11 (4) (b) and 14 (5) (b)

Omit “government department” wherever occurring.

Insert instead “Public Service agency”.

[2] Section 80 (1)

Omit “Chapter 2 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 4 of the *Government Sector Employment Act 2013*”.

[3] Schedule 2, clause 10 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

Schedule 4 Amendments consequent on renaming of University of Technology, Sydney

Explanatory note

The proposed amendments in this Schedule update references to a university consequent on the amendments made to the *University of Technology, Sydney, Act 1989* by Schedule 1.

4.1 Architects Regulation 2012

Clauses 4 (d), 7 (d) and 8 (c) and (d)

Omit “University of Technology, Sydney” wherever occurring.

Insert instead “University of Technology Sydney”.

4.2 Charitable Fundraising Regulation 2008

Clause 8 (i)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.3 Government Sector Employment Regulation 2014

Clause 34 (h)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.4 Higher Education Act 2001 No 102

Schedule 1, Part 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.5 Public Finance and Audit Act 1983 No 152

Schedule 2

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.6 Road Transport (General) Regulation 2013

Schedule 2, Column 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.7 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1, Part 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.8 State Authorities Superannuation Act 1987 No 211

Schedule 1, Part 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.9 State Public Service Superannuation Act 1985 No 45

Schedule 3

Omit “The University of Technology, Sydney”.

Insert instead “The University of Technology Sydney”.

4.10 Superannuation Act 1916 No 28

Schedule 3, Part 1 and Schedule 26, Part 2

Omit “University of Technology, Sydney” wherever occurring.

Insert instead “University of Technology Sydney”.

4.11 Technical Education Trust Funds Act 1967 No 95

Section 2 (1) (paragraph (b) of definition of “educational establishment”)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.12 Transport Administration Act 1988 No 109

Section 122 (definition of “Parramatta Rail Link”)

Insert “Sydney” after “University of Technology”.

4.13 Universities Governing Bodies Act 2011 No 51

Section 3 (1)

Omit “University of Technology, Sydney” wherever occurring.

Insert instead “University of Technology Sydney”.

4.14 University of Technology, Sydney, By-law 2005

[1] Clause 1

Omit “*University of Technology, Sydney, By-law 2005*”.

Insert instead “*University of Technology Sydney By-law 2005*”.

[2] Clause 2

Omit “University of Technology, Sydney” and “*University of Technology, Sydney*”.

Insert instead “University of Technology Sydney” and “*University of Technology Sydney*”, respectively.

[3] Clause 3 (1) (definition of “the Act”)

Omit “*University of Technology, Sydney*,”.

Insert instead “*University of Technology Sydney*”.

Schedule 5 Amendments that transfer provisions and enable repeals

Explanatory note

This Schedule inserts the substance of savings and transitional provisions (of possible ongoing effect) of regulations repealed by clause 4 of Schedule 6 into the principal Acts under which the regulations are made. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of those provisions does not affect the operation (if any) or meaning of the provisions. In particular:

- (a) clause 5 of the *Electricity Supply (Country Energy) Regulation 2005* is transferred to the *Electricity Supply Act 1995*, and
- (b) clauses 6 and 7 of the *Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005* are transferred to the *Energy Services Corporations Act 1995*.

5.1 Electricity Supply Act 1995 No 94

[1] Schedule 3A

Insert after Schedule 3:

Schedule 3A Transferred provisions—variation of distribution districts

1 Electricity Supply (Country Energy) Regulation 2005

[2] Schedule 3A, clause 1 (as inserted by item [1])

Transfer clause 5 (1)–(5) of the *Electricity Supply (Country Energy) Regulation 2005* (which is repealed by clause 4 of Schedule 6 to this Act) to clause 1 of Schedule 3A, as clause 1 (1)–(5).

[3] Schedule 3A, clause 1 (1) (as inserted by item [2])

Omit “the commencement of this Regulation”.

Insert instead “1 July 2005”.

[4] Schedule 3A, clause 1 (1), (3) and (4) (as inserted by item [2])

Omit “Country Energy” wherever occurring. Insert instead “Essential Energy”.

[5] Schedule 3A, clause 1 (1) (as inserted by item [2])

Omit “of the Act”.

[6] Schedule 3A, clause 1 (1) (as inserted by item [2])

Insert “of the *Electricity Supply (Country Energy) Regulation 2005*” after “clause 4”.

[7] Schedule 3A, clause 1 (1), note

Insert at the end of clause 1 (1):

Note. The name of Country Energy was changed to Essential Energy by the *Energy Services Corporations Amendment (Change of Name) Regulation 2011*.

[8] Schedule 3A, clause 1 (5) (as inserted by item [2])

Omit “to the Act”.

[9] Schedule 3A, clause 1 (6)

Insert after clause 1 (5) of Schedule 3A (as inserted by item [2]):

- (6) Subclauses (1)–(5) re-enact (with minor modifications) clause 5 of the *Electricity Supply (Country Energy) Regulation 2005* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

5.2 Energy Services Corporations Act 1995 No 95

[1] Schedule 2A

Insert after Schedule 2:

Schedule 2A Transferred provisions—dissolution of energy services corporations

1 Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005

[2] Schedule 2A, clause 1 (as inserted by item [1])

Transfer clause 6 (1)–(4) of the *Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005* (which is repealed by clause 4 of Schedule 6 to this Act) to clause 1 of Schedule 2A, as clause 1 (1)–(4).

[3] Schedule 2A, clause 1 (1) (as inserted by item [2])

Insert “**Essential Energy may act in own name or in name of Australian Inland Energy Water Infrastructure**” as the heading to the subclause.

[4] Schedule 2A, clause 1 (5)

Transfer clause 7 of the *Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005* as clause 1 (5) of Schedule 2A (as inserted by item [1]), with the heading “**References to Australian Inland Energy Water Infrastructure**”.

[5] Schedule 2A, clause 1 (1) and (5) (as inserted by items [2] and [4])

Omit “the commencement of this Regulation” wherever occurring.

Insert instead “1 July 2005”.

[6] Schedule 2A, clause 1 (1), (3), (4) and (5) (as inserted by items [2] and [4])

Omit “Country Energy” wherever occurring. Insert instead “Essential Energy”.

[7] Schedule 2A, clause 1 (5) (as inserted by item [4])

Omit “(including, in particular, the reference in Part 3 of Schedule 3 to the *Water Management Act 2000*)”.

[8] Schedule 2A, clause 1 (6)

Transfer clause 6 (5) of the *Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005* as clause 1 (6) of Schedule 2A (as inserted by item [1]).

[9] Schedule 2A, clause 1 (6) (as inserted by item [8])

Omit “to the Act”.

[10] Schedule 2A, clause 1 (7)

Insert after clause 1 (6) of Schedule 2A (as inserted by item [8]):

(7) Transferred provisions to which Interpretation Act 1987 applies

Subclauses (1)–(6) re-enact (with minor modifications) clauses 6 and 7 of the *Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Schedule 6 Repeals

1 Repeal of redundant Acts and provisions of Acts

The following Acts or provisions of Acts are repealed:

Act	Provisions repealed
<i>Community Protection Act 1994</i> No 77	Whole Act
<i>Election Funding, Expenditure and Disclosures Act 1981</i> No 78	Section 2(4)
<i>Height of Buildings Act 1912</i> No 58	Whole Act
<i>Rural Adjustment Scheme Agreement Act 1993</i> No 107	Whole Act
<i>Secondary Mortgage Market (State Equity Participation) Act 1985</i> No 131	Whole Act
<i>Special Commissions of Inquiry Act 1983</i> No 90	Part 4A
<i>States and Northern Territory Grants (Rural Adjustment) Agreement Ratification Act 1985</i> No 113	Whole Act
<i>States Grants (Rural Adjustment) Agreement Ratification Act 1977</i> No 104	Whole Act
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2014</i> No 88	Whole Act

2 Repeal of amending provisions of regulations that have commenced

The following provisions are repealed:

Regulation	Provisions repealed
<i>Government Sector Employment Regulation 2014</i>	Schedule 3
<i>Protection of the Environment Operations (Clean Air) Regulation 2010</i>	Schedule 9
<i>Protection of the Environment Operations (General) Regulation 2009</i>	Schedule 9
<i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014</i>	Schedule 1
<i>Protection of the Environment Operations (Waste) Regulation 2014</i>	Schedules 2 and 3
<i>Work Health and Safety (Mines) Regulation 2014</i>	Schedule 13

3 Repeal enabled by amendment of Gambling (Two-up) Act 1998 in Schedule 1

The *Gambling (Two-up) Regulation 2010* is repealed.

4 Repeal of regulations whose provisions are transferred by Schedule 5

The following regulations are repealed:

- (a) *Electricity Supply (Country Energy) Regulation 2005*,
- (b) *Energy Services Corporations (Dissolution of Australian Inland Energy Water Infrastructure) Regulation 2005*.

Schedule 7 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 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 certain amendments, including amendments correcting errors in technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter), will be taken to have commenced on the date the amendments to which they relate commenced.

2 Effect of amendment or repeal on acts done or decisions made

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act or an instrument, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

Explanatory note

This clause ensures that the amendment or repeal of a provision will not, unless expressly provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

3 Effect of amendment on instruments

Except where expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

Explanatory note

This clause ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

4 Revocation of repeal

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

Explanatory note

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument, or any provision of any Act or instrument, by the proposed Act. The Act or provision the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the proposed Act.