

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
1990 No. 46**

NEW SOUTH WALES



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**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
1990 No. 46**

NEW SOUTH WALES



**Act No. 46,1990**

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 22 June 1990]

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

**Short title**

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act 1990.

**Commencement**

2. This Act commences on the date of assent, except as provided in Schedules 1, 2 and 4

**Amendments**

3. Each Act specified in Schedules 1 and 2 is amended as set out in those Schedules.

**Repeals**

4. Each Act specified in Schedule 3 is repealed.

**General savings, transitional and other provisions**

5. Schedule 4 has effect.

**Explanatory notes**

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

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SCHEDULE 1—MINOR AMENDMENTS

(Sec. 3)

**AREA HEALTH SERVICES ACT 1986 No. 50**

**Amendments**

Schedule 4 (**Provisions relating to the members and procedure of area health boards**):

- (a) Clause 3 (**Age of members**):  
Omit clause 3 (2).
- (b) Clause 9 (1) (j) (ii):  
Omit the subparagraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person from being eligible to be appointed as, or from continuing to hold office as, an appointed member of an area health board if the person is of or above the age of 70 years.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**BANKS AND BANK HOLIDAYS ACT 1912 No. 43**

**Amendment**

**Section 15A (Saturdays to be bank holidays):**

From section 15A (4), omit "ascribed thereto by section 5 of the Banking Act 1959 of the Parliament of the Commonwealth", insert instead "given to that expression by the definition of "savings bank" in section 5 (1) of the Banking Act 1959 of the Commonwealth (as in force immediately before its repeal)".

**Commencement**

The amendment to the Banks and Bank Holidays Act 1912 is to be taken to have commenced on 28 December 1989 (the day appointed by proclamation for the commencement of section 4 of the Banking Legislation Amendment Act 1989 of the Commonwealth).

**Explanatory note**

Section 15A (4) enables agencies of savings banks to open on Saturday mornings and defines savings banks by reference to the definition of "savings bank" in section 5 of the Banking Act 1959 of the Commonwealth. Section 4 of the Banking Legislation Amendment Act 1989 of the Commonwealth removed the definition of "savings bank" from section 5 of the Banking Act 1959 of the Commonwealth.

The proposed amendment amends the definition of "savings bank" in section 15A (4) so as to preserve the effect of the subsection.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**BICENTENNIAL PARK TRUST ACT 1987 No. 29**

**Amendments**

Schedule 2 (**Provisions relating to the trustees**):

- (a) Clause 1 (**Age of trustee**):  
Omit the clause.
- (b) Clause 7 (1) (f):  
At the end of the paragraph, insert “or”.
- (c) Clause 7 (1) (g):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a trustee of the Bicentennial Park Trust.

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**C. B. ALEXANDER FOUNDATION INCORPORATION  
ACT 1969 No. 61**

**Amendments**

Section 3 (**Constitution of Foundation**):

- (a) Omit section 3 (5).
- (b) After "appointed;" in section 3 (10) (g), insert "or".
- (c) From section 3 (10) (h), omit "officer; or", insert instead "officer."
- (d) Omit section 3 (10) (i).

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 65 years from being eligible to be appointed as, or from continuing to hold office as, a member of the C. B. Alexander Foundation.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CENTENARY INSTITUTE OF CANCER MEDICINE AND CELL  
BIOLOGY ACT 1985 No. 192**

**Amendments**

Schedule 1 (**Provisions relating to the governors**):

(a) Clause 1 (**Age of governors**):

Omit the clause.

(b) Clause 6 (1) (f):

After "Minister," insert "or".

(c) Clause 6 (1) (g):

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a governor of the Centenary Institute Board.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CENTENNIAL PARK TRUST ACT 1983 No. 145**

**Amendments**

**(1) Section 22 (Regulations):**

From section 22 (3), omit "\$200", insert instead "10 penalty units".

**(2) Schedule 1 (Provisions relating to trustees and procedure of the Trust):**

**(a) Clause 1 (Certain persons ineligible for appointment):**

Omit clause 1 (a).

**(b) Clause 7 (e):**

At the end of the paragraph, insert "or".

**(c) Clause 7 (f):**

Omit "Governor; or", insert instead "Governor".

**(d) Clause 7 (g):**

Omit the paragraph.

**Explanatory note**

The proposed amendment to section 22 increases from \$200 to 10 penalty units (currently \$1,000) the maximum penalty which may be imposed for breach of a regulation made under the Act (item (1)).

The proposed amendments to Schedule 1 remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a trustee of the Centennial Park Trust (item (2)).

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CHILDREN (CRIMINAL PROCEEDINGS) ACT 1987 No. 55**

**Amendments**

Section 3 (**Definitions**):

- (a) After "life" in paragraph (b) of the definition of "serious indictable offence" in section 3 (1), insert "or for 25 years".
- (b) Omit paragraphs (c) and (d) of the definition of "serious indictable offence" in section 3 (1), insert instead:
  - (c) an offence arising under section 61J (otherwise than in circumstances referred to in subsection (2) (d) of that section) or 61K of the Crimes Act 1900 (or under section 61B of that Act before the commencement of Schedule 1 (2) to the Crimes (Amendment) Act 1989);
  - (d) the offence of attempting to commit an offence arising under section 61J (otherwise than in circumstances referred to in subsection (2) (d) of that section) or 61K of the Crimes Act 1900 (or under section 61B of that Act before the commencement of Schedule 1 (2) to the Crimes (Amendment) Act 1989); or

**Commencement**

Paragraph (b) of the amendments to the Children (Criminal Proceedings) Act 1987 commences or is to be taken to have commenced on the commencement of Schedule 1 (2) and (3) to the Crimes (Amendment) Act 1989.

**Explanatory note**

The proposed amendments to section 3 are consequential on the enactment of the Crimes (Life Sentences) Amendment Act 1989 and the Crimes (Amendment) Act 1989.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CHIROPRACTIC ACT 1978 No. 132**

**Amendments**

- (1) Section 5 (**Constitution of Board**):  
Omit section 5 (5).
  
- (2) Section 8 (**Vacation of office**):
  - (a) After "member;" in section 8 (1) (g), insert "or".
  - (b) Omit "Governor; or" from section 8 (1) (h), insert instead "Governor."
  - (c) Omit section 8 (1) (i).
  
- (3) Section 19 (**Complaints against persons registered under this Act**):
  - (a) From section 19 (2), omit "be" where firstly occurring.
  - (b) Before "in" in section 19 (2) (a), insert "be".
  - (c) Before "accompanied" in section 19 (2) (c), insert "be".

**Explanatory note**

The proposed amendments to sections 5 and 8 remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Chiropractors Registration Board (items (1) and (2)).

The proposed amendments to section 19 correct a grammatical error consisting of the misplacement of a word (item (3)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CLEAN WATERS ACT 1970 No. 78**

**Amendment**

Section 10 (**Provisions applicable to the Committee**):

Omit section 10 (6).

**Explanatory note**

The proposed amendment removes the restriction that prevents a person from continuing to hold office as a member of the Clean Waters Advisory Committee when the person reaches the age of 70 years.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION)  
ACT 1941 No. 45**

**Amendments**

**(1) Section 14FA (Lump sum benefit payment for total and permanent incapacity: from 3 July 1988):**

- (a) From section 14FA (1) (c), omit "subsection (3); and", insert instead "subsection (3),".
- (b) Omit section 14FA (1) (d).
- (c) Omit section 14FA (2) (b), insert instead:
  - (b) in any other case - an amount equal to:
    - (i) the amount to which he or she would have been entitled under section 14FB (2) had he or she qualified for a benefit under that section; or
    - (ii) a percentage of the amount referred to in paragraph (a), being 10 per cent of that amount, together with a further 10 per cent for each completed year of his or her engagement in the coal or oil shale mining industries before the date of his or her disability, to a maximum of 100 per cent, whichever is the greater.

**(2) Section 14FB (Lump sum benefit payment for partial and permanent incapacity: from 3 July 1988):**

- (a) From section 14FB (1) (c), omit "subsection (3); and", insert instead "subsection (3),".
- (b) Omit section 14FB (1) (d).

**Explanatory note**

Sections 14AA, 14FA and 14FB of the Act currently make provision for payment of certain lump sums to mine workers from 3 July 1988.

Section 14AA removes the service requirement of 10 years continuous contributory service as a prerequisite to payment of a lump

SCHEDULE 1—MINOR AMENDMENTS—*continued*

sum benefit on retirement at the age of 60 years. Section 14FA provides for the payment of lump sum benefits to mine workers who become totally and permanently incapacitated. Section 14FB provides for the payment of a lump sum benefit to mine workers who become partially and permanently incapacitated.

Sections 14FA (1) (d) and 14FB (1) (d) operate to disqualify a mine worker from entitlement to a lump sum benefit payment under the sections if the worker has not had the 10 years' service required to qualify for a retirement benefit under section 14A of the Act. This can lead to an anomaly in those instances where the worker is later able (by the application of section 3A of the Act which enables a person who is no longer employed as a mine worker to continue in the superannuation scheme until retirement) to obtain a higher benefit under section 14AA than would have been applicable under section 14FA or 14FB.

The proposed amendments to section 14FA (1) and 14FB (1) will repeal sections 14FA (1) (d) and 14FB (1) (d) to remove this anomaly (items (1) (a) and (b) and (2)).

The proposed amendment to section 14FA (2) ensures that in those cases where a totally incapacitated worker would be entitled to a smaller benefit than a partially incapacitated worker who is in a similar position, the benefit is increased to be equal to that payable to such a partially incapacitated worker (item (1) (c)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**COMMONS MANAGEMENT ACT 1989 No. 13**

**Amendment**

Schedule 2 (**Provisions relating to the members of a trust board**):

From clause 1 (Age of members of trust boards), omit "or who has reached 70 years of age".

**Explanatory note**

The proposed amendment removes the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as a member of a trust board (being a board that manages the affairs of a trust established in respect of a common under the Commons Management Act 1989).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**COMPENSATION COURT ACT 1984 No. 89**

**Amendment**

Section 39A:

After section 39, insert:

**Compensation Court Working Account**

39A. (1) The Treasurer is to establish in the Special Deposits Account a Compensation Court Working Account.

(2) The working account is established for the purpose of meeting the costs of operation of the Compensation court,

(3) The amount provided from the WorkCover Authority Fund under section 19 (2) (c) of the WorkCover Administration Act 1989 is to be paid into the Compensation Court Working Account.

(4) The Secretary of the Attorney General's Department has the control and management of the Compensation Court Working Account.

**Commencement**

The amendment to the Compensation Court Act 1984 commences on a day to be appointed by proclamation.

**Explanatory note**

Under section 19 (2) of the WorkCover Administration Act 1989 the costs of operation of the Compensation Court (including the remuneration of Judges and staff of the Compensation Court and court accommodation) are paid from the WorkCover Authority Fund. Under the Compensation Court Act 1984 the Attorney General estimates annually the amount required for the costs of operation of the Compensation Court. The proposed amendment will facilitate the administration of the Court by providing that the amount is to be paid into a working account established in the Special Deposits Account and administered by the Attorney General's Department.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CO-OPERATION ACT 1923 (1924 No. 1)**

**Amendment**

Section 84 (**Board of directors**):

Omit section 84 (11A).

**Explanatory note**

The proposed amendment removes the restriction that prevents a person who is of or above the age of 72 years from being eligible to be appointed as, or from continuing to hold office as, a director of a society registered under the Co-operation Act 1923.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CREDIT UNION ACT 1969 No. 8**

**Amendments**

(1) Section 53 (**Age limit for directors**):

Omit the section.

(2) Section 54 (**Election of directors**):

From section 54 (3), omit “, but, notwithstanding the passing of such a resolution, no such motion shall be made if one of the directors to whom the motion would relate is a director required to be appointed in accordance with section 53 (6)”.

(3) Section 69AG (**Credit Union Appeals Tribunal**):

Omit "stipendiary magistrate nominated by the Attorney General", insert instead "Magistrate nominated by the Chief Magistrate".

(4) Schedule 2 (**The Savings Reserve Board**):

From Part   omit clauses 8 and 9.

**Explanatory note**

The proposed amendments to sections 53 and 54 and Schedule 2 remove the restriction that prevents a person who is of or above the age of 72 years from being eligible to be appointed as, or from continuing to hold office as, a director of a credit union or of an association registered under the Credit Union Act 1969 or as a member of the Savings Reserve Board (items (1), (2) and (4)).

The proposed amendment to section 69AG enables the Chief Magistrate (rather than the Attorney General) to nominate a Magistrate to comprise the Credit Union Appeals Tribunal (item (3)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**CROWN LANDS ACT 1989 No. 6**

**Amendments**

- (1) Schedule 1 (**Members of local land boards**):
  - (a) Clause 1 (**Age of members**):  
Omit the clause.
  - (b) Clause 4 (1) (f):  
After "Minister;", insert "or".
  - (c) Clause 4 (1) (g):  
Omit the paragraph.
  
- (2) Schedule 3 (**Provisions relating to the members of a trust board**):
  - (a) Clause 1 (**Age of member**):  
Omit the clause.
  - (b) Clause 6 (1) (e):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of a local land board or a member of a trust board (being a board that manages the affairs of a reserve trust).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**DAMS SAFETY ACT 1978 No. 96**

**Amendments**

**Schedule 2 (Provisions relating to the constitution and procedure of the Committee):**

- (a) Clause 1 (**Age of member**):  
Omit the clause.
- (b) Clause 7 (1) (g):  
After "office;", insert "or".
- (c) Clause 7 (1) (h):  
Omit "Minister; or", insert instead "Minister."
- (d) Clause 7 (1) (i):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Dams Safety Committee.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**DENTAL TECHNICIANS REGISTRATION ACT 1975 No. 40**

**Amendments**

(1) Section 6 (**Constitution of Dental Technicians Registration Board**):

Omit section 6 (5).

(2) Section 7 (**Vacation of office**):

(a) After "member;" in section 7 (1) (g), insert "or".

(b) Omit "Governor; or" from section 7 (1) (h), insert instead "Governor".

(c) Omit section 7 (1) (i).

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Dental Technicians Registration Board.

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**DISTRICT COURT ACT 1973 No. 9**

**Amendment**

Section 69A(**Power of Court to appoint expert witness**):

Omit the section.

**Explanatory note**

The proposed amendment repeals a redundant provision. Section 69A enables the District Court to make orders appointing expert witnesses, but because such an order has no effect unless consented to by all the parties or approved by the Attorney General the section is not used. The District Court Rule Committee may, if necessary, make rules prescribing matters relating to expert evidence under section 161 (2) (p) of the Act.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**DOG ACT 1966 No. 2**

**Amendment**

**Section 9C (Greyhounds in or on roads):**

From section 9C (1), omit "made with the prior approval of the Minister and".

**Explanatory note**

Section 9C presently enables a council, with the prior approval of the Minister, to declare by order published in a newspaper that the leading or exercising of greyhounds on certain roads is prohibited. The proposed amendment will enable a council to exercise that power without the prior approval of the Minister.

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**DRUG OFFENSIVE ACT 1987 No. 119**

**Amendments**

**Schedule 2 (Provisions relating to the members of the Council):**

(a) **Clause 1 (Age of members):**

Omit the clause.

(b) **Clause 7 (1) (f):**

After "Minister;", insert "or".

(c) **Clause 7 (1) (g):**

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the New South Wales Drug Offensive Council.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**  
**No. 203**

**Amendment**

**Section 99 (Lapsing of consent):**

In section 99 (1) (a) (i), after "section 93", insert "or 101 (9)".

**Explanatory note**

Section 99 provides for a development consent to lapse (in certain circumstances) after 2 years from the date the consent becomes effective under section 93 of the Act. Section 93 deals only with development consents granted by councils. However development consent may also be granted by the Minister under section 101 of the Act. The proposed amendment provides for the lapsing of a consent granted by the Minister by including a reference in section 99 to the date that a development consent granted by the Minister becomes effective under section 101 (9) of the Act.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**EXHIBITED ANIMALS PROTECTION ACT 1986 No. 123**

**Amendments**

Schedule 1 (**Provisions relating to the members of the Advisory Committee**):

(a) Clause 1 (**Age of members**):

Omit the clause.

(b) Clause 6 (1) (f):

At the end of the paragraph, insert "or".

(c) Clause 6 (1) (g):

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Exhibited Animals Advisory Committee.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**FACTORIES, SHOPS AND INDUSTRIES ACT 1962 No. 43**

**Amendment**

Section 20 (**Sanitary conveniences**):

After "factories" in section 20 (1), insert "where no more than 5 persons are employed or".

**Explanatory note**

At present under the Factories, Shops and Industries Act 1842, separate toilet facilities for persons of each sex must be provided for persons employed in a factory. The proposed amendment provides that separate toilet facilities need not be provided in the case of factories where no more than 5 persons are employed.

The amended provision (section 20 (1)) will read as follows:

(1) Sufficient and suitable sanitary conveniences for the persons employed in a factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where no more than 5 persons are employed or where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

(Matter to be inserted is shown in bold type.)

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**FISHERIES AND OYSTER FARMS ACT 1935 No. 58**

**Amendments**

**Section 41A (Fish Marketing Authority):**

- (a) After "Minister," in section 41 A (9) (f), insert "or".
- (b) Omit "fisherman; or" from section 41 A (9) (g), insert instead "fisherman."
- (c) Omit section 41A (9) (h) and (11).

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Fish Marketing Authority.

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**FRIENDLY SOCIETIES ACT 1989 No. 232**

**Amendment**

**Section 29 (Age of directors):**

Omit section 29 (1)–(3)

**Explanatory note**

The proposed amendment removes the restriction that prevents a person who is of or above the age of 72 years from being eligible to be appointed as, or from continuing to hold office as, a director of a friendly society constituted under the Friendly Societies Act 1989.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**GARVAN INSTITUTE OF MEDICAL RESEARCH ACT 1984  
No. 106**

**Amendments**

Schedule 1 (**Provisions relating to the directors**):

- (a) Clause 2 (2):  
Omit the subclause.
- (b) Clause 7 (1) (f):  
After "Minister;", insert "or".
- (c) Clause 7 (1) (g):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a director of the Garvan Institute Board.

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**GEOGRAPHICAL NAMES ACT 1966 No. 13**

**Amendment**

- Section 3 (**Geographical Names Board**):  
Omit section 3 (7).

**Explanatory note**

The proposed amendment removes the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Geographical Names Board.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**HIGHER EDUCATION ACT 1988 No. 12**

**Amendments**

(1) Section 3:

From section 3 (1), omit "Secretary", insert instead "Executive Director".

(2) Section 4A:

After section 4, insert:

**Annual reports by private institutions providing advanced education courses**

4A. (1) An institution that provides an advanced education course approved under this Act is required to provide the Minister with an annual report relating to the provision of the course for presentation to Parliament.

(2) Any such report is to be provided:

(a) as soon as practicable after 1 January (but on or before 30 June) in each year; and

(b) in such manner as the Minister directs.

(3) If an institution fails to comply with this section the approval of the advanced education course in relation to the institution may be revoked under this Act.

(4) This section does not apply to an institution which is required to report under the Annual Reports (Statutory Bodies) Act 1984 or the Annual Reports (Departments) Act 1985.

**Commencement**

Item (2) of the amendments to the Higher Education Act 1988 commences or is to be taken to have commenced on the day appointed by proclamation under section 2 (2) of the Miscellaneous Acts (Higher Education) Repeal and Amendment Act 1989 for the commencement of section 3 of and Schedule 1 to that Act.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Explanatory note**

The proposed amendment to section 3 updates a reference to the Secretary of the Ministry of Education and Youth Affairs (known since 2 March 1990 as the Executive Director of the Ministry of Education and Youth Affairs) (item (1)).

At present, section 21 of the Colleges of Advanced Education Act 1975 requires institutions (other than institutions to which the Annual Reports (Statutory Bodies) Act 1984 applies) that provide advanced education courses to report annually to the Minister on their work and activities. Although the Colleges of Advanced Education Act 1975 is to be repealed, the annual reporting requirement is still necessary in relation to private institutions that provide courses of study which are approved as advanced education courses under the Higher Education Act 1988. Proposed section 4A continues the present requirement that private institutions must report annually to the Minister in relation to approved advanced education courses (item (2)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**HUNTER WATER BOARD ACT 1988 No. 119**

**Amendments**

**(1) Section 41 (Certificate as to amount due):**

After section 41 (1), insert:

(1A) Regulations may be made for or with respect to:

- (a) authorising the Board to make arrangements with another person for access by the other person to the information on which the Board would base a certificate under subsection (1); and
- (b) the preparation, authentication and issue by or on behalf of the person of such a certificate; and
- (c) the fees to be paid by the person to the Board.

(1B) A certificate authenticated and issued in accordance with regulations made for the purposes of subsection (1A) is to be taken to be a certificate applied for under subsection (1) and issued by the Board.

**(2) Schedule 1 (Provisions relating to the members of the Board):**

From clause 8 (1) (c), omit "for which he or she is an elected member".

**(3) Schedule 5 (Provisions relating to the members of the Forum):**

**(a) Clause 2 (Age of members of the Forum):**

Omit the clause.

**(b) Clause 6 (1) (i):**

Omit the paragraph.

**Explanatory note**

The proposed amendment to section 41 of the Act enables regulations to be made facilitating the issuing of certificates by the Hunter Water Board as to any amounts payable to the Board in respect of a parcel of separately assessed land. Such regulations may authorise the Board to arrange for persons to have access (by, for

SCHEDULE 1—MINOR AMENDMENTS—*continued*

example, electronic means) to relevant information and for the issuing and authentication of certificates under such an arrangement. The same amendment was made in respect of the Water Board Act 1987 by the Statute Law (Miscellaneous Provisions) Act (No. 3) 1989 (item (1)).

The proposed amendment to Schedule 1 omits superfluous words (item (2)).

The proposed amendments to Schedule 5 remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Hunter Water Board Consultative Forum (item (3)).

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**INSTITUTE OF RURAL STUDIES ACT 1973 No. 54**

**Amendments**

**(1) Section 6 (Provisions relating to members generally):**

Omit section 6 (5).

**(2) Section 7 (Casual vacancy):**

(a) After "appointed;" in section 7 (1) (g), insert "or".

(b) Omit section 7 (1) (h).

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 65 years from being eligible to be appointed as, or from continuing to hold office as, a member of the New South Wales Institute of Rural Studies.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**JUSTICES ACT 1902 No. 27**

**Amendments**

- (1) Section 80AA (**Absent defendant not to be imprisoned**):  
After "may" in section 80AA (2), insert ", at the time of convicting the defendant or at a later time,".
- (2) Section 100K (**Authorised Justices**):
- (a) From section 100K (1), omit "a prescribed", insert instead "an".
- (b) From section 100K (3), omit "prescribed".

**Explanatory note**

The proposed amendment to section 80AA makes it clear that Justices may, in respect of the conviction of a defendant who is not present, issue a warrant after the conviction for the apprehension of the defendant for the purposes of sentencing (item (1)). The amended provision (section 80AA (2)) will read as follows:

- (2) Where a Justice or Justices convicts or convict a defendant who is not present, the Justice or Justices may, at the time of convicting the defendant or at a later time, issue a warrant for the apprehension of the defendant for the purpose of the defendant's being brought before a Justice or Justices for sentencing.  
(Matter to be inserted is shown in bold type.)

At present, the Attorney General may, by order, authorise Justices holding prescribed offices specified in the order to exercise their powers to make enforcement orders. The proposed amendments to section 100K remove the need for those offices specified in the order to be prescribed (item (2)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**LEGAL PROFESSION ACT 1987 No. 109**

**Amendments**

(1) Section 7 (**Rules for registration and admission**):

(a) From section 7 (1) (d), omit "and" where lastly occurring.

(b) After section 7 (1) (d), insert

(d1) the fees payable to the Board in relation to registration, admission, examination and certificates; and

(2) Section 14 (**Rules for registration and admission**):

(a) From section 14 (1) (d), omit "and" where lastly occurring.

(b) After section 14 (1) (d), insert

(d1) the fees payable to the Board in relation to registration, admission, examination and certificates; and

(3) Section 121 (**Employment of disqualified or convicted persons**):

Before "the Tribunal" in section 121 (2) (b), insert "by".

(4) Section 216 (**Regulations**):

Omit section 216 (3) (i).

**Commencement**

Items (1), (2) and (4) of the amendments to the Legal Profession Act 1987 are to be taken to have commenced on 1 January 1990 (the day on which the Barristers and Solicitors Admission Rules 1989 commenced).

**Explanatory note**

The proposed amendments to sections 7, 14 and 216 enable the Barristers Admission Board and Solicitors Admission Board to make rules for or with respect to fees payable to them in respect of their

SCHEDULE 1—MINOR AMENDMENTS—*continued*

functions and validate rules already made (see Part 13 of the Barristers and Solicitors Admission Rules 1989) for that purpose (items (1), (2) and (4)).

The proposed amendment to section 121 corrects a grammatical error consisting of the omission of a word (item (3)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**LOCAL GOVERNMENT ACT 1919 No. 41**

**Amendments**

(1) Section 15K:

After section 15J, insert:

Boundaries Commission may conduct survey or poll

15K. (1) To assist it in determining the attitude of the residents and ratepayers of an area or areas for the purposes of section 15J (1A) (d), the Boundaries Commission may conduct (in such manner as it thinks appropriate) an opinion survey or poll of the residents and ratepayers.

(2) The residents and ratepayers of the area or areas concerned may participate in any such opinion survey or poll but are not required to do so.

(3) The Boundaries Commission may request the Electoral Commissioner, a council or any other person or organisation to conduct any such opinion survey or poll.

(2) Section 160C (**Power to reduce rates**):

(a) From section P60C (1), omit the definition of "rural land", insert instead:

**"rural land"** means:

- (a) a parcel of ratable land which is valued as one assessment and exceeds 8,000 square metres in area and which is wholly or mainly used for the time being by the occupier for carrying on one or more of the businesses or industries of grazing, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind or forestry; or
- (b) an oyster or fish farm within the meaning of the Fisheries and Oyster Farms Act 1935;

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (b) From section 160C (4) (b), omit “section 118 (1)”, insert instead “subsection (1)”.
- (3) Section 294 (**Council to be local authority under other Acts**):  
Omit section 294 (1) (d) and (4)-(6).
- (4) Section 311A (**Payment of insurance premium for residential building work**):  
From section 311A (3), omit “Schedule 3”, insert instead “Schedule 4”.
- (5) Section 317JJ (**Design, construction, equipment and maintenance standards**):  
After section 317JJ (2), insert:  
(3) In any such ordinance, a reference to a council, in relation to any matter concerning:  
(a) a place of public entertainment or temporary structure referred to in section 317JL (1) (a); or  
(b) a place of public entertainment the subject of an application referred to in section 317JL (1) (b); or  
(c) a related building application,  
is to be read as a reference to an authorised officer.
- (6) Section 317JN (**Emergency closure orders**):  
After section 317JN (5), insert:  
(6) The powers conferred by this section may not be exercised by a council in respect of any place of public entertainment or temporary structure to which section 317J0 applies.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

(7) Section 461 (**Establishment of abattoirs**):

Omit section 461 (1A).

(8) Schedule 12 (**Savings and transitional provisions**):

(a) Omit clause 5 (3) of Schedule 12, insert instead:

(3) A licence in force under the amended Act immediately before the repeal of the relevant provision of that Act, or issued under the amended Act pursuant to subclause (1), is to be taken to be an approval granted under Division 4BA of Part 11 of this Act:

(a) in the case of a licence relating to a place of public entertainment or temporary structure referred to in section 317JL (1) (a) of this Act - by an authorised officer; or

(b) in any other case - by a council,  
and to have been so granted on the date when it was in fact issued.

(b) After clause 9 of Schedule 12, insert:

**Licensed premises and registered clubs: deferral of certain requirements**

10. (1) This clause applies to:

(a) premises the subject of a licence under the Liquor Act 1982, other than premises whose licensee belongs to a class of licensees in respect of whom there was, immediately before the repeal of that section, an order in force under section 89 of that Act; and

(b) premises the subject of a certificate of registration under the Registered Clubs Act 1976.

(2) Premises to which this clause applies are exempt from the provisions of:

(a) sections 317JF–317JI of this Act; and

(b) any ordinance relating to a matter referred to in section 317JJ of this Act,

SCHEDULE 1—MINOR AMENDMENTS—*continued*

until the expiration of the period of 6 months that begins with the commencement of this clause or, if an application for an approval under Division 4BA of Part 11 of this Act is made within that period, until the application is finally disposed of.

**Commencement**

Item (4) of the amendments to the Local Government Act 1919 is to be taken to have commenced on 21 March 1990 (the day on which the relevant provision of the Building Services Corporation Act 1989 commenced).

Item (5) of the amendments to the Local Government Act 1919 is to commence on the commencement of section 317JJ of that Act.

Item (6) of the amendments to the Local Government Act 1919 is to commence on the commencement of section 317JN of that Act.

Item (8) of the amendments to the Local Government Act 1919 is to commence on the commencement of Schedule 12 to that Act.

**Explanatory note**

The proposed amendments to the Local Government Act 1919:

- (a) enable the Boundaries Commission, when having regard to the attitude of the residents and ratepayers of an area in respect of which the Boundaries Commission has had a matter referred to it, to conduct a non-compulsory opinion survey or poll of the residents or ratepayers concerned (item (1)); and
- (b) set out in full in section 160C of that Act the definition of "rural land" which the section currently adopts by reference to a section no longer containing the definition (item (2)); and
- (c) amend sections 294 and 461 of that Act as a consequence of the repeal of the Cattle Slaughtering and Diseased Animals and Meat Act 1902 contained in Schedule 3 (items (3) and (7)); and
- (d) correct a cross-reference in section 311A of that Act (item (4)); and
- (e) vary section 317JJ of that Act so as to provide that, in an ordinance made for the purposes of Division 4BA of Part 11 of that Act, a reference to a council is, in relation to certain

SCHEDULE 1—MINOR AMENDMENTS—*continued*

matters, to be read as a reference to an authorised officer within the meaning of that Division (item (5)); and

- (f) vary section 317JN of that Act so as to provide that a council may not issue an emergency closure order under that section in respect of any place of public entertainment or temporary structure in respect of which the Minister for Local Government may issue such an order by virtue of section 31 7JO of that Act (item (6)); and
- (g) vary clause 5 of Schedule 12 to that Act so as to provide that certain licences under the Theatres and Public Halls Act 1908 are to be taken to be approvals granted by an authorised officer under Division 4BA of Part 11 of the Local Government Act 1919 and that certain other such licences are to be taken to be approvals so granted by a council (item (8) (a)); and
- (h) insert a new clause 10 into Schedule 12 to that Act so as to ensure that certain licensed premises under the Liquor Act 1982, and all registered clubs under the Registered Clubs Act 1976, have a 6 months' "lead-in" time before they are required to comply with certain requirements of Division 4BA of Part 11 of the Local Government Act 1919 (item (8) (b)).

The amendments described in paragraphs (e)-(g) will clarify the application of the provisions to be amended regarding the respective roles of councils and authorised officers in relation to the approval and regulation of places of public entertainment and temporary structures under Division 4BA of Part 11 of the Act (which is to be inserted by the Local Government (Theatres and Public Halls) Amendment Act 1989).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**LOCAL GOVERNMENT AND OTHER AUTHORITIES  
(SUPERANNUATION) ACT 1927 No. 35**

Amendments

(1) Section 15CK (Definitions):

- (a) From section 15CK(1), omit the definition of "adjustment date", insert instead:

"adjustment date", in relation to a year, means the first day of the pension pay period that ends on the first pension pay day in the October that next follows that year;

- (b) From section 15CK(1), omit the definition of "year", insert instead:

"year" means:

- (a) the period commencing on and including 1 July 1989 and ending on and including 30 June 1990; or
- (b) a subsequent period commencing on and including 1 July and ending on and including the next following 30 June.

(2) Section 15CM (**Calculation of adjustment percentage**):

Omit section 15CM (3)–(5), insert instead:

- (3) Where a pension is payable under:

- (a) section 15BF, 15BG, 15BH, 15BM or 15BO (including a pension referred to in section 15BV (14)); or

- (b) section 15CI to a former contributor within the meaning of section 15BF, 15BG or 15BH or the widow or dependent widower of a former contributor within the meaning of section 15BM,

the calculation for the purposes of subsection (2) in relation to a year is, where the relevant day for the pension is a day that is earlier than 1 July in that year, to be made:

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (c) where the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula:

$$P = \frac{100 (J \cdot L)}{L}$$

- (d) where the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula:

$$P = \frac{100 (L \cdot J)}{L}$$

where:

- P represents the percentage to be obtained;  
J represents the Index number for the June quarter in that year; and  
L represents the Index number for the immediately preceding June quarter.

(4) Where a pension is payable under section 15BF or 15BG or a pension (including a pension referred to in section 15BV (14)) is payable under section 15BO in consequence of the death of a former contributor referred to in section 15BF or 15BG, the calculation for the purposes of subsection (2) in relation to a year is, where the relevant day for the pension is a day that is not earlier than 1 July, or later than 30 June, in that year, to be made:

- (a) where the Index number for the June quarter in that year is greater than the Index number for the December quarter in that year - in accordance with the following formula:

SCHEDULE 1—MINOR AMENDMENTS—*continued*

$$P = \frac{100 (J \cdot D)}{D}$$

- (b) where the Index number for the June quarter in that year is less than the Index number for the December quarter in that year—in accordance with the following formula:

$$P = \frac{100 (D \cdot J)}{D}$$

where:

- P represents the percentage to be obtained;  
D represents the Index number for the December quarter in that year; and  
J represents the Index number for the June quarter in that year.

(5) Where a pension is payable under section 15BH or 15BM or a pension (including a pension referred to in section 15BV (14)) is payable under section 15BO in consequence of the death of a former contributor referred to in section 15BH, the calculation for the purposes of subsection (2) in relation to a year is, where the relevant day for the pension is a day during the March, June or September quarter in that year, to be made:

- (a) where the Index number for the June quarter in that year is greater than the Index number for the quarter in that year during which the relevant day for the pension fall—in accordance with the following formula:

$$P = \frac{100 (J - Q)}{Q}$$

- (b) where the Index number for the June quarter in that year is less than the Index number for the quarter in that year in which the relevant day for the

SCHEDULE 1—MINOR AMENDMENTS—*continued*

pension falls—in accordance with the following formula:

$$P = \frac{100(Q - J)}{Q}$$

where:

- P represents the percentage to be obtained;
- J represents the Index number for the June quarter in that year; and
- Q represents the Index number for the quarter during which the relevant day for the pension falls.

**Commencement**

The amendments to the Local Government and Other Authorities (Superannuation) Act 1927 are to be taken to have commenced on 21 September 1989.

**Transitional**

For the purposes of the adjustment of pension rates for the June quarter of 1989 under Division 8 of Part 3D of the Local Government and Other Authorities (Superannuation) Act 1927 that Act is to be read as if:

- (a) the definition of "year" in section 15CK read as follows:
  - "year" means the period commencing on and including 1 January 1989 and ending on and including 30 June 1989.
- (b) section 15CM (3) read as follows:
  - (3) Where a pension is payable under:
    - (a) section 15BF, 15BG, 15BH, 15BM or 15BO (including a pension referred to in section 15BV (14)); or
    - (b) section 15CI to a former contributor within the meaning of section 15BF, 15BG or 15BH or the widow or dependent widower of a former contributor within the meaning of section 15BM,

SCHEDULE 1—MINOR AMENDMENTS—*continued*

the calculation for the purposes of subsection (2) in relation to a year is, where the relevant day for the pension is a day that is earlier than 1 January in that year, to be made:

- (c) where the Index number for the June quarter in that year is greater than the Index number for the immediately preceding December quarter—in accordance with the following formula:

$$P = \frac{100 (J - L)}{L}$$

- (d) where the Index number for the June quarter in that year is less than the Index number for the immediately preceding December quarter—in accordance with the following formula:

$$P = \frac{100 (L - J)}{L}$$

where:

P represents the percentage to be obtained;

J represents the Index number for the June quarter in that year; and

L represents the Index number for the immediately preceding December quarter.

- (c) section 15CM (7) read as if the matter "4 1/4 per cent" wherever occurring were omitted and the matter "2.125 per cent" were inserted instead.

**Explanatory note**

The proposed amendments will align those provisions in the Act relating to the periods of pension benefit indexation adjustment with the corresponding provisions in the Superannuation Act 1916. The amendments, together with those made to the New South Wales Retirement Benefits Act 1972 and the Public Authorities Superannuation Act 1985 elsewhere in this Schedule, will rationalise

SCHEDULE 1—MINOR AMENDMENTS—*continued*

the provisions for pension benefit indexation adjustment for all schemes administered by the State Authorities Superannuation Board.

The amendments provide:

- (a) for the pension adjustment day to be in October instead of April; and
- (b) for the year relevant to the adjustment to be altered to a July to June basis instead of a January to December basis; and
- (c) for references to the December quarter index and the June quarter index to be exchanged.

Provision is also made to validate adjustments already made as of 21 September 1989 for the 1989 year on this basis and for necessary transitional arrangements.

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SCHEDULE 1—MINOR AMENDMENTS —*continued*

**MARKETING OF PRIMARY PRODUCTS ACT 1983 No. 176**

**Amendments**

Schedule 2 (**Provisions relating to members of authorities**):

(a) **Clause 1 (Age of members):**

Omit the clause.

(b) **Clause 3 (7):**

Omit "1,".

(c) **Clause 7 (1) (f):**

After "Minister;", insert "or".

(d) **Clause 7 (1) (g):**

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of an authority constituted under the Marketing of Primary Products Act 1983.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**MEAT INDUSTRY ACT 1978 No. 54**

**Amendments**

(1) Section 11 (**Issue of licences**):

From section 11 (4), omit ", the Cattle Slaughtering and Diseased Animals and Meat Act 1902".

(2) Section 11A (**Renewal of licences**):

From section 11A (5), omit "; the Cattle Slaughtering and Diseased Animals and Meat Act 1902".

(3) Section 70 (**Central killing areas**):

Omit section 70 (4) and (5).

(4) Section 79 (**Suspension or repeal of Cattle Slaughtering and Diseased Animals and Meat Act 1902**):

Omit the section.

(5) Schedule 3 (**Provisions relating to the management of the Corporation**):

(a) Clause 1 (1A):

After clause 1 (1), insert:

(1A) The General Manager is to be appointed on either a part-time or full-time basis.

(b) Clause 1 (4) (a):

Omit the paragraph.

(c) Clauses 4, 5:

After "executive officer" wherever occurring, insert "(other than the General Manager if appointed on a part-time basis)".



SCHEDULE 1—MINOR AMENDMENTS—*continued*

(d) Clause 5 (1A):

After clause 5 (1), insert:

(1A) If appointed on a part-time basis, the General Manager 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 part-time General Manager.

(e) Clause 6 (1) (a):

After "if", insert "(being an executive officer other than the General Manager if appointed on a part-time basis)".

(f) Clause 6 (1) (c), (J):

Omit the paragraphs.

(g) Clause 6 (1) (h2):

After "Minister;", insert "or".

(h) Clause 6 (1) (i):

Omit "office; or", insert instead "office".

(i) Clause 6 (5):

Omit the subclause.

**Explanatory note**

The proposed amendments to Schedule 3 enable the General Manager of the Homebush Abattoir Corporation to be appointed on either a full-time or part-time basis and remove the restriction that prevents a person who is of or above the age of 65 years from being eligible to be appointed as, or from continuing to hold office as, the General Manager, Deputy General Manager or Acting General Manager of the Corporation (item (5)).

The other proposed amendments are consequential on the repeal of the Cattle Slaughtering and Diseased Animals and Meat Act 1902 contained in Schedule 3 (items (1)–(4)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**MEDICAL PRACTITIONERS ACT 1938 No. 37**

**Amendments**

Schedule 2 (**Provisions relating to the members of the Board**):

- (a) Clause 1 (**Age of members**):  
Omit the clause.
- (b) Clause 7 (1) (f):  
After "Minister;", insert "or".
- (c) Clause 7 (1) (g):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the New South Wales Medical Board.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**MENTAL HEALTH ACT 1983 No. 178**

**Amendments**

- (1) **Schedule 2 (Provisions relating to the membership of the Tribunal):**
  - (a) **Clause 1 (Age of members):**  
Omit the clause,
  - (b) **Clause 7 (e1):**  
At the end of the paragraph, insert "or".
  - (c) **Clause 7 (f):**  
Omit "clause 6; or", insert instead "clause 6".
  - (d) **Clause 7 (g):**  
Omit the paragraph.
  
- (2) **Schedule 5 (Constitution, membership and meetings of the Psychosurgery Review Board):**
  - (a) **Clause 3 (Age of members):**  
Omit the clause.
  - (b) **Clause 9 (g):**  
At the end of the paragraph, insert "or".
  - (c) **Clause 9 (h):**  
Omit "clause 8; or", insert instead "clause 8".
  - (d) **Clause 9 (i):**  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 65 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Mental Health Review Tribunal or as a member of the Psychosurgery Review Board.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**MISCELLANEOUS ACTS (EDUCATION AND PUBLIC INSTRUCTION) REPEAL AND AMENDMENT ACT 1987 No. 63**

**Amendment**

**Schedule 3 (Savings and transitional provisions):**

From clause 3 (3), omit "30", insert instead "41".

**Commencement**

The amendment to the Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Act 1987 is to be taken to have commenced on 17 February 1990.

**Explanatory note**

The proposed amendment extends the period during which, under the transitional arrangements set out in clause 3 of Schedule 3 to the Act, secondary schools (certified under Part 3 of the Public Instruction (Amendment) Act 1916 but not registered under the Education Act 1961) may continue to conduct business before being required to be registered under the Education and Public Instruction Act 1987. (An extension for this purpose until 17 February 1990 was made by an amendment included in the Statute Law (Miscellaneous Provisions) Act 1989. The proposed amendment will ensure that the present status of the schools is preserved for the time being).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**MISCELLANEOUS ACTS (PUBLIC SECTOR EXECUTIVES  
EMPLOYMENT) AMENDMENT ACT 1989 No. 105**

**Amendment**

**Schedule 1 (Amendment of Acts):**

From the amendments relating to the Meat Industry Act 1978, omit item (3).

**Explanatory note**

The proposed amendment is consequential on item (5) of the amendments to the Meat Industry Act 1978 set out elsewhere in this Schedule.

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**NATIONAL PARKS AND WILDLIFE ACT 1974 No. 80**

**Amendment**

**Section 144A (Overdue community service contributions,  
charges, fees etc.):**

Omit section 144A (2), insert instead:

(2) If payment of the whole or any part of an amount payable in respect of a matter referred to in subsection (1) has not been made at the date when the amount was due, the balance due from time to time after that date is to attract interest:

- (a) except as provided by paragraph (b)—calculated at the prescribed rate; or
- (b) in the case of interest payable under a lease, agreement or other instrument the terms of which fix a rate of interest that is higher than the prescribed rate—calculated at that higher rate.

**Explanatory note**

The proposed amendment:

- (a) removes the requirement for the manner of calculation of the interest rate on overdue money to be prescribed as well as the interest rate itself; and
  - (b) provides that interest on overdue money is to be paid at the prescribed rate or, where a higher interest rate is fixed by a lease, agreement or other instrument, at that higher rate.
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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**NECROPOLIS ACT 1901 (1902 No. 20)**

**Amendments**

**Fourth Schedule (Provisions relating to the members and the procedure of the Joint Committee):**

- (a) Clause 2 (**Age of members**):  
Omit the clause.
- (b) Clause 6 (1) (g):  
After "Minister;", insert "or".
- (c) Clause 6 (1) (h):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Joint Committee of Necropolis Trustees.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**NEW SOUTH WALES INSTITUTE OF PSYCHIATRY ACT 1964**  
**No. 44**

**Amendments**

- (1) Section 5 (**Members of the Institute**):  
Omit section 5 (4).
- (2) Section 10 (**Vacation of office**):
  - (a) Section 10 (1)(e):  
At the end of the paragraph, insert "or".
  - (b) Section 10 (1)(f):  
Omit "member; or", insert instead "member".
  - (c) Section 10 (1)(g):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 65 years from being eligible to be appointed as, or from continuing to hold office as, a member of the New South Wales Institute of Psychiatry.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**NEW SOUTH WALES RETIREMENT BENEFITS ACT 1972**  
**No. 70**

**Amendments**

(1) Section 31A (**Definitions**):

(a) From section 31A (1), omit the definition of "December quarter".

(b) After the definition of "Index number" in section 31A (1), insert:

**"June quarter"**, in relation to a year, means the period commencing on and including 1 April in that year and ending on and including 30 June in that year;

(2) Section 31B (**Calculation of adjustment percentage**):

From section 31B (1)–(4), omit "December" wherever occurring, insert instead "June".

(3) Section 31C (**Adjustment of pensions: general cases**):

From section 31C (2), omit "January" wherever occurring, insert instead "July".

**Commencement**

The amendments to the New South Wales Retirement Benefits Act 1972 are to be taken to have commenced on 21 September 1989.

**Transitional**

For the purposes of the adjustment of pension rates for the year 1989 under Part 4A (automatic adjustment of pensions) of the New South Wales Retirement Benefits Act 1972 that Act is to be read as if:



SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (a) the following definition were inserted in section 31A (1):  
    "**December quarter**", in relation to a year, means the quarter ending on 31 December in that year;

- (b) section 31B (1) and (2) read as follows:

(1) For the purposes of the definition of "adjustment percentage" in section 31A (1), the percentage for a year is to be calculated

- (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding December quarter - in accordance with the following formula:

$$P = \frac{100 (C - L)}{L}$$

- (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding December quarter - in accordance with the following formula:

$$P = \frac{100 (L - C)}{L}$$

where:

- P is the percentage to be obtained;  
C is the Index number for the June quarter in that year;  
and  
L is the Index number for the immediately preceding December quarter.

(2) Where:

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per cent; or  
(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding December quarter,

there is to be taken to be no adjustment percentage for that year.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Explanatory note**

The proposed amendments will align those provisions in the Act relating to the periods of pension benefit indexation adjustment with the corresponding provisions in the Superannuation Act 1916. The amendments, together with those made to the Local Government and Other Authorities (Superannuation) Act 1927 and the Public Authorities Superannuation Act 1985 elsewhere in this Schedule, will rationalise the provisions for pension benefit indexation adjustment for all schemes administered by the State Authorities Superannuation Board.

The amendments provide for the year relevant to the adjustment to be altered to a July to June basis instead of a January to December basis.

Provision is also made to validate adjustments already made as of 21 September 1989 for the 1989 year on this basis and for necessary transitional arrangements.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**NURSES REGISTRATION ACT 1953 No. 10**

**Amendments**

(1) Section 7 (**Vacation of office**):

Omit section 7 (b).

(2) Section 16 (**Register of Nurses**):

(a) From section 16 (3) (a), omit "and address".

(b) After section 16 (3), insert:

(3A) The Board is to keep a separate record of the address of each person registered as a nurse.

(3B) Such a record is not to be made available to members of the public for inspection.

(3) Section 17 (**Annual practising fee**):

From section 17 (1B) (a), omit "Register", insert instead "record kept by the Board under section 16 (3A)".

(4) Section 22 (**Roll of Nurses**):

(a) From section 22 (3) (a), omit "and address".

(b) After section 22 (3), insert:

(3A) The Board is to keep a separate record of the address of each person enrolled as a nurse.

(3B) Such a record is not to be made available to members of the public for inspection.

**Commencement**

Items (2)–(4) of the amendments to the Nurses Registration Act 1953 commence on a day or days to be appointed by proclamation.

**Explanatory note**

The proposed amendment to section 7 removes the restriction that prevents a person from continuing to hold office as a member of the Nurses Registration Board when the person reaches the age of 65 years (item (1)).

SCHEDULE 1—MINOR AMENDMENTS—*continued*

The proposed amendments to sections 16, 17 and 22 remove, in the interests of the privacy of registered and enrolled nurses, the necessity for the address of a nurse to be included in the Register of Nurses or in the Roll of Nurses (both of which are open for public inspection). Instead, the Board is to keep a separate record of addresses which is not to be made available for public inspection (items (2)–(4)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**OPTICAL DISPENSERS ACT 1963 No. 35**

**Amendments**

- (1) Section 8 (**Qualification for appointment**):  
Omit the section.
- (2) Section 13 (**Vacation of office**):  
Omit section 13 (f).
- (3) Section 21 (**Register**):
  - (a) From section 21 (2) (a), omit "and address".
  - (b) After section 21 (2), insert:
    - (2A) The board is to keep a separate record of the address of each person licensed as an optical dispenser.
    - (2B) Such a record is not to be made available to members of the public for inspection
  - (c) From section 21 (4), omit "and addresses".
- (4) Section 23 (**Roll fee**):
  - (a) From section 23 (2), omit "register" where firstly occurring, insert instead "record kept by the board under section 21 (2A)".
  - (b) From section 23 (4), omit "register", insert instead "record kept by the board under section 21 (2A)".

**Commencement**

Item (3) and (4) of the amendments to the Optical Dispensers Act 1963 commence on a day or days to be appointed by proclamation.

**Explanatory note**

The proposed amendments to sections 8 and 13 remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Optical Dispensers Licensing Board (items (1) and (2)).

SCHEDULE 1—MINOR AMENDMENTS—*continued*

The proposed amendments to sections 21 and 23 remove, in the interests of the privacy of licensed optical dispensers, the necessity for the address of an optical dispenser to be included in the Register of Optical Dispensers (which is open for public inspection). Instead, the Board is to keep a separate record of addresses which is not to be made available for public inspection (items (3) and (4)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PATHOLOGY LABORATORIES ACCREDITATION ACT 1981  
No. 51**

**Amendments**

**Schedule 1 (Provisions relating to constitution and membership of the Board):**

(a) **Clause 2 (Age of member):**

Omit the clause.

(b) **Clause 7 (1)(g):**

At the end of the paragraph, insert "or".

(c) **Clause 7 (1)(h):**

Omit "appointed; or", insert instead "appointed".

(d) **Clause 7 (1)(i):**

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Pathology Laboratories Accreditation Board.

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**PERMANENT BUILDING SOCIETIES ACT 1967 No. 18**

**Amendment**

**Section 66 (Age limit for directors):**

Omit the section.

**Explanatory note**

The proposed amendment removes the restriction that prevents a person who is of or above the age of 72 years from being eligible to be appointed as, or from continuing to hold office as, a director of a permanent building society registered under the Permanent Building Societies Act 1967.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PESTICIDES AND ALLIED CHEMICALS ACT 1978 No. 57**

**Amendments**

**Section 59 (Proceedings for offences):**

- (a) From section 59 (3), omit "Any such proceedings", insert instead "Except as provided by subsection (4), proceedings for an offence against this Act or the regulations".
- (b) After section 59 (3), insert:
  - (4) Proceedings for an offence involving the use of an unregistered pesticide which is applied to sheep or goats by dipping, spraying or otherwise may be commenced by information laid within 2 years after the time when the offence is alleged to have been committed.

**Transitional**

The amendments to section 59 of the Pesticides and Allied Chemicals Act 1978 do not apply in relation to offences alleged to have been committed before the commencement of the amendments.

**Explanatory note**

At present, proceedings for an offence against the Pesticides and Allied Chemicals Act 1978 (or the regulations made under that Act) may only be commenced within 12 months after the time when the offence is alleged to have been committed. However, in the case of an unregistered pesticide that is applied to sheep or goats, an offence is often not detectable for some time after the use of that pesticide and the existing limitation period bars the majority of prosecutions. The proposed amendments enable a prosecution in relation to an offence involving an unregistered pesticide that is applied to sheep or goats to be brought within 2 years of the alleged offence.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PHARMACY ACT 1964 No. 48**

**Amendment**

Section 6 (**Vacation of office**):

Omit section 6 (2).

**Explanatory note**

The proposed amendment removes the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Pharmacy Board of New South Wales.

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SCHEDULE 1—MINOR AMENDMENTS — *continued*

**PHYSIOTHERAPISTS REGISTRATION ACT 1945 No. 9**

**Amendments**

- (1) **Section 11 (Vacation of office):**  
Omit section 11 (f).
- (2) **Section 20 (Register):**
  - (a) From section 20 (2) (a), omit "and address".
  - (b) After section 20 (3), insert:
    - (3A) The Board is to keep a separate record of the address of each person registered as a physiotherapist.
    - (3B) Such a record is not to be made available to members of the public for inspection.
  - (c) From section 20 (5), omit "and addresses".
- (3) **Section 22 (Annual roll fee):**
  - (a) From section 22 (2), omit "register" where firstly occurring, insert instead "record kept by the Board under section 20 (3A)".
  - (b) From section 22 (4), omit "register", insert instead "record kept by the Board under section 20 (3A)".

**Commencement**

Items (2) and (3) of the amendments to the Physiotherapists Registration Act 1945 commence on a day or days to be appointed by proclamation.

**Explanatory note**

The proposed amendment to section 11 removes the restriction that prevents a person from continuing to hold office as a member of the Physiotherapists Registration Board when the person reaches the age of 65 years (item (1)).

The proposed amendments to sections 20 and 22 remove, in the interests of the privacy of registered physiotherapists, the necessity for

SCHEDULE 1—MINOR AMENDMENTS—*continued*

the address of a physiotherapist to be included in the Register of Physiotherapists (which is open for public inspection). Instead, the Board is to keep a separate record of addresses which is not to be made available for public inspection (items (2) and (3)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PODIATRISTS ACT 1989 No. 23**

**Amendments**

Schedule 1 (**Provisions relating to the members of the Board**):

(a) Clause 1 (**Age of members**):

Omit the clause.

(b) Clause 6 (1) (e):

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Podiatrists Registration Board.

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**POLICE REGULATION (ALLEGATIONS OF MISCONDUCT)  
ACT 1978 No. 84**

**Amendment**

Section 48 (**Powers etc. of acting Ombudsman, Assistant Ombudsman and special officer**):

After "this Act" in section 48 (4), insert "(other than a report under section 27, 28 or 31)".

**Explanatory note**

The proposed amendment enables the Ombudsman to delegate, to an Assistant Ombudsman, the making of reports concerning the investigation of complaints made under the Police Regulation (Allegations of Misconduct) Act 1978. The amendment complements the amendments to section 10 of the Ombudsman Act 1974 contained in the Statute Law (Miscellaneous Provisions) Act (No. 3) 1989.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**POULTRY MEAT INDUSTRY ACT 1986 No. 101**

**Amendments**

Schedule 1 (**Provisions relating to the members of the Committee**):

- (a) Clause 1 (**Age of members**):  
Omit the clause.
- (b) Clause 7 (1) (f):  
After "Minister;", insert "or".
- (c) Clause 7 (1) (g):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Poultry Meat Industry Committee.

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**PREVENTION OF CRUELTY TO ANIMALS ACT 1979 No. 200**

**Amendment**

Section 35 (**Regulations**):

After "advertisements" in section 35 (1) (a) (iv), insert "or theatrical performances".

**Explanatory note**

The proposed amendment enables regulations to be made with respect to the conditions under which animals may be kept or used in connection with theatrical performances. At present the regulation making power in the Act only covers films, television programmes or film, television or photographic advertisements.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PRIVATE IRRIGATION DISTRICTS ACT 1973 No. 47**

**Amendment**

**Section 16 (Election of members of Boards):**

After "which" in section 16 (1) (b), insert "precedes or".

**Explanatory note**

The proposed amendment enables an election of members of the Board of Management for a private district or provisional private district constituted under the Private Irrigation Districts Act 1973 (other than the first election of those members) to be held on the Saturday which precedes the day that is the third anniversary of the previous election. At present, an election can only be held on the Saturday which follows the day (if not already a Saturday) that is the third anniversary of the previous election.

The amended provision will read (in part) as follows:

(1) ..... and thereafter an election of members of the Board for a provisional private district or a private district shall be held:

- (a) where the day that is the third anniversary of the declaration of the poll for the next previous election of members of that Board is a Saturday - on that day, or
- (b) where that day is not a Saturday - on the Saturday which precedes or follows the day that is the third anniversary of the declaration of the poll for the next previous election of members of that Board.

(Matter to be inserted is shown in bold type.)

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PUBLIC AUTHORITIES SUPERANNUATION ACT 1985 No. 41**

**Amendments**

**Schedule 6 (Transitional provisions - Local Government Pension Fund):**

- (a) From clause 12, omit the definition of "adjustment date", insert instead:

**"adjustment date"**, in relation to a year, means the first day of the pension pay period that ends on the first pension pay day in the October that next follows that year;

- (b) From clause 12, omit the definition of "year", insert instead:

**"year"** means:

- (a) the period commencing on and including 1 July 1989 and ending on and including 30 June 1990; or
- (b) a subsequent period commencing on and including 1 July and ending on and including the next following 30 June.

- (c) Omit clause 14 (3) and (4), insert instead:

(3) The calculation for the purposes of subclause (2) (a) and (c) in relation to a year is, where the relevant day for the pension is earlier than 1 July in that year, to be made:

- (a) where the Index number for the June quarter in that year is greater than the Index number for the last preceding June quarter - in accordance with the formula:

$$P = \frac{100 (J - L)}{L}$$

- (b) where the Index number for the June quarter in that year is less than the Index number for the last preceding June quarter - in accordance with the formula:

SCHEDULE 1—MINOR AMENDMENTS—*continued*

$$P = \frac{100(L - J)}{L}$$

where:

- P represents the percentage to be ascertained;
- J represents the Index number for the June quarter in that year; and
- L represents the Index number for the last preceding June quarter.

(4) The calculation for the purposes of subclause (2) (a) in relation to a year is, where the relevant day for the pension is not earlier than 1 July in that year or later than 30 June in that year, to be made:

- (a) where the Index number for the June quarter in that year is greater than the Index number for the December quarter in that year - in accordance with the formula:

$$P = \frac{100(J - D)}{D}$$

- (b) where the Index number for the June quarter in that year is less than the Index number for the December quarter in that year - in accordance with the formula:

$$P = \frac{100(D - J)}{J}$$

where:

- P represents the percentage to be ascertained;
- J represents the Index number for the June quarter in that year; and
- D represents the Index number for the December quarter in that year.



SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Commencement**

The amendments to the Public Authorities Superannuation Act 1985 are to be taken to have commenced on 21 September 1989.

**Transitional**

For the purposes of the adjustment of pension rates for 1989 under Part 2 of Schedule 6 to the Public Authorities Superannuation Act 1985 that Schedule is to be read as if:

(a) the definition of "year" in clause 12 read as follows:

"year" means the period commencing on and including  
1 January 1989 and ending on and including 30 June 1989.

(b) clause 14 (3) read as follows:

(3) The calculation for the purposes of subclause (2) (a) and (c) in relation to a year is, where the relevant day for the pension is earlier than 1 July in that year, to be made:

(a) where the Index number for the June quarter in that year is greater than the Index number for the last preceding December quarter - in accordance with the formula:

$$B = \frac{100 (J - L)}{L}$$

(b) where the Index number for the June quarter in that year is less than the Index number for the last preceding December quarter - in accordance with the formula:

$$P = \frac{100 (L - J)}{L}$$

where:

P represents the percentage to be ascertained;

J represents the Index number for the June quarter in that year; and

L represents the Index number for the last preceding December quarter.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (c) clause 14 (5) read as if the matter "4.25 per cent" wherever occurring were omitted and the matter "2.125 per cent" were inserted instead.

**Explanatory note**

The proposed amendments will align those provisions in the Act relating to the periods of pension benefit indexation adjustment with the corresponding provisions in the Superannuation Act 1916. The amendments, together with those made to the Local Government and Other Authorities (Superannuation) Act 1927 and the New South Wales Retirement Benefits Act 1972 elsewhere in this Schedule, will rationalise the provisions for pension benefit indexation adjustment for all schemes administered by the State Authorities Superannuation Board.

The amendments provide:

- (a) for the pension adjustment day to be in October instead of April; and
- (b) for the year relevant to the adjustment to be altered to a July to June basis instead of a January to December basis; and
- (c) for references to the December quarter index and the June quarter index to be exchanged.

Provision is also made to validate adjustments already made as of 21 September 1989 for the 1989 year on this basis and for necessary transitional arrangements.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**PUBLIC FINANCE AND AUDIT ACT 1983 No. 152**

**Amendment**

Section 43A:

After section 43, insert:

**General audit of former statutory bodies**

43A. (1) This section applies where a statutory body ceases to be a statutory body because it is abolished or dissolved or its name is removed from Schedule 2. The statutory body is referred to in this section as "the body".

(2) Unless other provision is made by or under any Act:

(a) financial statements for the portion of the financial year ending when the body ceased to be such a statutory body (and for any previous financial year) are to be prepared and submitted; and

(b) the accounts of the body are to be audited,

in the same way that they would have been required to be prepared, submitted and audited if the financial year had ended on that day and the body had not ceased to be such a statutory body.

(3) The financial statements may be prepared and submitted by the persons who were responsible for the affairs of the body or by any successor to or continuation of the body.

(4) The Auditor-General may make such arrangements, and enter such agreements, as may be appropriate or necessary for the purposes of this section. An arrangement or agreement may provide for the affairs of the body and of any successor to be treated in a composite way.

(5) The Treasurer may direct that this section is not to apply to the body if, in the opinion of the Treasurer, it is unnecessary or inappropriate for it to apply.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Validation**

Any act, matter or thing done before the commencement of section 43A of the Public Finance and Audit Act 1983 that would have been validly done if that section had then been in force is validated.

**Explanatory note**

The proposed amendment ensures that the accounts for that part of the financial year of a statutory body that occurs before the body is abolished or dissolved or its name is removed from Schedule 2 (and any accounts for previous years not yet audited) will be audited.

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**PUBLIC HOSPITALS ACT 1929 No. 8**

**Amendments**

Section 24A (**Vacation of office**):

- (a) Section 24A (1) (g):  
At the end of the paragraph, insert "or".
- (b) Section 24A (1) (h):  
Omit "Governor, or", insert instead "Governor".
- (c) Section 24A (1) (i):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the requirement that prevents a person from continuing to hold office as a director of an incorporated hospital if the person reaches the age of 70 years.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST ACT 1980**  
**No. 19**

**Amendments**

**Schedule 1 (Provisions relating to trustees and procedure of the Trust):**

- (a) **Clause 1 (Certain persons ineligible for appointment):**  
Omit clause 1 (a).
- (b) **Clause 7 (e):**  
At the end of the paragraph, insert "or".
- (c) **Clause 7 (f):**  
Omit "Governor; or", insert instead "Governor".
- (d) **Clause 7 (g):**  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a trustee of the Royal Botanic Gardens and Domain Trust.

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SCHEDULE 1—MINOR AMENDMENTS—continued

**RURAL LANDS PROTECTION ACT 1989 No. 197**

- (1) **Section 57 (Occupiers to lodge with board annual returns of land and stock):**

From section 57 (2), omit "in the prescribed form".

- (2) **Section 66 (Liability of a person who becomes the occupier or owner of ratable land):**

Omit section 66 (4), insert instead:

(4) An application for a certificate referred to in subsection (3) must:

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

- (3) **Section 74 (Board to keep record of rates):**

From section 74 (1), omit "in the prescribed form", insert instead "containing the prescribed particulars".

- (4) **Section 111 (Prescribed officer may take abandoned or trespassing stock to the nearest pound):**

After "impound the stock" in section 111 (4), insert "unless, in the opinion of that board, it is impracticable to do so".

- (5) **Section 112 (Abandoning stock on a public road or public land):**

Omit section 112 (2), insert instead:

(2) If:

(a) stock are abandoned on a public road or on public land; and

(b) any pasture, water supply or other improvements on or within the road or land are damaged or destroyed in consequence of the abandonment of the stock,

the relevant local authority or board or any other person who has suffered loss as a result of the abandonment of the

SCHEDULE 1—MINOR AMENDMENTS—*continued*

stock may, by proceedings brought in a court of competent jurisdiction, recover compensation for that damage or destruction from the person who abandoned the stock or caused the stock to be abandoned.

- (6) Section 131 (**Minister may permit the keeping of noxious animals**):
- (a) After "specified kind" in section 131 (1), insert "(not being noxious animals to which regulations in force under subsection (4A) apply)".
  - (b) After section 131 (4), insert:

(4A) The regulations may permit any person to keep a single noxious animal of a specified kind, subject to such conditions (if any) as are prescribed by the regulations.
  - (c) After "permitted" in section 131 (7), insert "under subsection (1)".
  - (d) After section 131 (7), insert:

(7A) Subsection (7) applies to a person permitted to keep a noxious animal by virtue of regulations made under subsection (4A) in the same way as it applies to a person who is granted permission to keep a noxious animal under subsection (1).
- (7) Section 135 (**Boards in the Western Division to pay bonuses for scalps of wild dogs destroyed in that Division**):
- From section 135 (1) (a) and (3), omit "prescribed by the regulations" wherever occurring, insert instead "approved by the Minister".
- (8) Section 156 (**Special provisions to apply where the contributor is the holder of a lease or licence from the Crown**):
- From section 156 (1), omit "claim is made by the person who, but for this section, would be liable", insert instead "notice of claim is served on the holder of the lease or licence by the person who, but for this section, would be entitled".

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (9) Section 157 (**Service of notices of claim**):
- (a) From section 157 (1) (d), omit "that land", insert instead "the land referred to in paragraph (c)".
  - (b) From section 157 (2), omit "demand or of the".
- (10) Section 158 (**Criteria for determining contributions payable under s. 155**):
- (a) From section 158 (a), omit "prescribed" where secondly occurring.
  - (b) From section 158 (e), omit "prescribed notice of demand", insert instead "notice of claim".
- (11) Section 164 (**Recovery of contribution towards the cost of maintaining or repairing certain fences**):
- (a) From section 164 (1) (c), omit "notice of demand prescribed by the regulations", insert instead "notice of claim".
  - (b) From section 164 (6), omit "has made a determination", insert instead "has not made a determination".
- (12) Section 181 (**Registration of brand designs for application to large stock**):
- From section 181 (3) (c), omit "in the form so prescribed".
- (13) Section 182 (**Symbol brand designs may be registered under certain conditions**):
- From section 182 (5) (b), omit "in the form prescribed by the regulations".
- (14) Section 183 (**Registration of earmark designs for application to cattle and deer**):
- From section 183 (3) (b), omit "in the form prescribed by the regulations".



SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (15) **Section 190 (Registration of brand and earmark designs for application to small stock):**  
From section 190 (3) (b), omit "in the form so prescribed".
- (16) **Section 202 (Notice of muster to be given to certain adjoining occupiers):**
- (a) From section 202 (1), omit "notice in writing", insert instead "written or oral notice".
  - (b) After section 202 (1), insert:
    - (1A) Subsection (1) applies only if the adjoining occupier concerned gives written notice to the person referred to in subsection (1) (a) that the occupier requires notice of the next muster or of musters generally.
- (17) **Section 21 7 (Regulations):**
- (a) From section 21 7 (2) (a), omit "form,".
  - (b) From section 21 7 (2) (d), omit "form and".
  - (c) After section 21 7 (2) (x), insert:
    - (y) prescribe forms required or permitted for the purposes of this Act or provide for such forms to be approved by the Minister.
- (18) **Schedule 4 (Sale of land for non-payment of money owing to a board):**  
From clause 5 (6) (d), omit "prescribed by the regulations", insert instead "approved by the Registrar-General under this Act".

**Commencement**

The amendments to the Rural Lands Protection Act 1989 are to commence or to be taken to have commenced on the day or days on which the respective amended provisions of that Act commence or commenced.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Explanatory note**

**Use of approved forms**

The proposed amendments to sections 57, 66, 74, 135, 158(a), 181–183, 190, 217 and clause 5 of Schedule 4 remove the need for certain forms, and the forms of certain certificates, to be prescribed by the regulations (items (1)–(3), (7), (10)(a), (12)–(15), (17) and (18)).

**Impounding of stock**

The proposed amendment to section 111 will ensure that a local land board is not required to impound abandoned stock on occupied land when requested by the occupier of the land if, in the opinion of that board, it is impracticable to do so (for example, if the board has inadequate resources to carry out the impounding) (item (4)).

**Typographical etc. corrections**

The proposed amendment to section 112 inserts a description of the persons who may take proceedings for compensation against persons who abandon stock on a public road or public land (that is, "the relevant local authority or board or any other person who has suffered loss as a result of the abandonment of the stock"). The description was omitted from the section as a result of a typographical error (item (5)).

The proposed amendments to sections 157 (2), 158 (e), and 164 (1) (c) eliminate some minor inconsistencies in language (items (9) (b), (10) (b) and (11) (a)).

The proposed amendment to section 164 (6) correctly restates section 128 (3) of the Pastures Protection Act 1934 (item (11) (b)). The word "not" was omitted from subsection (6) as a result of a typographical error. The amended provision will read

(6) This section applies only to work carried out on fences for which the local land board has not made a determination with respect to the original cost of erecting the fence or making that fence rabbit proof, dog proof or marsupial proof.

(Matter to be inserted is shown in bold type.)

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Fence rental**

The proposed amendment to section 156 (1) makes it clear that the person to whom the annual rental for a fence is payable under that provision is the person who owns the land adjoining the land that is subject to a yearly lease, or to a lease or licence from the Crown, mentioned in that provision (and not the other way round)(item (8)).

**Notices of claim**

The proposed amendment to section 157 (1) (d) clarifies the description of a category of land in respect of which a notice of claim must be served (item (9) (a)).

**Authority to keep noxious animals**

Proposed section 131 (4A) and (7A) enable regulations to be made giving general permission for the keeping of noxious animals. The amendments will make it possible to give general permission for the keeping of, for example, a single rabbit instead of each person wishing to keep a rabbit having to obtain individual permission to do so (item (6) (b) and(d))

**Notice of musters**

The proposed amendment to section 202 (1) provides that the notice required to be given by a person who proposes to muster stock to the occupier of an adjoining holding may be given either in writing (as currently in the Act) or orally not less than 48 hours nor more than 5 days before the proposed muster (item (16) (a)).

Proposed section 202 (1A) provides that section 202 (1) applies only if the adjoining occupier concerned gives notice to the person who proposes to muster stock that written notice of the next muster or any subsequent muster is required. The purpose of this amendment is to remove an onerous burden on the person mustering to give on every occasion written notice to that occupier (item (16) (b)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**RURAL WORKERS ACCOMMODATION ACT 1969 No. 34**

**Amendment**

Section 6 (**Accommodation to be provided for rural workers**):

At the end of section 6, insert:

(5) Despite subsection (4), separate closet accommodation for female workers need not be provided if no more than 5 persons are employed in or on the premises.

**Explanatory note**

At present under the Rural Workers Accommodation Act 1969, if toilet facilities are required to be provided for workers those facilities must be separate for persons of each sex. The proposed amendment provides that separate toilet facilities need not be provided in the case of rural premises on which no more than 5 persons are employed.

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**SEAMEN'S ACT 1898 No. 46**

**Amendment**

Section 28A:

After section 28, insert:

**Record of employees under 16 years**

28A. (1) The master of a ship must record the names and dates of birth of all persons under the age of 16 years who are employed on his or her ship.

(2) The record required under subsection (1) must be maintained on a separate register, or in the ship's articles.

**Explanatory note**

The purpose of this amendment is to incorporate, at the New South Wales level, the International Labour Organisation requirement that the masters of ships keep registers of persons who are employed on their ships and who are aged less than 16 years. This requirement appears as Article 4 of ILO Convention No. 58 (Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea).

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**SOIL CONSERVATION ACT 1938 No. 10**

**Amendment**

**Section 30A (Delegation):**

After "Service" in section 30A (2), insert "(or to an officer or employee of a government department, administrative office or other public authority, but only in respect of the Commissioner's powers under section 21D)".

**Validation**

Any act, matter or thing purporting to be done pursuant to a delegation under section 21D (6) (relating to the authority to destroy timber on protected land) of the Soil Conservation Act 1938 after the commencement of the Soil Conservation (Amendment) Act 1989 that would have been validly done if the delegation had been made under section 30A (2) of the Soil Conservation Act 1938, as in force after: the commencement of the proposed amendment, is validated.

**Explanatory note**

At present, the Commissioner of the Soil Conservation Service may only delegate his or her functions to the Deputy Commissioner or to an officer or employee of the Service. The proposed amendment enables the Commissioner to delegate functions under section 21D of the Act relating to authorising the destruction of timber on protected land to an officer or employee of a government department, administrative office or other public authority. The power to delegate is similar to that which the Catchment Areas Protection Board had before it was abolished, and its former functions conferred on the Commissioner, by the Soil Conservation (Amendment) Act 1989.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**STATE AUTHORITIES SUPERANNUATION ACT 1987 No. 211**

**Amendments**

Schedule 1 (**Employers**):

- (a) From Part 1, omit the matter relating to the Government Insurance Office of New South Wales, insert instead:

Government Insurance Office of New South Wales  
(limited to persons who, immediately before the appointed day, were employees of the Office and also contributors within the meaning of the Public Authorities Superannuation Act 1985)
- (b) From Part 1, omit the matter relating to the Children's Medical Research Foundation, insert instead:

Children's Medical Research Foundation (limited to the employees whose names were specified in the Order made under the Public Authorities Superannuation Act 1985 dated 16 April 1986 and published in the Gazette of 18 April 1986 at p. 1694)
- (c) From Part 1, omit the matter relating to St. Luke's Hospital, insert instead:

St. Luke's Hospital (limited to persons who, immediately before the appointed day, were employees of the Hospital and also contributors within the meaning of the Public Authorities Superannuation Act 1985)
- (d) From Part 1, omit the matter relating to the River Murray Commission, insert instead:

Murray-Darling Basin Commission (limited to persons who were contributors to the State Authorities Superannuation Scheme immediately before becoming officers of the Commission and in respect of whom the Commission makes provision for superannuation in accordance with this Act)
- (e) From Part 1, omit the matter relating to The Operative Plasterers' and Plaster Workers' Federation of Australia, insert instead:

SCHEDULE 1—MINOR AMENDMENTS—continued

The Operative Plasterers' and Plaster Workers' Federation of Australia (limited to the employee whose name was specified in the Order made under the Public Authorities Superannuation Act 1985 dated 3 June 1987 and published in the Gazette of 5 June 1987 at p. 2710)

**Commencement**

The amendments to the State Authorities Superannuation Act 1987 are to be taken to have commenced on 1 April 1988 (the day on which that Act commenced).

**Explanatory note**

The State Authorities Superannuation Scheme (SASS) was formed to replace the Public Authorities Superannuation Scheme, and the State Public Service Superannuation Scheme. Schedule 1 specifies those authorities which are employers for the purposes of the Scheme and includes a number of employers covered by the previous Schemes. The proposed amendments will ensure that descriptions of the employers concerned accurately describe the employers covered by the previous Schemes that are covered by the SASS and do not have the effect of including within the Scheme a wider category of employers than those formerly covered.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**STATUTORY AND OTHER OFFICES REMUNERATION ACT  
1975 (1976 No. 4)**

**Amendment**

Schedule 2, Part 1 (**Public offices**):

Before "General Manager of the Homebush Abattoir Corporation", insert "Full-time".

**Explanatory note**

The proposed amendment is consequential on item (5) of the amendments to the Meat Industry Act set out elsewhere in this Schedule.

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**STATUTORY AND OTHER OFFICES REMUNERATION  
(EXECUTIVES) AMENDMENT ACT 1989 No. 104**

**Amendment**

Schedule 1 (**Amendments relating to chief executive and senior executive office holders**):

From item (2), omit the matter relating to the General Manager of the Homebush Abattoir Corporation and the Deputy General Manager of the Homebush Abattoir Corporation.

**Explanatory note**

The proposed amendment is consequential on item (5) of the amendments to the Meat Industry Act 1978 set out elsewhere in this Schedule.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**STOCK (CHEMICAL RESIDUES) ACT 1975 No, 26**

**Amendment**

Section 7A:

After section 7, insert:

**Undertaking in respect of residue affected stock**

7A (1) An inspector may, if the inspector thinks fit, accept from a person who owns or is in charge of stock which are residue affected or which the inspector suspects are residue affected an undertaking to comply with the requirements contained in the undertaking.

(2) The undertaking must be in a form approved by the Chief, Division of Animal Health.

(3) The person giving the undertaking must comply with all the terms and conditions of the undertaking.

Maximum penalty: 5 penalty units.

(4) An inspector may release the person from the undertaking and on release subsection (3) ceases to have effect with respect to the undertaking.

(5) The undertaking ceases to have effect on the giving of a notice under section 8 in respect of stock to which the undertaking relates.

**Explanatory note**

The proposed amendment enables a person to enter into a voluntary undertaking with respect to stock which are affected by chemical residues or which an inspector suspects are so affected. A maximum penalty of 5 penalty units (currently \$500) is imposed for non-compliance with the terms of the undertaking. The amendment gives an inspector an alternative to issuing a detention notice under section 7 of the Act.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**STOCK DISEASES ACT 1923 No. 34**

**Amendments**

- (1) **Section 5 (The Board):**
  - (a) From section 5 (4), omit "8", insert instead "1 full-time and 7".
  - (b) After "(5) (a)" in section 5 (7), insert "(being the full-time member of the Board)".
  
- (2) **Schedule 1 (Provisions relating to the members and procedure of the Board of Tick Control):**
  - (a) **Clause 1 (Age of members):**  
Omit the clause.
  - (b) **Clause 5 (1) (d):**  
Omit "clause; or", insert instead "clause".
  - (c) **Clause 5 (1) (e):**  
Omit the paragraph.

**Explanatory note**

The proposed amendments to section 5 recognise the present full-time capacity of the Chairperson of the Board of Tick Control who is an officer of the Department of Agriculture and Fisheries (item (1)).

The proposed amendments to Schedule 1 remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Board of Tick Control (item (2)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**SUITORS' FUND ACT 1951 No. 3**

**Amendments**

**Section 3 (Suitors' Fund):**

- (a) After "be" where firstly occurring in section 3 (1), insert "established in the Special Deposits Account in the Treasury".
- (b) From section 3 (4), omit "shall be paid to an account in the Attorney General's Department Account in Special Deposits Account in the Treasury, and such moneys".

**Commencement**

The amendments to the Suitors' Fund Act 1951 commence on a day to be appointed by proclamation.

**Saving**

The Suitors' Fund established in the Special Deposits Account in the Treasury after the commencement of the amendments to the Suitors' Fund Act 1951 is a continuation of, and is to be taken to be the same fund as, the Suitors' Fund established and operating under that Act immediately before that commencement

**Explanatory note**

The proposed amendments provide that the Suitors' Fund is to be established as a separate account in the Special Deposits Account in the Treasury instead of forming part of the Attorney General's Department Account in the Special Deposits Account.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**SUPERANNUATION ACT 1916 No. 28**

**Amendment**

**Section 33B (Board to apportion benefit between the contributors' reserve and the appropriate employer reserve):**

Omit section 33B (1), insert instead

(1) Whenever a benefit under this Act becomes payable to a contributor or, if the contributor has died without receiving the benefit, the benefit becomes payable to another person in consequence of that death, the Board must ascertain the respective portions of the benefit that are payable from the contributors' reserve and the appropriate employer reserve.

**Commencement**

The amendment to the Superannuation Act 1916 is to be taken to have commenced on 1 July 1988 (the day on which section 33B of that Act commenced).

**Explanatory note**

The proposed amendment substitutes section 33B (1) (which requires the State Authorities Superannuation Board to apportion a benefit payable under the Act between the contributors' reserve and the appropriate employer reserve) so as to repeal section 33B (1) (b). The repeal of the paragraph will remove an unnecessary requirement for the Board to actually debit each reserve with the amount ascertained to be payable from it.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**SURVEYORS ACT 1929 No. 3**

**Amendments**

(1) Section 4 (**Incorporation of board**):

After section 4 (1) (a), insert:

- (a1) the Deputy Surveyor-General, who shall ex officio be a member of the board;

(2) Section 6 (**Tenure of office by members and quorum**):

- (a) From section 6 (S), omit "Four", insert instead "Five".
- (b) After "otherwise" in section 6 (S), insert "the Deputy Surveyor-General is to act as president and in the absence of the Deputy Surveyor-General through sickness or otherwise,".
- (c) After "acting-president, and" in section 6 (5), insert "the Deputy Surveyor-General or".

**Explanatory note**

The proposed amendments provide that the Deputy Surveyor-General is to be an ex officio member of the Board of Surveyors which at present comprises 7 members. The Deputy Surveyor-General is also to act as president at meetings of the Board in the absence of the Surveyor-General.

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SCHEDULE 1— MINOR AMENDMENTS—*continued*

**TRADE MEASUREMENT ADMINISTRATION ACT 1989 No. 234**

**Amendment**

Schedule 1 (**Charges**):

Omit Schedule 1, insert instead:

**SCHEDULE 1 - CHARGES**

(Secs. 10-12)

**TABLE 1 - CHARGES PAYABLE UNDER SECTION 10**  
(verification/re-verification)

Type or class of instrument	Charge for verification or re-verification
<b>1. MASSES:</b>	
Each mass not exceeding 20kg	\$3
Each mass marked "A" (in accordance with a certificate of approval of pattern under the National Measurement Act) and metric carat masses	\$5
<b>2. MEASURES OF VOLUME</b>	
Each volume measure not exceeding 20 litres	\$5 (or \$10 if the measure is subdivided)
Each volume measure exceeding 20 litres	\$20 plus \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument
Each volume measure being a lubricating oil measure that is batch tested	\$0.30

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each graduated measuring cylinder or pharmaceutical dispensing measure	\$5
Each alcoholic beverage measure that is batch tested in batches of not more than 30,000 measures	\$0.30
Each alcoholic beverage measure that is batch tested in batches exceeding 30,000 measures	\$0.20 subject to a maximum fee of \$10,000 per batch examined in one sitting
Each liquor measure	\$5

3. MEASURES OF LENGTH:

Each set of graduations on a measure of length not exceeding 2 metres	\$4
Each flexible measure of length exceeding 2 metres	\$10 plus \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

4. WEIGHING INSTRUMENTS

**Instruments not tested by a Weighbridge Test Unit made available by the administering authority:**

Each weighing instrument that has Class 1 or Class 2 specifications, as provided by an approval of pattern under the National Measurement Act	\$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument
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SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each instrument (except an instrument fitted with a digital indicator or computing device) not exceeding 30kg capacity	\$14
Each instrument (being an instrument fitted with a digital indicator or computing device) not exceeding 30kg capacity	\$20
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 30kg capacity but not exceeding 200kg capacity	\$30
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 30kg capacity but not exceeding 200kg capacity	\$35
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 200kg capacity but not exceeding 3 tonne capacity	\$45
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 200kg capacity but not exceeding 3 tonne capacity	\$80
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 3 tonne capacity but not exceeding 20 tonne capacity	\$150



SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 3 tonne capacity but not exceeding 20 tonne capacity \$200

Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 20 tonne capacity but not exceeding 50 tonne capacity \$300

Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 20 tonne capacity but not exceeding 50 tonne capacity \$350

Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 50 tonne capacity but not exceeding 100tonne capacity \$400

Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 50 tonne capacity but not exceeding 100 tonne capacity \$450

Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 100 tonne capacity \$500

Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 100 tonne capacity \$550

SCHEDULE 1 - MINOR AMENDMENTS - *continued*

Each train weighing-in-motion weighing instrument \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

**Each pre-packaging weighing-in-motion weighing instrument:**

• with a capacity not exceeding 15kg \$100

• with a capacity exceeding 15kg \$150

**Instrument tested by a Weighbridge Test Unit made available by the administering authority** \$250 for the first hour or part thereof, then \$56 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument with a minimum fee of \$250 in each case

An additional charge of \$20 is payable in respect of the verification or re-verification of a weighing instrument for each device attached to the instrument that displays or prints, or displays and prints, in addition to the information displayed by the instrument, the quantity, unit price or price of an article, or any combinations thereof, including a cash register.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

5. LIQUID MEASURING INSTRUMENTS:

**Each liquid measuring instrument of the flowmeter type with or without a mechanical computing device:**

- that has a flow rate not exceeding 100 litres per minute \$30
- that has a flow rate exceeding 100 litres per minute but not exceeding 250 litres per minute \$56
- that has a flow rate exceeding 250 litres per minute \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

**Each liquid measuring instrument of the flowmeter type fitted with an electronic indicating device:**

- that has a flow rate not exceeding 100 litres per minute \$45
- that has a flow rate exceeding 100 litres per minute but not exceeding 250 litres per minute \$56
- that has a flow rate exceeding 250 litres per minute \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each flowmeter used for measuring liquid propane gas \$130

Each liquid measuring instrument of the volumetric type having a capacity not exceeding 250 litres \$56

Each liquid measuring instrument of the volumetric type having a capacity exceeding 250 litres \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

Each mass flowmeter \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

An additional charge of \$20 is payable in respect of the verification or re-verification of a liquid measuring instrument for each bank-note accepting device, cash register or price or volume indicating device that is attached to the instrument,

An additional fee of \$40 is payable in respect of the verification or re-verification of a liquid measuring instrument for each card operated device attached to the instrument,

6. MISCELLANEOUS INSTRUMENTS:

Each bulk tank, tanker or farm milk tank \$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

Each fabric measuring instrument \$29

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each leather measuring instrument	\$29
Each liquor dispenser	\$50
Each totalising belt conveyor weighing instrument	\$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument
Each measuring instrument not otherwise included in this Table	\$29 per half hour or part thereof that an inspector necessarily spends in verifying or re-verifying the instrument

TABLE 2 - CHARGES PAYABLE UNDER SECTION 11  
(certification)

<i>Type or class of instrument</i>	<i>Charge for certification</i>
<b>1. MASSES:</b>	
Each mass not exceeding 20kg	\$3
Each mass marked "A" (in accordance with a certificate of approval of pattern under the National Measurement Act) and metric carat masses	\$5
<b>2. MEASURES OF VOLUME</b>	
Each volume measure not exceeding 20 litres	\$5 (or \$10 if the measure is sub-divided)
Each volume measure exceeding 20 litres	\$20

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each volume measure being a lubricating oil measure that is batch tested \$0.30

Each graduated measuring cylinder or pharmaceutical dispensing measure \$5

Each alcoholic beverage measure that is batch tested in batches of not more than 30,000 measures \$0.30

Each alcoholic beverage measure that is batch tested in batches exceeding 30,000 measures \$0.20 subject to a maximum fee of \$10,000 per batch examined in one sitting

Each liquor measure \$5

3. MEASURES OF LENGTH

Each set of graduations on a measure of length not exceeding 2 metres \$4

Each flexible measure of length exceeding 2 metres \$10

4. WEIGHING INSTRUMENTS

Each weighing instrument that has Class 1 or Class 2 specifications, as provided by an approval of pattern under the National Measurement Act \$15

Each instrument (except an instrument fitted with a digital indicator or computing device) not exceeding 30kg capacity \$14

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each instrument (being an instrument fitted with a digital indicator or computing device) not exceeding 30kg capacity	\$20
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 30kg capacity but not exceeding 200kg capacity	\$30
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 30kg capacity but not exceeding 200kg capacity	\$35
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 200kg capacity but not exceeding 3 tonne capacity	\$45
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 200kg capacity but not exceeding 3 tonne capacity	\$80
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 3 tonne capacity but not exceeding 20 tonne capacity	\$150
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 3 tonne capacity but not exceeding 20 tonne capacity	\$200

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 20 tonne capacity but not exceeding 50 tonne capacity	\$300
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 20 tonne capacity but not exceeding 50 tonne capacity	\$350
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 50 tonne capacity but not exceeding 100 tonne capacity	\$400
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 50 tonne capacity but not exceeding 100 tonne capacity	\$450
Each instrument (except an instrument fitted with a digital indicator or computing device) exceeding 100 tonne capacity	\$500
Each instrument (being an instrument fitted with a digital indicator or computing device) exceeding 100 tonne capacity	\$550
Each train weighing-in-motion weighing instrument	\$150
Each pre-packaging weighing-in-motion weighing instrument	
• with a capacity not exceeding 15kg	\$100
• with a capacity exceeding 15kg	\$150



SCHEDULE 1—MINOR AMENDMENTS—*continued*

An additional charge of \$20 is payable in respect of the certification of a weighing instrument for each device attached to the instrument that displays or prints, or displays and prints, in addition to the information displayed by the instrument, the quantity, unit price or price of an article, or any combinations thereof, including a cash register.

5. LIQUID MEASURING INSTRUMENTS:

**Each liquid measuring instrument of the flowmeter type with or without a mechanical computing device:**

. that has a flowrate not exceeding 100 litres per minute \$30

. that has a flow rate exceeding 100 litres per minute but not exceeding 250 litres per minute \$56

. that has a flow rate exceeding 250 litres per minute \$58

Each liquid measuring instrument of the flowmeter type fitted with an electronic indicating device:

. that has a flowrate not exceeding 100 litres per minute \$45

. that has a flow rate exceeding 100 litres per minute but not exceeding 250 litres per minute \$56

. that has a flow rate exceeding 250 litres per minute \$58

Each flowmeter used for measuring liquid propane gas \$130

SCHEDULE 1—MINOR AMENDMENTS—continued

Each liquid measuring instrument \$56  
of the volumetric type having a  
capacity not exceeding 250 litres

Each liquid measuring instrument \$58  
of the volumetric type having a  
capacity exceeding 250 litres

Each mass flowmeter \$58

An additional charge of \$20 is payable in respect of the certification of a liquid measuring instrument for each bank-note accepting device, cash register or price or volume indicating device that is attached to the instrument.

An additional fee of \$40 is payable in respect of the certification of a liquid measuring instrument for each card operated device attached to the instrument.

6. MISCELLANEOUS  
INSTRUMENTS

Each bulk tank, tanker or farm \$29  
milk tank

Each fabric measuring instrument \$29

Each leather measuring \$29  
instrument

Each liquor dispenser \$50

Each totalising belt conveyor \$29  
weighing instrument

Each measuring instrument not \$29  
otherwise included in this Table

**Explanatory note**

The proposed amendment substitutes Schedule 1 to the Act which sets out the charges payable for verification, re-verification and certification of measuring instruments under the Trade Measurement Act 1989. The amendment will implement in New South Wales a national agreement for uniform categorisation of measuring instruments.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**TRANSPORT ADMINISTRATION ACT 1988 No. 109**

**Amendment**

Section 88 (Free or subsidised railway, bus, ferry etc. travel):

After "if" in section 88 (5), insert "the amount of expenditure that the Authority incurs or the amount of".

**Explanatory note**

The proposed amendment brings the provisions relating to issue of free travel passes and concessional travel passes into line with the general provisions of the Act relating to Ministerial directions (cf. sections 13 (8) and 29 (8)). It allows expenditure incurred as well as loss of revenue to be taken into account in determining the amount the State Rail Authority or the State Transit Authority is to be reimbursed for passes which the Minister requires the Authority to issue.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**VALUATION OF LAND ACT 1916 No. 2**

**Amendments**

- (1) **Section 27B (Lots in subdivisions to be separately valued):**  
From section 27B (1) (b), omit "made under this section", insert instead "(whether or not made under this section)".
- (2) **Section 58AD (Lapse of allowance):**  
From section 58AD (c), omit "a notice of valuation containing the allowance is", insert instead "the notice of valuation containing the allowance in respect of the lot was".
- (3) **Section 78A (Furnishing of information given to the Valuer-General under s. 71):**  
From section 78A (1), omit "the prescribed form and payment of the prescribed fee", insert instead "a form approved by the Valuer-General and on payment of a fee determined by the Valuer-General".

**Commencement**

Items (1) and (2) of the amendments to the Valuation of Land Act 1916 commence or are to be taken to have commenced on the commencement of the Valuation of Land (Subdivision) Amendment Act 1989.

**Explanatory note**

Section 27B of the Valuation of Land Act 1916 enables the Valuer-General to separately value each lot in a subdivision on the first disposal (by sale or other conveyance or by resumption) of any land in the subdivision. The proposed amendment to section 27B extends that section to enable the separate valuation of lots that were included in one valuation before that section came into force (item (1)).

The proposed amendment to section 58AD makes it clear that an allowance for subdivision (being an allowance which is noted on the valuation roll when a separate valuation is made under section 27B of the land value of a lot in a deposited plan) ceases 3 years after the date on which the notice of valuation containing the allowance in respect of the lot was given (item (2)).

SCHEDULE 1—MINOR AMENDMENTS—*continued*

The proposed amendment to section 78A provides for the furnishing of certain information concerning particulars of property sales and other dealings by the Valuer-General on receipt of an application in an approved form and on payment of a fee determined by the Valuer-General, rather than in a prescribed form and on payment of a prescribed fee as is the case at present (item (3)).

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**VETERINARY SURGEONS ACT 1986 No. 55**

**Amendments**

Schedule 1 (Provisions relating to the members and procedure of the Board):

- (a) Clause 3 (Age of members):  
Omit the clause.
- (b) Clause 9 (1) (g):  
Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Board of Veterinary Surgeons.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**VICTIMS COMPENSATION ACT 1987 No. 237**

**Amendments**

- (1) Section 43 (**Registrar may commence recovery action**):  
After "served" in section 43 (1), insert "(in accordance with the rules of the Tribunal)".
- (2) Section 65F (**Establishment of the Compensation Fund**):
  - (a) After "be" in section 65F (1), insert "established in the Special Deposits Account in the Treasury".
  - (b) Omit section 65F (2).

**Commencement**

Item (1) of the amendments to the Victims Compensation Act 1987 commences or is to be taken to have commenced on the Commencement of section 43 of that Act (as inserted by the Victims Compensation (Amendment) Act 1989).

Item (2) of the amendments to the Victims Compensation Act 1987 commences on a day to be appointed by proclamation.

**Saving**

The Victims Compensation Fund established in the Special Deposits Account in the Treasury after the commencement of item (2) of the amendments to the Victims Compensation Act 1987 is a continuation of, and is to be taken to be the same fund as, the Victims Compensation Fund established and operating under that Act immediately before that commencement.

**Explanatory note**

The proposed amendment to section 43 provides that a notice to show cause (inviting the person on whom it is served to show cause to the Victims Compensation Tribunal why a determination for restitution should not be made against the person) is to be served in accordance with the rules of the Tribunal (item (1)).

The proposed amendments to section 65F provide that the Victims Compensation Fund is to be established as a separate account in the

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Special Deposits Account in the Treasury instead of forming part of the Attorney General's Department Account in the Special Deposits Account (item (2)).

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**WATER BOARD ACT 1987 No. 141**

**Amendments**

- (1) Schedule 1 (**Provisions relating to the members of the Board**):  
From clause 8 (1) (c), omit "for which he or she is an elected member".
- (2) Schedule 5 (**Provisions relating to the members of the Forum**):
  - (a) Clause 2 (**Age of members of the Forum**):  
Omit the clause.
  - (b) Clause 6 (1) (i):  
Omit the paragraph.

**Explanatory note**

The proposed amendment to Schedule 1 omits superfluous words (item (1)).

The proposed amendments to Schedule 5 remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Water Board Consultative Forum (item (2)).

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**WESTERN LANDS ACT 1901 No. 70**

**Amendments**

- (1) Section 4 (**Western Lands Commissioner and Assistant Commissioners**):

From section 4 (3), omit:

- (a) act as a member of such of the local land boards as the Commissioner may from time to time direct; and

- (2) Section 9 (**Power to establish administrative districts**):

From section 9 (4), omit the following:

A person of or above the age of seventy years shall not be appointed a member of a local land board.

An appointed member shall, unless he ceases to hold office before he attains the age of seventy years, retire on the day on which he attains that age.

**Commencement**

Item (1) of the amendments to the Western Lands Act 1901 is to be taken to have commenced on 1 September 1989 (the day on which the Western Lands (Amendment) Act 1989 (except section 4 and Schedule 7) commenced).

**Explanatory note**

The proposed amendment to section 4 is consequential on amendments made by Schedule 6 (2) to the Western Lands (Amendment) Act 1989. As a result of those amendments, the local land board for a particular administrative district established under the Western Lands Act 1901 comprises the Chairperson of Local Land Boards (who is appointed by the Governor) and 2 other persons appointed by the Minister. Prior to the amendments such a Board comprised the Assistant Commissioner as Chairman and 2 other persons appointed by the Minister (item (1)).

The proposed amendment to section 9 removes the restriction that prevents a person who is of or above the age of 70 years from being



SCHEDULE 1—MINOR AMENDMENTS—*continued*

eligible to be appointed as, or from continuing to hold office as, a member of a local land board for an administrative district (item (2)).

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**WILD DOG DESTRUCTION ACT 1921 No. 17**

Amendments

(1) Section 3A (**The Wild Dog Destruction Board**):

Omit section 3A (10).

(2) Section 3C (**Extraordinary vacancy**):

Omit "An appointed member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years."

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 65 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Wild Dog Destruction Board.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**WILLS, PROBATE AND ADMINISTRATION ACT 1898 No. 13**

**Amendments**

**Section 15A (Effect of termination of marriage):**

- (a) After “liability” in section 15A (3) (b), insert “(including any liability under a promise)”.
- (b) After the definition of “former spouse” in section 15A (4), insert:
  - “promise” includes any statement or representation of fact or intention.

**Commencement**

The amendments to the Wills, Probate and Administration Act 1898 commence on a day to be appointed by proclamation.

**Explanatory note**

The proposed amendments will give effect to the recommendations of the New South Wales Law Reform Commission in paragraph 10.35 of its report entitled “Wills - Execution and Revocation” (LRC 47).

The amendments will make it clear that section 15A (which provides for the modification of certain provisions of wills on divorce or the annulment of a marriage) does not affect any liability of a testator under a promise made to a former spouse of the testator or to the executor or administrator of the estate of the former spouse. For example, a contract not to revoke a will will not be revoked by a divorce or the annulment of a marriage.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**WOLLONGONG SPORTSGROUND ACT 1986 No. 1974**

**Amendments**

Schedule 2 (**Provisions relating to the members of the Trust**):

(a) Clause 1 (**Age of member**):

Omit the clause.

(b) Clause 5 (1) (f):

After "Minister;", insert "or".

(c) Clause 5 (1) (g):

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Wollongong Sportsground Trust.

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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**WORKERS COMPENSATION ACT 1987 No. 70**

**Amendments**

- (1) Section 39 (**Incapacity treated as total - "odd-lot" rule**):
  - (a) From section 39 (3), omit "A", insert instead "Without affecting the generality of subsection (1) (c), a".
  - (b) From section 39 (4), omit "any other rule", insert instead "any similar rule".
- (2) Section 40 (**Weekly payment during partial incapacity**):

After section 40 (3), insert

(3A) If it appears proper in the circumstances of the case, the weekly payment of compensation to an injured worker in respect of any period of partial incapacity for work may (subject to subsection (3)) be adjusted to take account of any adjustment because of the operation of Division 6 of Part 3 in the weekly payment that would be payable to the worker if it were a period of total incapacity for work
- (3) Section 51 (**Commutation in certain cases of weekly payments**):

At the end of section 51, insert

(7) The Authority may, as a term of its approval under subsection (1), require a worker to produce to it evidence that the worker has received adequate financial counselling.
- (4) Section 72 (**Reference of matters to medical panel**):

Omit section 72 (4) (c), insert instead:

(c) permanent brain damage;
- (5) Section 79 (**Definitions**):

Omit "240.1" from the definition of "base index number", insert instead "115.8".

SCHEDULE 1—MINOR AMENDMENTS—*continued*

(6) Section 92 (**Making of claim for compensation**):

At the end of section 92, insert:

(5) For the purposes of subsection (1) (c), a claim for compensation, in relation to an injury, includes a request to pay further compensation for the injury.

(7) Section 151D (**Time limit for commencement of court proceedings against employer for damages**):

At the end of section 151D, insert:

(4) This section does not apply to the commencement of court proceedings in respect of a claim within the meaning of Part 5 of the Motor Accidents Act 1988.

(8) Section 1512 (**Recovery against both employer and stranger**):

After "damages" in section 151Z (1) (d), insert "(being an indemnity limited to the amount of those damages)".

(9) Section 160 (**Recovery of \$500 excess from employer**):

At the end of section 160, insert:

(7) A declaration for the purposes of subsection (6) takes effect:

- (a) on the day on which the order by which it is made is served; or
- (b) if an earlier or later day than that day is specified in the order - on the day specified.

(10) Section 168 (**Insurance premiums order**):

At the end of section 168, insert:

(5) A declaration for the purposes of subsection (4) takes effect:

- (a) on the day on which the order by which it is made is served; or
- (b) if an earlier or later day than that day is specified in that order - on the day specified.

(11) Section 172 (**Recovery of unpaid premiums**):

- (a) From section 172 (1), omit "bears interest until payment", insert instead "together with interest calculated".

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (b) From section 172 (1), omit “and is recoverable with interest”, insert instead “and may be recovered”.
- (12) Section 193 (**Definitions**):  
At the end of section 193, insert:  
(2) A declaration for the purposes of the definition of “policy of insurance” in this section takes effect:  
(a) on the day on which the order by which it is made is served; or  
(b) if an earlier or later day than that day is specified in that order - on the day specified.
- (13) Section 217 (**Definitions**):  
At the end of section 217, insert  
(2) A declaration for the purposes of the definition of “premium income” in this section takes effect  
(a) on the day on which the order by which it is made is served; or  
(b) if an earlier or later day than that day is specified in that order - on the day specified.
- (14) Section 221 (**Payments from the Contribution Fund**):  
At the end of section 221, insert  
(12) In this section, a reference to payment of a lump sum in redemption wholly or partly of a liability includes a reference to any such redemption which is, by the operation of this Act, to be treated as a commutation of a liability to a lump sum under section 51.
- (15) Section 231 (**Appointment of GIO as agent and attorney of employer and worker**):  
From section 231 (3) (b), omit “section 150”, insert instead “section 151Z”.
- (16) Schedule 6, Part 3 (**Provisions relating to compensation payable on death**):  
From clause 2 (6), omit “for the purposes of this clause”, insert instead “for the purposes of determining the amount of compensation payable in accordance with this clause”.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (17) Schedule 6, Part 4 (**Provisions relating to weekly payments of compensation**):

From clause 4 (3), omit "for the purposes of this clause and clause 6", insert instead "for the purposes of determining the amount of compensation payable in accordance with this clause and for the purposes of clause 6".

- (18) Schedule 6, Part 6 (**Provisions relating to compensation for non-economic loss (table of maims)**):

From clause 6, omit "for the purposes of this Part and this Schedule", insert instead "for the purposes of determining the amount of compensation payable in accordance with this Part and this Schedule".

- (19) Schedule 6, Part 7 (**Provisions relating to compensation for property damage**):

After "applies" in clause 1, insert "for the purposes of determining the amount of compensation payable in respect of an accident".

- (20) Schedule 6, Part 15 (**Provisions relating to insurance**):

(a) After clause 6, insert:

**Determination of premium disputes**

6A. (1) Sections 18AA and 30AB of the former Act (as in force immediately before 30 June 1985) continue to apply to a premium demanded for:

- (a) a policy of insurance; or
- (b) a renewal of any such policy,

if the premium is demanded for the assumption of risk by an insurer for a period that commenced before 30 June 1985.

(2) For the purposes of this clause, a reference in section 18AA of the former Act to the Insurance Premiums Committee is to be read as a reference to the WorkCover Authority.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

(b) After clause 7, insert:

**Interest on unpaid premiums**

7A. Section 18 (7C) of the former Act applies in respect of the calculation of the interest payable on:

- (a) the full amount of a premium; or
- (b) an instalment of a premium payable by instalments; or
- (c) the adjustment of a premium,

payable in respect of a policy of insurance issued or renewed so as to take effect before the commencement of section 172 of this Act.

**Commencement**

The amendment to section 72 of the Workers Compensation Act 1987 is to be taken to have commenced on 1 October 1989 (the day on which Schedule 8 (7) to the Workers Compensation (Benefits) Amendment Act 1989 commenced).

The amendments to sections 151D, 1512 and 231 of the Workers Compensation Act 1987 are to be taken to have commenced on 1 February 1990 (the day on which Schedule 1 to the Workers Compensation (Benefits) Amendment Act 1989 commenced).

The amendments to Parts 3, 4, 6 and 7 of Schedule 6 to the Workers Compensation Act 1987 are to be taken to have commenced on 30 June 1987 (the day on which the provisions to be amended commenced).

**Explanatory note**

**"Odd-lot" rule**

The proposed amendments to section 39:

- (a) make it clear that the grounds stated in subsection (3) as indications that odd-lot workers should not be treated as having taken all reasonable steps to obtain suitable employment are not exhaustive; and



SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (b) include a more accurate description of the rule which, in addition to the "odd-lot" rule, is subject to the section (item (1)).

**Weekly payments during partial incapacity**

Under the Act weekly payments during periods of total incapacity for work may be adjusted under Division 6 of Part 3 (indexation of amounts of benefits). The proposed amendment to section 40 provides for adjustment of awards for partial incapacity at the discretion of the Compensation Court where such an adjustment for total incapacity has been made (item (2)).

**Financial counselling before commutation**

The proposed amendment to section 51 will ensure that before approving the commutation of a liability to make a weekly payment to a worker of a lump sum (in circumstances such as the worker requiring the lump sum to establish an income producing business), the Authority is able to confirm that the worker has received adequate financial counselling (item (3)).

**Statute law revision - s. 72**

Schedule 8 (7) to the Workers Compensation (Benefits) Amendment Act 1989 substituted "brain damage" for "loss of mental powers" as an injury in the Table to Division 4 of Part 3 (compensation for permanent injuries). The proposed amendment to section 72 is consequential on that amendment (item (4)).

**Base index number**

The proposed amendment to the definition of "base index number" in section 79 updates the index used in calculating an adjustable amount for the purposes of the Act (item (5)).

**Claims for compensation**

The proposed amendment to section 92 makes it clear that regulations may prescribe certain requirements relating to medical certificates not only for a claim for compensation for an injury but also for any additional payments in respect of an injury (item (6)).

SCHEDULE 1—MINOR AMENDMENTS—*continued*

**Commencement of court proceedings**

The proposed amendment to section 151D makes it clear that the time limits specified in the section do not apply to court proceedings in respect of a claim within the meaning of Part 5 of the Motor Accidents Act 1988 (section 52 of that Act makes provision for the time within which such proceedings must be commenced) (item (7)).

**Third-party indemnity**

The Workers Compensation Act 1987 provides that, where an injured worker who has been paid workers compensation by the employer is entitled to recover damages from a third-party who was responsible for the injury, the employer or insurer who paid the workers compensation is entitled to be indemnified by that third-party. The amendment to section 151Z confirms the High Court decision in *Xpolitos and another v Sutton Tools Pty. Ltd.* (1977) 136 CLR 418 that the indemnity is limited to the amount of those damages and that therefore the third party (or the third-party's insurer) is not liable for any additional amounts if the workers compensation exceeds the common law or other damages (item (8)).

**Central Government workers**

By ministerial order under sections 160, 168, 193 and 217 certain categories of persons may be declared to be central Government workers. The proposed amendments to those sections will enable the orders by which such declarations are made to specify the date from which they are to take effect (items (9), (10), (12) and (13)).

**Interest**

The proposed amendments to section 172 make it clear that interest under the section is payable on unpaid premiums, not on interest (item (11)).

**Payments from Contribution Fund**

The proposed amendment to section 221 recognises that as a result of the transitional arrangements made in relation to incapacity resulting from injuries received before the commencement of the Act (clause 4 (3) of Part 4 of Schedule 6), liability to make weekly

SCHEDULE 1—MINOR AMENDMENTS—*continued*

compensation in respect of the injuries may be commuted under section 51 of the Act instead of being redeemed under section 15 of the Workers' Compensation Act 1926 (item (14)).

**Statute law revision - s 231**

Schedule 1 to the Workers Compensation (Benefits) Amendment Act 1989 repealed Part 5 (including section 150) and substituted a new Part 5 (including section 151Z which replaced section 150). The proposed amendment to section 231 is consequential on that substitution (item (15)).

**Clarification of transitional provisions**

The proposed amendments to Parts 3, 4, 6 and 7 of Schedule 6 put it beyond doubt that the transitional provisions contained in those Parts do not negate the liability of any employer to pay compensation or of any insurer to indemnify an employer for payment of compensation in respect of injuries received before the commencement of the Act but merely establish the benefits applicable in each instance (items (16)–(19)).

**Determination of premium disputes and interest on unpaid premiums**

The proposed amendments to Part 15 of Schedule 6:

- (a) make it clear that the WorkCover Authority is able to deal with premium disputes concerning policies issued or renewed before 30 June 1985; and
  - (b) ensure that interest payable on unpaid premiums for policies of insurance issued or renewed before 30 June 1987 (the commencement of section 172) is calculated at the rate formerly payable under section 18 (7C) of the Workers' Compensation Act 1926, not at the rate payable under section 172 (item (20)).
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SCHEDULE 1—MINOR AMENDMENTS—*continued*

**WORKMEN'S COMPENSATION (BROKEN HILL) ACT 1920  
No. 36**

**Amendment**

**Section 3 (Compensation Fund):**

Omit "Minister", insert instead "WorkCover Authority".

**Explanatory note**

The proposed amendment will provide for the WorkCover Authority to certify sums payable by the Government into the Compensation Fund established under the Broken Hill Mines (Pneumoconiosis - Tuberculosis) Compensation Scheme.

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**ZOOLOGICAL PARKS BOARD ACT 1973 No. 34**

**Amendments**

(1) **Section 6 (Appointment of members):**

Omit section 6 (6).

(2) **Section 10 (Vacation of office):**

(a) **Section 10(1)(f):**

At the end of the paragraph, insert "or".

(b) **Section 10(1)(g):**

Omit "Governor; or", insert instead "Governor".

(c) **Section 10(1)(h):**

Omit the paragraph.

**Explanatory note**

The proposed amendments remove the restriction that prevents a person who is of or above the age of 70 years from being eligible to be appointed as, or from continuing to hold office as, a member of the Zoological Parks Board.

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**SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW  
REVISION**

(Sec. 3)

**AGRICULTURAL SCIENTIFIC COLLECTIONS TRUST ACT  
1983 No. 148**

**Amendments**

- (1) Section 17 (**Accounts**):  
Omit section 17 (5) and (7).
- (2) Section 18 (**Audit**):  
Omit the section.
- (3) Section 24 (**Repeal**):  
Omit the section.

**Explanatory note**

The proposed amendments will repeal provisions relating to the audit and tabling in Parliament of the statement of accounts of the Agricultural Scientific Collections Trust. These matters are now covered by the Public Finance and Audit Act 1983 and the provisions are superfluous.

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**ARBITRATION (CIVIL ACTIONS) ACT 1983 No. 43**

**Amendment**

- Section 4 (**Independent operation of Act**):  
Omit "section 124" from section 4 (1), insert instead "section 124 (2)".

**Explanatory note**

The proposed amendment corrects a cross-reference.

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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW  
REVISION—*continued*

**BAPTIST CHURCHES OF NEWSOUTH WALES PROPERTY  
TRUST ACT 1984 No. 4**

**Amendment**

Section 34 (**Waiver of certain conditions etc. in Crown grants**):

From section 34 (2), omit "in the the", insert instead "in the".

**Explanatory note**

The proposed amendment omits an unnecessary word.

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**BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS)  
ACT 1987 No. 94**

**Amendments**

Sections 58J (**Grounds on which application must be dismissed**) and 58K (**Forfeiture etc. of seized petroleum products**):

From sections 58J (1) and 58K (2), omit "section 65H" wherever occurring, insert instead "section 58H".

**Explanatory note**

The proposed amendment corrects cross-references.

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**COMMUNITY SERVICE ORDERS ACT 1979 No. 192**

**Amendment**

Section 3 (**Definitions**):

From paragraph (c) of the definition of "community service order", omit "or 26B".

**Explanatory note**

The proposed amendment omits an incorrect cross-reference.

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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW  
REVISION—*continued*

**CRIMES ACT 1900 No. 40**

**Amendments**

(1) Section 52A (**Culpable driving**):

Omit section 52A (6), insert instead:

(6) In this section:

"**drug**" has the same meaning as it has in section 2 (1) of the Traffic Act 1909.

(2) Section 52B (**Culpable navigation**):

From the definition of "drug" in section 52B (1), omit "5 (2) of the Motor", insert instead "2 (1) of the".

(3) Section 428X (**Mentally ill persons**):

From section 428X (3), omit "defendant was in a", insert instead "defendant was in".

**Explanatory note**

The proposed amendments update references to an Act and omit an unnecessary word.

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**CRIMES (FIREARMS) AMENDMENT ACT 1989 No. 27**

**Amendment**

Schedule 1 (2) (a):

Before "threatens to use" where firstly occurring, insert "or".

**Explanatory note**

The proposed amendment corrects a grammatical error.

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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW  
REVISION—*continued*

**FARM WATER SUPPLIES ACT 1946 No. 22**

**Amendment**

Section 9 (**Appropriate Authority may carry out works where advance is made**):

From section 9 (1)–(4), omit "Commission" wherever occurring, insert instead "appropriate Authority".

**Explanatory note**

The proposed amendment replaces references to the Water Resources Commission with references to the appropriate Authority (that is, the Director-General of the Department of Agriculture and Fisheries or the Water Administration Ministerial Corporation).

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**LEGAL AID COMMISSION ACT 1979 No. 78**

**Amendment**

Section 23 (**Appointment of members of staff of the Commission**):

From section 23 (2), omit "Public Service Industrial Relations Authority", insert instead "Public Employment Industrial Relations Authority".

**Explanatory note**

The proposed amendment corrects a reference to an authority.

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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW  
REVISION—*continued*

**MISCELLANEOUS ACTS (COMMUNITY WELFARE) REPEAL  
AND AMENDMENT ACT 1987 No. 58**

**Amendment**

Schedule 3 (**Amendments**):

Omit the matter relating to the Coroners Act 1980.

**Explanatory note**

The proposed amendment omits uncommenced amendments to section 13 (3) (h) of the Coroners Act 1980 that are unnecessary because of the substitution of that paragraph by Schedule 1 (2) to the Coroners (Miscellaneous Amendments) Act 1989.

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**MISCELLANEOUS ACTS (CROWN LANDS) AMENDMENT ACT  
1989 No. 9**

**Amendment**

Schedule 1 (**Amendments**):

From item (4) (b) of the matter relating to the Public Roads Act 1902, omit "(d) reserve", insert instead "(d) a reserve".

**Explanatory note**

The proposed amendment corrects a grammatical error consisting of the omission of a word.

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**STAMP DUTIES ACT 1920 No. 47**

**Amendment**

Section 128 (**Further claim may be made in case of payment of too little duty**):

Omit "or other the person liable" wherever occurring, insert instead "or other person liable".

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW  
REVISION—*continued*

**Explanatory note**

The proposed amendment corrects a grammatical error.

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**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 3)  
1989 No. 226**

**Amendments**

Schedule 1 (Minor **amendments**):

- (a) Renumber items (a), (b) and (c) of the amendments to the Miscellaneous Acts (Crown Lands) Amendment Act 1989 as items (1), (2) and (3), respectively.
- (b) From item (b) of the amendments to the Miscellaneous Acts (Crown Lands) Amendment Act 1989, omit "(18)", insert instead "(16)".

**Explanatory note**

The proposed amendments correct cross-references.

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**TRAFFIC ACT 1909 No. 5**

**Amendment**

Section 11B (**Return of number-plate**):

From section 11B (1), omit "him", insert instead "the Authority".

**Explanatory note**

The proposed amendment replaces a word which related to the Commissioner for Motor Transport with a reference to the Roads and Traffic Authority.

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**SCHEDULE 3—REPEALS**

(Sec. 4)

Cattle Slaughtering and Diseased Animals and Meat Act 1902 No. 36\*  
Science House (Grant) Act 1928 No. 9\*  
Country Towns Water Supply, Sewerage and Drainage (Reduction of Debts) Act 1934 No. 58\*  
Industrial Undertakings Purchasers' Prices Products Act 1937 No. 33\*  
Public Works (Sale of Wickham Lands) Act 1940 No. 26\*  
Country Towns Water Supply (Reduction of Debts) Act 1945 No. 7\*  
Cook's River Improvements Act 1946 No. 24\*  
Land Acquisition for Industrial Purposes (Tomago) Act 1946 No. 50\*  
Conservation Authority of New South Wales Act 1949 No. 8\*\*  
Clarence Harbour Works Act 1950 No. 1 \*  
Phillip Street, Sydney, Land Lease Act 1952 No. 47\*  
Filled Milk Act 1960 No. 1 \* \* \*  
Public Works (Liverpool Lands Disposal) Act 1960 No. 28\*  
Public Accountants Registration (Amendment) Act 1961 No. 61\*\*  
Camden Haven Harbour Works Act 1967 No. 1 \*  
Woolli River Harbour Works Act 1967 No. 74\*  
Coffs Harbour Boat-harbour Works Act 1972 No. 23\*  
Wagonga River Entrance Improvement Works Act 1972 No. 82\*  
Crown Lands (Removal of Restriction on Transfer) Act 1974 No. 38\*  
Business Franchise Licences (Petroleum) Amendment and Repeal Act 1976 No. 10\*\*  
Port Macquarie Entrance Improvement Works Act 1976 No. 16\*  
Builders Licensing (Amendment) Act 1976 No. 22\*\*  
Business Franchise Licences (Petroleum) Amendment Act 1977 No. 127\*\*  
Builders Licensing (Amendment) Act 1979 No. 182\*\*  
Police Regulation (Appeals) Appeal Tribunal (Amendment) Act 1980 No. 41\*\*  
Adoption of Children (Amendment) Act 1980 No. 78\*\*\*  
Grain Handling (Amendment) Act 1980 No. 176\*\*  
Plumbers, Gasfitters and Drainers (Amendment) Act 1984 No. 30\*\*  
Noise Control (Amendment) Act 1984 No. 60\*\*  
Builders Licensing (Amendment) Act 1984 No. 107\*\*\*  
Probation and Parole (Amendment) Act 1984 No. 124\*\*  
Fire Brigades (Amendment) Act 1985 No. 107\*\*  
Prices Regulation (Amendment) Act 1986 No. 33\*\*  
Probation and Parole (Remissions) Amendment Act 1986 No. 46\*\*

SCHEDULE 3—REPEALS—*continued*

Public Accountants Registration (Co-operation) Amendment Act  
1986 No. 107\*\*  
Cigarettes (Labelling) Amendment and Repeal Act 1986 No. 166\*\*  
Bail (Amendment) Act 1987 No. 43\*\*  
Builders Licensing (Amendment) Act 1987 No. 60\*\*  
Plumbers, Gasfitters and Drainers (Amendment) Act 1987 No. 61\*\*  
Grain Handling (Amendment) Act 1987 No. 65\*\*  
Noise Control (Amendment) Act 1987 No. 190\*\*  
Bread (Returns) Repeal Act 1987 No. 208\*\*  
Motor Vehicle Repairs (Amendment) Act 1987 No. 278\*\*  
Police Regulation (Appeals) Amendment Act 1987 No. 292\*\*  
Motor Traffic (Blood Samples) Amendment Act 1988 No. 73\*\*  
Motor Traffic (Driving Hours) Amendment Act 1988 No. 74\*\*  
Motor Traffic (Penalty Defaults) Amendment Act 1988 No. 75\*\*  
Motor Traffic (Drivers' Licences) Amendment Act 1988 No. 82\*\*  
Probation and Parole (Parole Board) Amendment Act 1988 No. 105\*\*  
Motor Traffic (Transport Administration) Amendment Act 1988 No.  
110\*\*  
Residential Tenancies (Further Amendment) Act 1989 No. 4\*\*  
Traffic (Penalty Notices) Amendment Act 1989 No. 36\*\*

Note:

- \* indicates repeal of Act that is no longer of public utility
- \*\* indicates repeal of amending Act whose provisions have been included in a reprint and which contains no provision of substantive effect that needs to be retained or which amends a repealed Act
- \*\*\* indicates repeal of Act containing uncommenced provisions

**Explanatory note**

The repeals are explained in detail in the explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions.

SCHEDULE 3—REPEALS—*continued*

Section 30 (2) of the Interpretation Act 1987 ensures that when an amending Act is repealed no amendment made by the Act is affected. Section 30 (2) also ensures that the following matters are not affected:

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act;
- (c) any validation made by the Act.

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**SCHEDULE 4 - GENERAL SAVINGS, TRANSITIONAL  
AND OTHER PROVISIONS**

(Sec. 5)

**Effect of amendment of amending provisions**

1. (1) An amendment made by Schedule 2 to an amending provision contained in an Act will, if the amending provision has commenced before the date of assent to this Act, be taken to have effect as from the commencement of the amending provision.

(2) In this clause:

"amending provision" means a provision of an Act, or of any other instrument, being a provision that has commenced and that makes a direct amendment of an Act b p

- (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter; or
- (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter; or
- (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act,

whether the provision was enacted before or after the commencement of the Reprints Act 1972.

**Explanatory note**

This clause ensures that amendments correcting errors in the technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) will

SCHEDULE 4—GENERAL SAVINGS, TRANSITIONAL AND  
OTHER PROVISIONS—*continued*

commence on the date the amendments to which they relate commenced.

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

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

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

**Explanatory note**

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

**Regulations**

3. (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.

SCHEDULE 4—GENERAL SAVINGS, TRANSITIONAL AND  
OTHER PROVISIONS—*continued*

**Explanatory note**

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

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**NOTE**

**Alphabetical list of Acts repealed by Schedule 3**

- Adoption of Children (Amendment) Act 1980 No. 78  
Bail (Amendment) Act 1987 No. 43  
Bread (Returns) Repeal Act 1987 No. 208  
Builders Licensing (Amendment) Act 1976 No. 22  
Builders Licensing (Amendment) Act 1979 No. 182  
Builders Licensing (Amendment) Act 1984 No. 107  
Builders Licensing (Amendment) Act 1987 No. 60  
Business Franchise Licences (Petroleum) Amendment and Repeal Act 1976 No. 10  
Business Franchise Licences (Petroleum) Amendment Act 1977 No. 127  
Camden Haven Harbour Works Act 1967 No. 1  
Cattle Slaughtering and Diseased Animals and Meat Act 1902 No. 36  
Cigarettes (Labelling) Amendment and Repeal Act 1986 No. 166  
Clarence Harbour Works Act 1950 No. 1  
Coffs Harbour Boat-harbour Works Act 1972 No. 23  
Conservation Authority of New South Wales Act 1949 No. 8  
Cook's River Improvements Act 1946 No. 24  
Country Towns Water Supply (Reduction of Debts) Act 1945 No. 7  
Country Towns Water Supply, Sewerage and Drainage (Reduction of Debts) Act 1934 No. 58  
Crown Lands (Removal of Restriction on Transfer) Act 1974 No. 38  
Filled Milk Act 1960 No. 1  
Fire Brigades (Amendment) Act 1985 No. 107  
Grain Handling (Amendment) Act 1980 No. 176  
Grain Handling (Amendment) Act 1987 No. 65  
Industrial Undertakings Purchasers' Prices Products Act 1937 No. 33

NOTE—*continued*

Land Acquisition for Industrial Purposes (Tomago) Act 1946 No. 50  
Motor Traffic (Blood Samples) Amendment Act 1988 No. 73  
Motor Traffic (Drivers' Licences) Amendment Act 1988 No. 82  
Motor Traffic (Driving Hours) Amendment Act 1988 No. 74  
Motor Traffic (Penalty Defaults) Amendment Act 1988 No. 75  
Motor Traffic (Transport Administration) Amendment Act 1988 No.  
110  
Motor Vehicle Repairs (Amendment) Act 1987 No. 278  
Noise Control (Amendment) Act 1984 No. 60  
Noise Control (Amendment) Act 1987 No. 190  
Phillip Street, Sydney, Land Lease Act 1952 No. 47  
Plumbers, Gasfitters and Drainers (Amendment) Act 1984 No. 30  
Plumbers, Gasfitters and Drainers (Amendment) Act 1987 No. 61  
Police Regulation (Appeals) Amendment Act 1987 No. 292  
Police Regulation (Appeals) Appeal Tribunal (Amendment) Act 1980  
No. 41  
Port Macquarie Entrance Improvement Works Act 1976 No. 16  
Prices Regulation (Amendment) Act 1986 No. 33  
Probation and Parole (Amendment) Act 1984 No. 124  
Probation and Parole (Parole Board) Amendment Act 1988 No. 105  
Probation and Parole (Remissions) Amendment Act 1986 No. 46  
Public Accountants Registration (Amendment) Act 1961 No. 61  
Public Accountants Registration (Co-operation) Amendment Act  
1986 No. 107  
Public Works (Liverpool Lands Disposal) Act 1960 No. 28  
Public Works (Sale of Wickham Lands) Act 1940 No. 26  
Residential Tenancies (Further Amendment) Act 1989 No. 4  
Science House (Grant) Act 1928 No. 9  
Traffic (Penalty Notices) Amendment Act 1989 No. 36  
Wagonga River Entrance Improvement Works Act 1972 No. 82  
Wooli River Harbour Works Act 1967 No. 74

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*[Minister's second reading speech made in -  
Legislative Assembly on 15 May 1990  
Legislative Council on 4 June 1990]*