

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT
(No. 2) 1988 No. 92**

NEW SOUTH WALES



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STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1988
No. 92

NEW SOUTH WALES



Act No. 92, 1988

An Act to repeal certain Acts and to amend certain other Acts in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 19 December 1988]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 2) 1988.

Commencement

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedule 1 (3) shall be taken to have commenced on 29 May 1987.

(3) Schedules 1 (1) and (2), 2, 3 (except item (6)), 4, 5, 8, 9, 11, 14–17 and 19–25 commence on a day or days to be appointed by proclamation.

(4) Schedule 3 (6) (a) commences—

(a) on the date of assent to this Act; or

(b) on the commencement of the Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987,

whichever is the later.

(5) Schedule 3 (6) (b) and (c) shall be taken to have commenced on 18 January 1988.

(6) Schedule 6 shall be taken to have commenced on 1 July 1987.

(7) Schedule 12 shall be taken to have commenced on 26 September 1987.

(8) Schedule 18 shall be taken to have commenced on 1 July 1988.

(9) The provisions of Schedule 26 relating to—

(a) the Co-operation Act 1923 shall be taken to have commenced on 7 October 1987; and

(b) the Teaching Services Act 1980 shall be taken to have commenced on 1 August 1988; and

(c) the Trustee Companies Act 1964 shall be taken to have commenced on 4 July 1988; and

(d) the Water Act 1912 shall be taken to have commenced on 1 January 1987; and

(e) the Wild Dog Destruction Act 1921 shall be taken to have commenced on 1 January 1987.

Amendments

3. Each Act specified in Schedules 1–26 is amended as set out in those Schedules.

*Statute Law (Miscellaneous Provisions) (No. 2) 1988***Repeals**

4. Each Act specified in Schedule 27 is repealed.

Savings, transitional and other provisions

5. Schedule 28 has effect.

**SCHEDULE 1—AMENDMENT OF ADOPTION OF CHILDREN ACT
1965 No. 23**

(Sec. 3)

(1) Section 6 (Definitions)—

Section 6, definition of “Child”—
Omit “twenty-one”, insert instead “18”.

(2) Section 21 (Court to be satisfied as to certain matters)—

Section 21 (1) (c)—
Omit “twenty-one” wherever occurring, insert instead “18”.

(3) Sections 68, 71 and 73—

Omit “Director” wherever occurring, insert instead “Director-General”.

SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16

(Sec. 3)

Section 21 (Infected bees etc. not to be kept or sold)—**(1) Section 21—**

Omit “person” where firstly occurring, insert instead “beekeeper”.

(2) Section 21 (a)—

Before “keep”, insert “otherwise than in accordance with the directions of an inspector as to the steps to be taken to treat or eradicate the disease,”.

(3) Section 21 (a)—

Omit “occupied by the person”.

(4) Section 21—

Omit “person to” wherever occurring, insert instead “beekeeper to”.

(5) Section 21 (a)—

Omit “without taking the prescribed steps to treat or eradicate that disease”.

SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16—
continued

(6) Section 21 (b)—

Omit “the manner prescribed”, insert instead “a manner directed in writing by an inspector”.

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54

(Sec. 3)

(1) Section 3 (**Definitions**)—

(a) Section 3 (1), definition of “abuse”—

Omit the definition, insert instead:

“abuse”, in relation to a child, means—

- (a) assault (including sexually assault) the child; or
- (b) ill-treat the child; or
- (c) expose or subject the child to behaviour that psychologically harms the child,
whether or not, in any case, with the consent of the child;

(b) Section 3 (1), definition of “maintenance”—

After “includes”, insert “the provision of”.

(c) Section 3 (1), definitions of “non-Government children’s home”, “non-Government organisation”—

Omit the definitions.

(d) Section 3 (1), definition of “proprietor”—

Omit the definition, insert instead:

“proprietor”, in relation to premises, means—

- (a) if the premises are not leased—the owner, or (if there is more than one owner) any of the owners, of the premises; or
- (b) if the premises are leased—the lessee, or (if there is more than one lessee) any of the lessees, who is entitled to immediate possession of the premises;

(e) Section 3 (6)—

Omit the subsection.

(2) Section 20 (**Ordinary medical and dental treatment**)—

Section 20 (1) (e)—

Omit the paragraph, insert instead:

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54—*continued*

- (e) a child who is in the care of a person in whose care the child has been placed—
- (i) by an authorised private fostering agency; or
 - (ii) by, or with the written approval of, the Minister or the Director-General,
- for the purpose of the child being fostered; or
- (3) **Section 38 (Notification of deaths at licensed residential child care centres)—**
- Section 38 (1) (b)—
- Omit “at the police station nearest the centre”.
- (4) **Section 56 (Definitions)—**
- At the end of section 56, insert:
- (2) In this Part, proceedings on a care application shall be taken to have commenced when the care application is made.
- (5) **Section 62 (Care of children pending care proceedings)—**
- (a) Section 62 (3)—
- After “Director-General” where firstly occurring, insert “, or has been placed in the care of the Director-General pursuant to an order under section 77”.
- (b) Section 62 (3)—
- After “pending”, insert “the commencement of”.
- (6) **Section 70 (Procedure generally)—**
- (a) Section 70 (3)—
- Omit “section”, insert instead “sections 24A and”.
- (b) Section 70 (4), (5)—
- Omit “member of the Children’s Court” wherever occurring, insert instead “Children’s Magistrate”.
- (c) Section 70 (4)—
- Omit “the member”, insert instead “the Children’s Magistrate”.
- (7) **Section 84 (Enforcement of undertakings)—**
- (a) Section 84 (2)—
- Re-number paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e).
- (b) Section 84 (2) (b)—
- After section 84 (2) (a), insert:

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54—*continued*

- (b) the child (being a child placed in the custody of a person under section 72 (1) (c) (ii)) has ceased, without lawful authority, to be in that person's care; or
- (8) Section 85 (**Application of Justices Act 1902 to secure attendance of witnesses etc.**)—
 Section 85 (b), (c)—
 At the end of section 85 (b), insert:
 ; and
 (c) the production of documents in proceedings under this Part,
- (9) Section 116 (**Search warrants**)—
 Section 116 (2) (b), (c)—
 At the end of section 116 (2) (b), insert:
 ; and
 (c) to observe and converse with any person apparently residing there.
- (10) Schedule 1, clause 2 (**Eligible applicants**)—
 Omit the clause, insert instead:
Eligible applicants
 2. A person is not eligible to make an application for a licence unless—
 (a) the person is the proprietor of the premises for which the licence is applied for; or
 (b) the Minister consents to the making of that application by the person.

SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND GUARDIANSHIP ACT 1987 No. 257

(Sec. 3)

- (1) Section 49 (**Constitution of the Board**)—
 Section 49 (4A)—
 After section 49 (4), insert:
 (4A) A President or Deputy President of the Board shall, if required to do so by his or her instrument of appointment as President or Deputy President or by a subsequent instrument executed by the Governor, devote the whole of his or her time to the duties of his or her office as President or Deputy President.

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—*continued*

(2) Schedule 1 (**Provisions relating to the Board**)—

(a) Clause 2—

Omit the clause, insert instead:

Remuneration etc.

2. (1) A member (other than a full-time President or Deputy President of the Board) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

(2) A full-time President or Deputy President of the Board is entitled to be paid—

- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the full-time President or Deputy President.

(3) The Public Sector Management Act 1988 does not apply to the appointment of a member of the Board and a member of the Board is not, as a member, subject to that Act (except Part 8).

(b) Clauses 5–7—

After clause 4, insert:

Preservation of rights of full-time President or Deputy President previously public servant etc.

5. (1) This clause applies where a full-time President or Deputy President of the Board was, immediately before being appointed as a full-time President or Deputy President—

- (a) an officer of the Public Service or a Teaching Service; or
- (b) a contributor to a superannuation scheme; or
- (c) an officer employed by a proclaimed 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 officer or employee.

(2) Subject to the terms of appointment, the full-time President or Deputy President—

- (a) shall retain any rights accrued or accruing to him or her as such an officer, contributor or person; and
- (b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before being appointed as full-time President or Deputy President; and

SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—*continued*

(c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity, as if he or she had continued to be such an officer, contributor or person during his or her service as full-time President or Deputy President.

(3) Service as full-time President or Deputy President shall be regarded as service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he or she continues to contribute or by which that entitlement is conferred.

(4) The full-time President or Deputy President shall be regarded as an officer or employee, and the Government shall be regarded as the employer, for the purposes of the superannuation scheme to which he or she is entitled to contribute under this clause.

(5) If the full-time President or Deputy President would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under the scheme—

(a) he or she is not so entitled on becoming (whether on appointment as a full-time President or Deputy President or at any later time while holding office as a full-time President or Deputy President) a contributor to any other superannuation scheme; and

(b) the provisions of subclause (4) cease to apply to or in respect of him or her and the Government in any case where he or she becomes a contributor to any such other superannuation scheme.

(6) Subclause (5) does not prevent the payment to the full-time President or Deputy President (on his or her ceasing to be a contributor to a superannuation scheme) of such amount as would have been payable to him or her if he or she had ceased, because of resignation, to be an officer or employee for the purposes of the scheme.

(7) The full-time President or Deputy President is not, in respect of the same period of service, entitled to dual benefits of the same kind through the operation of this clause.

(8) In this clause—

“proclaimed statutory body” means any body constituted by or under an Act that is declared by the Governor, by proclamation, to be a statutory body for the purposes of this clause;

*Statute Law (Miscellaneous Provisions) (No. 2) 1988***SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—continued**

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act.

Full-time President or Deputy President entitled to reappointment to former employment in certain cases

6. (1) A person who—

- (a) ceases to be a full-time President or Deputy President because of the expiration of the period for which the person was appointed or because of resignation; and
- (b) was, immediately before being appointed as full-time President or Deputy President—
 - (i) an officer of the Public Service or a Teaching Service; or
 - (ii) an officer or employee of a proclaimed statutory body; and
- (c) has not reached the age at which the person would have been entitled to retire had the person continued to be such an officer or employee,

shall be entitled to be appointed to some position in the Public Service, the Teaching Service or the service of that proclaimed statutory body, as the case may be, not lower in salary than the current salary for the position which the person held immediately before being appointed as a full-time President or Deputy President.

(2) Where subclause (1) does not apply to a person who—

- (a) was, immediately before being appointed to a full-time office constituted by an Act, an officer or employee referred to in subclause (1) (b); and
- (b) is after that appointment appointed as a full-time President or Deputy President,

the person has, in the event of ceasing to be a full-time President or Deputy President, such rights (if any) to appointment as such an officer or employee as are specified in the instrument of appointment as full-time President or Deputy President or as are agreed on by the person and by or on behalf of the Government.

(3) In this clause—

“proclaimed statutory body” means any body constituted by or under an Act that is declared by the Governor, by proclamation, to be a statutory body for the purposes of this clause.

SCHEDULE 5—AMENDMENT OF ELECTRICITY ACT 1945 (1946 No. 13)

(Sec. 3)

- (1) **Section 19C (Payments to Traffic Route Lighting Subsidy Account)—**
- (a) Section 19C (4)—
Omit the subsection.
- (b) Section 19C (5)—
Renumber as subsection (4).
- (2) **Section 21F (Powers of authorised persons)—**
Section 21F (3)—
Omit “class” wherever occurring, insert instead “type”.

SCHEDULE 6—AMENDMENT OF ENERGY ADMINISTRATION ACT 1987 No. 103

(Sec. 3)

Section 38 (Testing and labelling of appliances)—

- (1) Section 38 (1) (c) (ii)—
Omit “and”.
- (2) Section 38 (1) (d), (e)—
After section 38 (1) (d), insert:
; and
(e) the fees payable in relation to the labelling of appliances that consume energy.

SCHEDULE 7—AMENDMENT OF FAIR TRADING ACT 1987 No. 68

(Sec. 3)

Section 44 (False representations (TPA s. 53))

- Section 44 (a), (b)—
After “quality” wherever occurring, insert “, value”.

SCHEDULE 8—AMENDMENT OF FERTILIZERS ACT 1985 No. 5

(Sec. 3)

Section 24 (Identification certificates)—

- Section 24 (2)—
Omit the subsection, insert instead:
(2) A certificate of identification shall be in the approved form.

*Statute Law (Miscellaneous Provisions) (No. 2) 1988***SCHEDULE 9—AMENDMENT OF FORESTRY ACT 1916 No. 55**

(Sec. 3)

(1) Section 29 (Penalty for unlawfully working sawmill)—

Section 29 (1), (2)—

Omit “two hundred dollars” wherever occurring, insert instead “\$500”.

(2) Section 31 (Permits to occupy and use land)—

Section 31 (3)—

Omit “for Lands”, insert instead “administering the Crown Lands Acts or a person authorised in writing by that Minister to perform that Minister’s functions under this section”.

SCHEDULE 10—AMENDMENT OF INDUSTRIAL ARBITRATION (MISCELLANEOUS PROVISIONS) AMENDMENT ACT 1986 No. 127

(Sec. 3)

Section 2 (Commencement)—

Section 2 (2)—

After “day”, insert “or days”.

SCHEDULE 11—AMENDMENT OF IRRIGATION ACT 1912 No. 73

(Sec. 3)

Section 17A (Unauthorised use of water)—**(1) Section 17A (1) (a) (iv)—**

After section 17A (1) (a) (iii), insert:

(iv) any pipe through an unauthorised draw-off; or

(2) Section 17A (1) (b)—

After “interferes with”, insert “, or alters or adjusts,”.

(3) Section 17A (1) (b)—

After “supply channel”, insert “or pipe”.

(4) Section 17A (3)—

After “box,”, insert “measuring device, valve,”.

**SCHEDULE 12—AMENDMENT OF LOCAL GOVERNMENT ACT
1919 No. 41**

(Sec. 3)

Section 46B (Returns)—

Section 46B (8)—

After section 46B (7), insert:

(8) Nothing in this Division requires a person to disclose in a primary return or an ordinary return lodged under this section the interest of a spouse, de facto partner or relative of the person.

**SCHEDULE 13—AMENDMENT OF MISCELLANEOUS ACTS
(CHILDREN'S COURT AND CRIMINAL PROCEEDINGS)
AMENDMENT ACT 1987 No. 273**

(Sec. 3)

Section 2 (Commencement)—

Section 2 (4)—

Omit the subsection, insert instead:

(4) Item (2) of the provisions of Schedule 1 relating to the Bail Act 1978, and section 3 in its application to that item, commence on a day to be appointed by proclamation.

**SCHEDULE 14—AMENDMENT OF MOTOR DEALERS ACT 1974
No. 52**

(Sec. 3)

Section 4 (Interpretation)—

Section 4 (1)—

After the definition of "trading day", insert:

"trailer" includes a caravan;

**SCHEDULE 15—AMENDMENT OF MOTOR TRAFFIC ACT 1909
No. 5**

(Sec. 3)

Section 2 (Definitions)—

Section 2 (1)—

After the definition of "Traffic Authority", insert:

"trailer" includes a caravan.

*Statute Law (Miscellaneous Provisions) (No. 2) 1988***SCHEDULE 16—AMENDMENT OF PIPELINES ACT 1967 No. 90**

(Sec. 3)

Section 50A—

After section 50, insert:

Pipeline searches

50A. (1) A person may apply to the Director for information concerning any application made or granted for a permit or licence in respect of land specified in the application.

(2) An application under this section shall—

- (a) be in a form approved by the Director; and
- (b) be accompanied by the prescribed fee.

(3) In this section—

“Director” means the Director of the Department of Energy.

SCHEDULE 17—AMENDMENT OF PREVENTION OF CRUELTY TO ANIMALS ACT 1979 No. 200

(Sec. 3)

(1) Section 7 (Carriage and conveyance of animals)—

Section 7 (3), definition of “multi-deck vehicle”—

Omit “vertically”.

(2) Section 17—

Omit the section, insert instead:

Certain spurs etc. or implements designed for fighting not to be kept

17. A person shall not have in his or her possession or custody—

- (a) any spur, or any other similar appliance, which has sharpened rowels; or
- (b) any article, implement or other thing made or adapted, or intended by the person to be used, for attachment to an animal for the purpose of—
 - (i) training the animal to fight another animal; or
 - (ii) increasing the ability of the animal to inflict injury on another animal during fighting.

Penalty: \$2,000 or imprisonment for 6 months, or both.

SCHEDULE 18—AMENDMENT OF PUBLIC FINANCE AND AUDIT ACT 1983 No. 152

(Sec. 3)

Section 13A (Working accounts)—**Section 13A (2)—**

Omit “An”, insert instead “Despite the provisions of any other Act, an”.

SCHEDULE 19—AMENDMENT OF SENATORS’ ELECTIONS ACT 1903 No. 9

(Sec. 3)

(1) Section 4D (Date of return of writ)—

Omit “90”, insert instead “100”.

(2) Section 9 (Power to extend time and make provision to meet difficulties)—**(a) Section 9 (1)—**

Omit “but subject to subsection (2), within twenty days”.

(b) Section 9 (2)—

Omit the subsection.

SCHEDULE 20—AMENDMENT OF STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975 (1976 No. 4)

(Sec. 3)

Schedule 3 (Public Offices)—

At the end of Part 2 of Schedule 3, insert:

President of the Guardianship Board.

Deputy President of the Guardianship Board.

SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL BREEDING) ACT 1985 No. 196

(Sec. 3)

(1) Section 12 (Requirement for certificates of competency)—**Section 12 (2)—**

At the end of section 12, insert:

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL BREEDING) ACT 1985 No. 196—*continued*

(2) A person does not contravene subsection (1) if the person carries out an artificial breeding procedure—

- (a) at licensed premises as an employee of the holder of the licence; or
- (b) under the immediate and direct supervision of the holder of a certificate of competency authorising the holder to carry out the procedure or of a veterinary surgeon.

(2) **Section 26 (Importation from other countries)—**

Section 26 (c)—

After “would”, insert “not”.

(3) **Section 29 (Offences relating to semen and ova)—**

(a) Section 29 (a)—

After “use”, insert “, or cause or permit to be used,”.

(b) Section 29 (b)—

After “sell”, insert “or cause or permit to be sold”.

(c) Section 29 (d)—

Renumber paragraph (d) as paragraph (f).

(d) Section 29 (c)–(e)—

Omit section 29 (c), insert instead:

- (c) that the semen has, or the ova have, been introduced into the State in contravention of this Act; or
- (d) that the semen has, or the ova have, been processed, handled or stored in contravention of this Act or the regulations; or
- (e) that the semen has been collected in the State from stock on unlicensed premises; or

SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL RESIDUES) ACT 1975 No. 26

(Sec. 3)

Section 7 (Temporary notice for detention of residue affected stock)—

Section 7 (1A), (1B)—

After section 7 (1), insert:

**SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL RESIDUES)
ACT 1975 No. 26—continued**

(1A) An inspector may, with the approval of the Chief, Division of Animal Health, extend the period of a detention notice under subsection (1) for a further period (not exceeding 40 days) specified in a further notice in writing given to the person who owns or is in charge of the stock to which the detention notice relates.

(1B) The power conferred on an inspector by subsection (1A) may not be exercised more than twice in respect of any detention notice.

**SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923
No. 34**

(Sec. 3)

(1) Section 6 (**Inspectors**)—

(a) Section 6 (4)—

After “Agriculture”, insert “or in some other capacity”.

(b) Section 6 (4)—

After “employee” where lastly occurring, insert “or to be employed in that other capacity”.

(c) Section 6 (4A)—

After section 6 (4), insert:

(4A) Despite subsection (4), a person who—

(a) was appointed as an inspector or authorised to perform any duties, or exercise any powers, of an inspector by an authorisation revoked by that subsection; and

(b) is subsequently employed in a capacity in which the person is required by the Director-General to perform the duties, or exercise the powers, of an inspector,

may, while the person is employed in that capacity, perform those duties and exercise those powers as if the former appointment or authorisation were still in force.

(2) Section 8 (**Further powers of inspectors**)—

Section 8 (3), (4)—

After section 8 (2), insert:

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923 No.
34—*continued*

(3) An inspector may, with the approval of the Chief of the Division of Animal Health, extend the period for which land is declared to be a quarantine area under subsection (1) (c) for a further period (not exceeding 40 days) specified in a further notice in writing given to the owner or occupier of the land.

(4) The power conferred on an inspector by subsection (3) may not be exercised more than once in respect of any declaration.

(3) Section 19A (**Identification of certain cattle, swine and other stock**)—

Section 19A (1) (a)—

Omit “of or above the age of 3 months”.

(4) Section 19C (**Identification of stock**)—

(a) Section 19C (2)—

After “attach”, insert “or cause or permit to be attached”.

(b) Section 19C (2) (c)—

After “other particulars”, insert “except such other particulars as may be prescribed for the purposes of this paragraph”.

(c) Section 19C (2A)—

After “brand” where firstly occurring, insert “or cause or permit to be branded”.

(5) Section 19G (**Records to be kept of untagged stock**)—

Omit “14 days”, insert instead “24 hours”.

(6) Section 20 (**Offences**)—

Section 20 (1) (j1)—

Omit “fourteen”, insert instead “28”.

SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45
Vic. No. 12)

(Sec. 3)

(1) Section 14 (**Regulations for registry**)—

Section 14 (1)—

Omit “printed”.

SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45
Vic. No. 12)—*continued*

(2) Section 17—

Omit the section, insert instead:

Registered office of trade unions

17. (1) A trade union registered under this Act shall have a registered office to which all communications and notices may be addressed.

(2) If a trade union under this Act is in operation for 7 days without having such an office, the trade union and each of its officers is guilty of an offence and liable to a penalty not exceeding \$10 for every day during which it is so in operation.

(3) Notice of the address of the registered office and of any change in that address shall be given to and recorded by the registrar and until notice is given the trade union shall not be regarded as complying with the provisions of this Act.

SCHEDULE 25—AMENDMENT OF WOOL, HIDE AND SKIN
DEALERS ACT 1935 No. 40

(Sec. 3)

Section 5 (**Procedure**)—

(1) Section 5 (1A)—

After section 5 (1), insert:

(1A) An application for the issue, renewal, variation or transfer of a licence shall be accompanied by the prescribed fee.

(2) Section 5 (8)—

Omit the subsection.

SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION

(Sec. 3)

Co-operation Act 1923 (1924 No. 1)—(1) Section 80R (**Order of Minister against forfeiture**)—

Section 80R (1)—

Omit "this section", insert instead "this Division".

(2) Section 80U (**Forfeiture prohibited in certain circumstances**)—

Omit "this section", insert instead "this Division".

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

Crimes Act 1900 No. 40—

Section 407 (**Competency of parties and accused persons and their husbands and wives to give evidence**)—

Omit “sections 27, 41, 42, 54, 60, 114, or 118 of the Child Welfare Act 1923, or any Act amending or replacing the said provisions”, insert instead “section 25, 26, 50, 51 or 52 of the Children (Care and Protection) Act 1987”.

National Parks and Wildlife Act 1974 No. 80—

Section 176 (**Proceedings for offences**)—

Section 176 (1A)—

Omit “or the by-laws”.

Permanent Building Societies Act 1967 No. 18—

Section 46E (**Consideration of matter by Takeover Review Committee**)—

Section 46E (6)—

Omit “effected”, insert instead “affected”.

Police Regulation Act 1899 No. 20—

Section 13 (**Employer of members of police force for certain purposes**)—

(1) Section 13 (1)—

Omit the definition of “Board”, insert instead:

“Authority” means the Public Employment Industrial Relations Authority;

(2) Section 13 (2), (3), (5), (8)—

Omit “Board” wherever occurring, insert instead “Authority”.

Prisoners (Interstate Transfer) Act 1982 No. 104—

(1) Section 5 (**Definitions**)—

(a) Section 5 (1), definition of “court of petty sessions”—

Omit the definition.

(b) Section 5 (1)—

After the definition of “justice”, insert:

“Local Court” means a Local Court constituted by a Magistrate sitting alone.

(2) Sections 14 (1), 15, 16 (1), (4), 34—

Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.

(3) Sections 15 (1) (b), 34—

Omit “the court”, insert instead “the Local Court”.

Real Property Act 1900 No. 25—

(1) Sections 13F, 28A (definition of “Registered deed”), 28GA, 28J (2) and 39A—

Omit “the Registration of Deeds Act, 1897” wherever occurring, insert instead “Division 1 of Part 23 of the Conveyancing Act 1919”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1988*SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

(2) Sections 13F (a), 39A (1) (b) and (7)—

Omit “the Conveyancing Act 1919” wherever occurring, insert instead “that Act”.

(3) Sections 28A (definition of “Subsisting interest”), 28J (3) and 43A (3)—

Omit “the Registration of Deeds Act, 1897,” insert instead “Division 1 of Part 23 of the Conveyancing Act 1919”.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 No. 218—

Section 2 (Commencement)—

Section 2 (4)—

Omit “. 40, 44 (3) and 45”, insert instead “and 40”.

Suitors’ Fund (Amendment) Act 1987 No. 249—

Schedule 1 (Amendments)—

Schedule 1 (6) (a)—

Before “, insert “, insert “where firstly occurring”.

Supreme Court Act 1970 No. 52—

Section 124 (Rule-making power)—

Section 124 (9)—

Omit “section 6 or section 12A of the Legal Practitioners Act 1898”, insert instead “section 7 or 14 of the Legal Profession Act 1987”.

Teaching Services Act 1980 No. 23—

Section 28 (Exercise of Secretary’s functions in relation to industrial disputes)—

Omit “it” wherever occurring, insert instead “the Secretary”.

Trustee Companies Act 1964 No. 6—

Third Schedule, First Part—

Omit “The Union-Fidelity Trustee Company of Australia Limited”, insert instead “Trust Company of Australia Limited”.

University and University Colleges Act 1900 No. 22—

Section 15 (By-laws)—

Section 15 (3) (c)—

Omit the paragraph, insert instead:

(c) shall not be taken to be a statutory rule within the meaning of the Interpretation Act 1987.

Valuation of Land Act 1916 No. 2—

(1) Section 58 (Allowances for profitable expenditure—land)—

Section 58 (2) (e) (iii)—

Omit “a proclamation made under section 309 (1) of the Local Government Act, 1919, or”.

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

- (2) **Section 58D (Rating base factors—generally)—**
 (a) Section 58D (1), definition of “mine”—
 Omit “section 153 (1) (a) or (1A) (a)”, insert instead “section 153 (1A) (a)”.
 (b) Section 58D (6)—
 Omit “section 153 (1) (b) or (c) or”.
- (3) **Section 70A (Definitions)—**
 Section 70A, definition of “planning instrument”—
 Omit paragraph (a) of the definition.

Water Act 1912 No. 44—

- Section 20B (**Authority**)—
 Section 20B (2)—
 Omit “exceeds”, insert instead “does not exceed”.

Wild Dog Destruction Act 1921 No. 17—

- Section 3A (**The Wild Dog Destruction Board**)—
 Section 3A (5) (e)—
 Omit “Western Division Council of the Livestock and Grain Producers’ Association of New South Wales”, insert instead “New South Wales Farmers’ Association Western Division Council”.

SCHEDULE 27—REPEALS

(Sec. 4)

Statutory Salaries Adjustment Act 1953 No. 15
 Second-hand Motor Dealers Act 1956 No. 5
 Matraville Oil Refinery Act 1980 No. 57*
 Jury (Amendment) Act 1981 No. 34
 Government Railways (Amendment) Act 1983 No. 122
 Bills of Sale (Amendment) Act 1984 No. 23
 Physiotherapists Registration (Amendment) Act 1984 No. 44
 Occupational Health and Safety (Amendment) Act 1984 No. 138
 Physiotherapists Registration (Amendment) Act 1985 No. 25
 Land Commission (Housing) Amendment Act 1985 No. 165
 Pay-roll Tax (Administration) Amendment Act 1985 No. 224
 Bills of Sale (Amendment) Act 1986 No. 38
 Credit (Regulated Mortgages) Amendment Act 1986 No. 40
 General Traffic (Shared Traffic Zones) Amendment Act 1987 No. 7
 Credit (Consumer Claims Tribunals) Amendment Act 1987 No. 207
 Pay-roll Tax (Amendment) Act 1987 No. 230
 Children’s Court (Amendment) Act 1987 No. 268
 Co-operation (Further Amendment) Act 1987 No. 118

*Statute Law (Miscellaneous Provisions) (No. 2) 1988*SCHEDULE 27—REPEALS—*continued*

Government Railways (Railway Safety) Amendment Act 1987 No. 295

NOTE:

* indicates repeal of uncommenced Act

SCHEDULE 28—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 26 to an amending provision (as defined by the Reprints Act 1972) contained in an Act shall, if the amending provision has commenced before the date of assent to this Act, be taken to have taken effect as from the commencement of the amending provision.

Effect of amendment or repeal on acts done or decisions made

2. Except where it is expressly provided to the contrary, where this Act—

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

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.

Repeal consequent on amendment of Fertilizers Act 1985

3. Clause 4 (2) of, and Form 2 in Schedule 1 to, the Fertilizers Regulation 1985 are, on the commencement of Schedule 8, repealed.

Regulations

4. (1) The Governor may make regulations containing other 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 in the Gazette, 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.

NOTE

Alphabetical list of Acts repealed by Schedule 27

Bills of Sale (Amendment) Act 1984 No. 23

Bills of Sale (Amendment) Act 1986 No. 38

Children's Court (Amendment) Act 1987 No. 268

Statute Law (Miscellaneous Provisions) (No. 2) 1988

NOTE—*continued*

Co-operation (Further Amendment) Act 1987 No. 118
Credit (Consumer Claims Tribunals) Amendment Act 1987 No. 207
Credit (Regulated Mortgages) Amendment Act 1986 No. 40
General Traffic (Shared Traffic Zones) Amendment Act 1987 No. 7
Government Railways (Amendment) Act 1983 No. 122
Government Railways (Railway Safety) Amendment Act 1987 No. 295
Jury (Amendment) Act 1981 No. 34
Land Commission (Housing) Amendment Act 1985 No. 165
Matraville Oil Refinery Act 1980 No. 57
Occupational Health and Safety (Amendment) Act 1984 No. 138
Pay-roll Tax (Administration) Amendment Act 1985 No. 224
Pay-roll Tax (Amendment) Act 1987 No. 230
Physiotherapists Registration (Amendment) Act 1984 No. 44
Physiotherapists Registration (Amendment) Act 1985 No. 25
Second-hand Motor Dealers Act 1956 No. 5
Statutory Salaries Adjustment Act 1953 No. 15

[*Minister's second reading speech made in—
Legislative Assembly on 21 September 1988
Legislative Council on 15 November 1988*]
