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Act No 55, 1997

An Act to repeal certain Acts and to amend certain other Acts and regulations in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 2 July 1997]
Section 1 Statute Law (Miscellaneous Provisions) Act 1997 No 55

The Legislature of New South Wales enacts:

1 **Name of Act**

   This Act is the Statute Law (Miscellaneous Provisions) Act 1997.

2 **Commencement**

   (1) This Act commences on the date of assent, except as provided by subsections (2) and (3).

   (2) The amendments made by Schedules 1 and 2 commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence on the date of assent to this Act.

   (3) The amendments made by Schedule 3 commence on the date that is 3 months after the date of assent to this Act, or on such earlier day or days as may be appointed by proclamation.

3 **Amendments**

   Each Act and regulation specified in Schedules 1–4 is amended as set out in those Schedules.

4 **Repeals**

   Each Act or provision of an Act specified in Schedule 5 is repealed.

5 **General savings, transitional and other provisions**

   Schedule 6 has effect.

6 **Explanatory notes**

   The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.
Schedule 1  Minor amendments

1.1  Bookmakers (Taxation) Act 1917 No 15

[1]  Section 12 Payment of tax

Omit “7 days after the determination of the event or contingency in relation to which the tax becomes payable or within such other period as may be prescribed” from section 12 (2). Insert instead “the prescribed payment period”.

[2]  Section 12 (4)

Insert after section 12 (3):

(4)  In this section:

\[\text{prescribed payment period}\] means:

(a)  in the case of a bet made with the bookmaker in relation to an event or contingency relating to a horse race or greyhound race, or of any bet back made by the bookmaker in relation to such an event or contingency, the prescribed period after the determination of the event or contingency, or

(b)  in the case of a bet made with the bookmaker in relation to an event or contingency relating to a sports betting event, or of any bet back made by the bookmaker in relation to such an event or contingency, the prescribed period after any such bet or bet back was made.

[3]  Section 13 Bookmakers to keep records

Omit section 13 (2). Insert instead:

(2)  A bookmaker must forward to the Minister for Gaming and Racing:

(a)  the original sheet of the written record prescribed by the regulations accompanied by a declaration of the bookmaker, verifying the correctness and accuracy of the entries, and
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 1

Minor amendments

(b) such other returns (if any) as are prescribed by the regulations, which must be verified in the same manner.

(3) That record and those returns must be forwarded to the Minister:

(a) in the case of a bet made with the bookmaker in relation to an event or contingency relating to a horse race or greyhound race, or of any bet back made by the bookmaker in relation to such an event or contingency, within the prescribed period after the determination of the event or contingency, or

(b) in the case of a bet made with the bookmaker in relation to an event or contingency relating to a sports betting event, or of any bet back made by the bookmaker in relation to such an event or contingency, within the prescribed period after any such bet or bet back was made.

Commencement

The amendments to the Bookmakers (Taxation) Act 1977 commence on a day to be appointed by proclamation.

Explanatory note


Section 12 of the Act requires a bookmaker to pay the tax within 7 days after the determination of the event or contingency in relation to which the tax becomes payable, or within such other period as may be prescribed.

Section 13 of that Act requires a bookmaker to keep written records regarding the particulars of every bet made with the bookmaker and every bet back made by the bookmaker. These are required to be forwarded to the Minister for Gaming and Racing within the prescribed period after the determination of any event or contingency upon which the bet was made with the bookmaker.

At present, those sections apply to a bet made in relation to an event or contingency relating to a sports betting event in the same way as they apply to other bets. The proposed amendments will make it possible for the regulations to prescribe a time that occurs before the relevant sports betting event as the time by which tax, records and returns relating to the event must be forwarded to the Minister. The requirements relating to other bets will remain the same.
1.2 Community Land Development Act 1989 No 201

Section 35 Creation, release and variation of easements or restrictions

Insert “or varying” after “releasing” wherever occurring in section 35 (1) (c) and (d).

Explanatory note

Section 35 of the Community Land Development Act 1989 empowers a community association to execute or accept a dealing creating or releasing an easement which benefits its community properly or the whole of the community parcel. The section makes similar provisions in respect of precinct associations and neighbourhood associations.

Since the enactment of the Property Legislation Amendment (Easements) Act 1995, the Real Property Act 1900 sets out a procedure for the variation, by registration of a memorandum of registration, of an easement registered under that Act.

The proposed amendment to the Community Land Development Act 1989 empowers an association to execute or accept dealings varying certain easements.

1.3 Conveyancing Act 1919 No 6

[1] Section 88B Creation and release of easements, profits a prendre and restrictions on use of land by plans

Insert “or profits à prendre” after “easements” in section 88B (2) (c1).

[2] Section 88B (3AA)

Insert “or profit à prendre” after “easement” wherever occurring.

[3] Section 181B Construction of expression “party wall” in assurances of land

Omit section 181B (2). Insert instead:

(2) This section applies only to:

(a) assurances executed or made after the commencement of the Conveyancing (Amendment) Act 1930 and before the commencement of section 88BB, and
Schedule 1 Minor amendments

(b) assurances executed or made after the commencement of section 88BB but that assure land in a deposited plan that:
   (i) shows a boundary of that land and other land in the plan as a party wall, and
   (ii) was registered or recorded under Division 3 of Part 23 before the commencement of section 88BB.

[4] Section 195D Signatures and consents

Insert “or profit à prendre” after “easement” where secondly occurring in section 195D (1) (d).

[5] Schedule 8 Construction of certain expressions

Omit “lot burdened” where secondly occurring in clause 1 (a) of Part 11.
Insert instead “lot benefited”.

Commencement

The amendments to section 181B of, and Schedule 8 to, the Conveyancing Act 1979 are taken to have commenced on 1 August 1996 (the date of commencement of section 88BB of that Act, which was inserted by the Property Legislation Amendment (Easements) Act 1995).

Explanatory note

Release of profits à prendre

At present, sections 88B and 195D of the Conveyancing Act 1979 deal with the creation of easements and profits a prendre by registration of a plan. The Property Legislation Amendment (Easements) Act 1995 made provision for the release of easements on registration or recording of a plan under Division 3 of Part 23 of the Conveyancing Act 1919.

Items [1], [2] and [4] of the proposed amendments will ensure that profits a prendre are treated in the same manner as easements.

Cross-easements for support

Before the commencement of certain amendments made by the Property Legislation Amendment (Easements) Act 1995, section 181B of the Conveyancing Act 1919 allowed for the creation of easements for the support of party walls by assurances of land. The 1995 Act inserted section 88BB which allows cross-easements for the support of party walls to be created by a more convenient method. Transitional provisions were made at the time so as to ensure that easements created by section 181B before the commencement of section 88BB were not affected by the new provision.
Item [3] of the proposed amendments will have the effect that a cross-easement under section 181B will still arise if, before the commencement of the relevant amendments (1 August 1996), steps had been taken that would, but for the amendments, have led to the creation of a cross-easement.

Statute law revision

Item (5) corrects a reference to the lot in favour of which domestic services are to be provided under an easement for services.

1.4 Director of Public Prosecutions Act 1986 No 207

Section 15 Provisions relating to guidelines

Omit section 15 (1) (b) (ii). Insert instead:

(ii) the title of, and a brief description of any publication containing, each guideline furnished as in force at the end of that period.

Transitional

The amendment to the Director of Public Prosecutions Act 1986 applies to the whole of the period to which the relevant report relates, regardless of the date of commencement of the amendment.

Explanatory note

The Director of Public Prosecutions has the power to furnish guidelines to the Commissioner of Police or any other person who conducts investigations in relation to offences, or institutes or conducts prosecutions for offences, with respect to the prosecution of indictable offences or prescribed summary offences. The Director is obliged to give a copy of each such guideline to the Attorney General and is also required to include in the annual report of the work and activities of the Director a copy of each guideline furnished during the period to which the report relates. At present, the Director is also required to include in every annual report a copy of each guideline furnished in previous years, as in force at the end of the relevant period.

The proposed amendment removes the obligation to publish in full those existing guidelines. The annual report may merely set out the titles of those guidelines that were published in full in previous reports and a brief description of the reports in which they were published.
1.5 Eastern Gas Pipeline (Special Provisions) Act 1996 No 126

Schedule 2 Areas added to Morton National Park

Insert “and lying between portion 23 Parish of Coolumburra and portion 8 Parish of St George, between portion 6 Parish of Tianjara and Yarramunmun fire trail, and within the boundaries of that part of Morton National Park formerly comprising R53657 for public recreation” before “, not” in item 2.

Explanatory note
The Eastern Gas Pipeline (Special Provisions) Act 1996 realigns land included in the Morton National Park so as to reflect the actual boundary of a road. When land was reserved as Morton National Park some land was excluded from the reservation for the purposes of the Braidwood to Nowra Road. However, the road that was actually built did not coincide exactly with the road corridor excluded from the reservation. Section 5 of the Act provides for land that was excluded from the original reservation of land as Morton National Park (for the purposes of the Braidwood to Nowra Road) but that is not currently used for the purposes of the road, to be added to the Morton National Park. That land is described in Schedule 2 (Areas added to Morton National Park).

The proposed amendment to the Eastern Gas Pipeline (Special Provisions) Act 1996 amends the land description in Schedule 2 to the Act so as to make it clear that the land described there (which is to be added to the Morton National Park) includes only that part of the road corridor that runs through the Morton National Park, not the whole of the Braidwood to Nowra Road.

1.6 Encroachment of Buildings Act 1922 No 23

Section 13 Registration

Omit “as prescribed by regulation under the Conveyancing Act 1919” from section 13 (2).

Explanatory note
At present, section 13 of the Encroachment of Buildings Act 1922 provides that a caveat may be lodged and an order registered where land under the provisions of the Real Property Act 1900 is affected by an application or order in respect of an encroaching building. The section provides that an order may be registered under the Real Property Act 1900, as prescribed by regulation under the Conveyancing Act 1919.
All regulations in respect of dealings lodged under the Real Property Act 1900 are now contained in the regulations under the Real Property Act 1900, rather than the Conveyancing Act 1919.

The proposed amendment omits the redundant reference to the Conveyancing Act 1979.

1.7 Evidence Act 1995 No 25

[1] Section 102 The credibility rule

Omit “Specific” from the note. Insert instead “Specific”.

[2] Section 102, note

Omit “, 104 and 107”. Insert instead “and 104”.

[3] Section 102, note

Insert at the end of the note:

2 Section 108A makes provision as to the admission of evidence that is relevant only to the credibility of a person who has made a previous representation.

[4] Section 107 Exception: application of certain provisions to makers of representations

Omit the section.

[5] Section 108 Exception: re-establishing credibility

Omit section 108 (2).

[6] Section 108 (2), note

Omit the note. Insert instead:

Note. The Commonwealth Act includes a subsection referring to section 105 of that Act.
[7] **Section 108A**

Insert after section 108:

**108A Admissibility of evidence of credibility of person who has made a previous representation**

(1) If:

(a) because of a provision of Part 3.2, the hearsay rule does not apply to evidence of a previous representation, and

(b) evidence of the representation has been admitted, and

(c) the person who made the representation has not been called, and will not be called, to give evidence in the proceeding,

evidence that is relevant only to the credibility of the person who made the representation is not admissible unless the evidence has substantial probative value.

(2) Without limiting the matters to which the court may have regard in deciding whether the evidence has substantial probative value, it is to have regard to:

(a) whether the evidence tends to prove that the person who made the representation knowingly or recklessly made a false representation when the person was under an obligation to tell the truth, and

(b) the period that elapsed between the doing of the acts or the occurrence of the events to which the representation related and the making of the representation.

[8] **Section 120 Unrepresented parties**

Omit section 120 (2).
Minor amendments

Schedule 1

[9] **Section 128 Privilege in respect of self-incrimination in other proceedings**

Insert at the end of section 128 (7):

*Note.* This subsection differs from section 128 (7) of the Commonwealth Act. The Commonwealth provision refers to an “Australian Court” instead of a “NSW court”.

[10] **Section 128, notes**

Insert at the end of the notes:

3 The Commonwealth Act includes subsections (10)–(13). The subsections give effect to certificates in relation to self-incriminating evidence under the NSW Act in proceedings in federal and ACT courts and in prosecutions for Commonwealth and ACT offences.

[11] **Section 154 Documents published by authority of Parliaments etc**

Omit the note.

[12] **Section 155 Evidence of official records**

Omit the notes. Insert instead:

*Note.* This section differs from section 155 of the Commonwealth Act. The Commonwealth provision refers to evidence of a “public record” of a State or Territory rather than evidence of a “public document” of a State or Territory.

[13] **Section 158 Evidence of certain public documents**

Omit the note.


Insert in alphabetical order:

*credibility* of a person who has made a representation that has been admitted in evidence means the credibility of the representation, and includes the person’s ability to observe or remember facts and events about which the person made the representation.

Insert after the definition of **government or official gazette**:

**Note.** The Commonwealth definition of this term differs from this definition.

[16] Dictionary, Part 1

Omit “saw or heard” from paragraph (a) of the definition of **identification evidence**.

Insert instead “saw, heard or otherwise perceived”.

Commencement

The amendments to the Evidence Act 1995 commence on a day or days to be appointed by proclamation.

Explanatory note

Admissibility of evidence relating to credibility

Items [4], [7] and [14] clarify the admissibility of evidence that relates only to the credibility of a person whose prior statement has been admitted under a hearsay exception and who has not been called to give evidence.

The amendments are consistent with those made to the Evidence Act 1995 of the Commonwealth by the Law and Justice Legislation Amendment Act 1997 of the Commonwealth.

Item [4] repeals section 107, which is replaced by a new section 108A (inserted by item [7].

Section 107 purports to create an exception to the credibility rule in section 102 of the Act. The credibility rule makes inadmissible evidence that is relevant only to the credibility of a witness. The purported exception to the credibility rule created by section 107 applies only where a person, who has made a prior statement that has been admitted under a hearsay exception in Part 3.2 of the Act, has not been called to give evidence. As a person to whom section 107 applies is not a witness, the credibility rule cannot apply to that person. Therefore section 107 creates an exception to a rule that does not apply in the first place.

New section 108A replaces section 107 to clarify the admissibility of evidence that relates only to the credibility of a person whose prior statement has been admitted under one of the exceptions to the hearsay rule and who is not called to give evidence.

New section 108A restores the generally understood meaning of section 107, namely that evidence relevant only to the credibility of such a person is admissible only to the extent that he or she could have been cross-examined on a matter relevant only to credit if he or she had given evidence as a witness. It achieves this result by providing that evidence relevant to his or her credibility is not admissible unless it has substantial probative value.
The requirement that the evidence should have substantial probative value mirrors the requirement, under section 103 of the Act, that applies where a person has given evidence as a witness.

Item [14] inserts a definition of credibility of a person, a term used in new section 108A.

**Consequential amendments to notes and amendments by way of statute law revision**

Consequential amendments are made by items [1], [2], [5] and [6]. Items [3], [9], [10], [11], [12], [13] and [15] are amendments to include further explanatory notes relating to the new provisions and to achieve consistency with notes included in the Evidence Act 1995 of the Commonwealth by the Law and Justice Legislation Amendment Act 1997 of the Commonwealth.

Item [8] omits existing section 120 (2), which is unnecessary. Section 120 (2) extends the definition of party, for the purpose of unrepresented party privilege in section 120, to include a person who falls within some of the paragraphs of the definition of client in section 117 (1) of the Act. However, the extended meaning is not required because the term party is already defined in terms that include those paragraphs in section 117 (1).

Item [16] corrects a drafting inconsistency in the definition of identification evidence. The opening words of paragraph (a) of the definition refer to evidence of an assertion made by a person that a defendant resembles, “visually, aurally or otherwise”, another person while the closing words of the paragraph refer only to what the first-mentioned person “saw or heard”.

### 1.8 Fertilizers Act 1985 No 5

**[1] Sections 15 (1), 17, 18 (1), 19, 22, 25 (5), 27, 28, 31, 33 and 34**

Omit “20 penalty units” wherever occurring.
Insert instead “50 penalty units”.

**[2] Sections 16 (1), 21 (1) and 26 (2)**

Omit “10 penalty units” wherever occurring.
Insert instead “20 penalty units”.

**[3] Section 42 Regulations**

Omit “5 penalty units” from section 42 (3).
Insert instead “20 penalty units”.
Commencement
The amendments to the Fertilizers Act 1985 commence on a day or days to be appointed by proclamation.

Explanatory note
The Fertilizers Act 1985 was amended by the Fertilizers (Amendment) Act 1992. Schedule 2 to that Act contains amendments that significantly increase the penalty for various offences under the Act. Those amendments are uncommenced.

The Statute Law (Penalties) Act 1993 amended the same provisions of the Fertilizers Act 1985 so as to convert existing monetary penalties to penalty unit amounts. As a result, the uncommenced amendments increasing the amount of penalties are unincorporable.

The proposed amendments re-enact the amendments made by Schedule 2 to the Fertilizers (Amendment) Act 1992 so that, when they are commenced by proclamation, they will have the effect of increasing penalties in the manner approved by Parliament in 1992.

1.9 Gas Supply Act 1996 No 38

Section 2 Commencement

Insert at the end of the section:

(2) Section 11 (2) (b) (ii) and (4) commences on 1 July 1999, or on such earlier date (occurring after the date of assent to the Statute Law (Miscellaneous Provisions) Act 1997) as may be appointed by proclamation under this subsection.

Commencement
The amendment to the Gas Supply Act 1996 is taken to have commenced on 12 July 1996 (the date on which section 2 of the Act was proclaimed to commence).

Saving of certain undertakings
The amendment to the Gas Supply Act 1996 does not invalidate any undertaking of a kind referred to in section 11 (4) of the Act entered into in compliance with a condition of a kind referred to in section 11 (2) (b) (ii) of the Act imposed by the Minister before the date of assent to this Act.

Explanatory note
The proposed amendment repeals the effect of a commencement proclamation. The provisions affected are described below.
Section 11 of the Gas Supply Act 1996 deals with the imposition of conditions on authorisations to operate distribution systems for the purpose of conveying natural gas, or to supply natural gas by means of a distribution system.

Section 11 (2) (b) (ii) empowers the Minister to impose conditions requiring the holder of the authorisation to exercise its functions under the Act in accordance with specified guidelines or subject to specified restrictions, including conditions as to the implementation of Government policy on community service obligations to tariff customers.

However, section 11 (4) provides that the Minister may not impose such a condition unless the Minister has entered into an undertaking, on behalf of the State, to indemnify the holder of the authorisation with respect to the costs incurred by the holder in complying with the requirements of the condition.

When the Gas Supply Bill 1996 was introduced, the Minister for Energy indicated that the provision would not be commenced until the completion of a transitional period during which pensioner rebates would continue to be authorised by cross-subsidies.

The proposed amendment negates the effect of the proclamation that commenced section 11 (2) (b) (ii) and (4).

1.10 Industrial Relations Act 1996 No 17

[1] Section 202, definition of “Federal Act” and sections 217 (4), 239 (3), 249 (2), 281, 282 (2), 283 (2) and 290 and the definition of “Australian Industrial Relations Commission” in the Dictionary


Insert instead “Workplace Relations Act 1996 of the Commonwealth”.

[2] Section 348 Compulsory conference with respect to claims

Omit “by special leave” from section 348 (3).

Transitional

The amendment to section 348 of the Industrial Relations Act 1996 does not apply to a claim for compensation in respect of a head contract of carriage terminated before the commencement of the amendment.
Explanatory note

Claims for compensation under contracts of carriage
Part 7 of Chapter 6 of the Industrial Relations Act 1996 provides for the making of claims for compensation by carriers whose head contract of carriage has been terminated. Section 348 of the Act requires notification of any claim to be given within 28 days or such further period of up to 3 months as the President of the Industrial Relations Commission may allow by special leave.

Item [2] of the proposed amendments omits the present restriction (that an extension is allowed only by special leave). The proposed amendment would enable a matter to proceed without the need for a formal hearing of the application to extend the period for notification.

References to Commonwealth Act
The Industrial Relations Act 1988 of the Commonwealth has been amended and is now called the Workplace Relations Act 1996. Item [1] of the proposed amendments updates references to the Commonwealth Act.

1.11 Interpretation Act 1987 No 15

[1] Section 56 Penalty units
Omit “$100”. Insert instead “$110”.

[2] Section 56, note
Insert at the end of section 56:

Note. The amendment made to this section by Schedule 1.11 [1] to the Statute Law (Miscellaneous Provisions) Act 1997 does not affect the penalty for an offence committed before the commencement of that amendment (see section 55).

[3] Section 68 References to amended Acts and instruments
Insert at the end of section 68 (4) (a) (vii):

and

(viii) the Friendly Societies (NSW) Code,

Commencement
The amendments to section 56 of the Interpretation Act 1987 commence on a day to be appointed by proclamation.
Explanatory note

Penalty units

At present, section 56 of the *Interpretation Act 1987* provides that a reference in any Act or statutory rule to a number of penalty units is to be read as a reference to an amount of money equal to the amount obtained by multiplying $100 by that number of penalty units. This means, for example, that if an Act sets out the maximum penalty for an offence as being “5 penalty units” the maximum penalty for that offence is currently $500.

The amount represented by a penalty unit has not been increased since 1987, but prices (as measured by the Consumer Price Index) have increased by 45.3% since then.

Item [1] of the proposed amendments increases to $110 the amount represented by each penalty unit. That means that a penalty of 5 penalty units would now refer to a penalty of $550.

The increase in the level of penalties is consistent with recent amendments to Commonwealth legislation (see the *Crimes and Other Legislation Amendment Act 1997* of the Commonwealth, which amends the definition of penalty unit in section 4AA of the *Crimes Act 1974* of the Commonwealth).

Item [2] of the proposed amendments makes it clear that the increase will not affect the penalty for an offence committed before the increase takes effect.

References to Friendly Societies Code

Section 68 of the *Interpretation Act 1987* provides that a reference in an Act or instrument to some other amended Act or instrument extends to the other Act or instrument as in force for the time being.

Item [3] of the proposed amendments will have the effect that section 68 applies to the construction of references in and to the *Friendly Societies (NSW) Code*.

1.12 Landlord and Tenant (Rental Bonds) Act 1977 No 44

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

*caravan* means any vehicle without motive power constructed or adapted for the purposes of habitation, and includes any such vehicle which is not fitted with wheels but which is so constructed that it is capable of being fitted with wheels.
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 1 Minor amendments

[2] Section 4 (1)
Omit paragraph (c) of the definition of *residential premises.* Insert instead:

(c) a caravan that is leased in a fixed position,

Explanatory note
At present, section 4 of the *Landlord and Tenant (Rental Bonds) Act 1977* includes in the definition of residential premises “a caravan within the meaning of section 31A of the *Landlord and Tenant (Amendment) Act 1948* that is leased in a fixed position”. Section 31A of that Act has been repealed. However, the principles of statutory interpretation have the effect that the provisions of the repealed section are kept in force for the purposes of interpreting the existing definition of residential premises.

The proposed amendments insert a definition of caravan that is consistent with the definition of that term in the repealed section. This removes the need to rely on repealed legislation.

1.13 Law Foundation Act 1979 No 32

[1] Section 5 Objects of the Foundation
Omit “and” from section 5 (f).

[2] Section 5 (g) and (h)
Omit section 5 (g). Insert instead:

(g) to provide services to promote the legal rights of economically or socially disadvantaged people or groups of people and to improve access to the legal system for such people or groups of people, and

(h) to provide access to legal information and legal services for economically or socially disadvantaged people or groups of people.

[3] Section 6 Powers of the Foundation
Omit “and” where secondly occurring in section 6 (c).
[4]  **Section 6 (e)**

Insert at the end of section 6 (d):

, and

(e) do anything incidental or conducive to the carrying out of any of the objects of the Foundation.

**Explanatory note**

The Law Foundation of New South Wales is a body corporate constituted by the Law Foundation Act 1979.

Item [2] of the proposed amendments makes it clear that the objects of the Foundation include the provision of services to promote the legal rights of, and to improve access to the legal system for, economically or socially disadvantaged people and the provision of access to legal information and legal services for such people. Item [1] makes a consequential amendment.

Item [4] of the amendments makes it clear that the Foundation has the power to do anything incidental or conducive to the carrying out of any of its objects. Item [3] makes a consequential amendment.

1.14  **Motor Accidents Act 1988 No 102**

**Section 73  Payment of interest**

Insert “or 79A” after “section 79” in section 73 (3).

**Transitional**

The amendment to the Motor Accidents Act 1988 does not apply to claims for damages that were commenced as at the date on which the amendment commenced but were not settled or finally determined as at that date.

**Explanatory note**

Sections 79 and 79A of the Motor Accidents Act 1988 set out the way damages for non-economic loss are to be determined. Section 79 applies only to motor accidents that occurred before midnight on 26 September 1995, section 79A applies only to motor accidents that occurred after that time.

Section 73 of the Act provides for the payment of interest on damages and prohibits the payment of interest on damages for non-economic loss awarded under section 79 (regarding accidents that occurred before midnight on 26 September 1995).

The proposed amendment updates that section, so that it also prohibits the payment of interest on damages for non-economic loss in respect of accidents to which section 79A applies (that is, accidents that occurred after midnight on 26 September 1995).
1.15 National Parks and Wildlife Act 1974 No 80

[1] Section 5 Definitions

Omit the definition of *pastures protection board* from section 5 (1). Insert in alphabetical order:

*rural lands protection board* means a rural lands protection board within the meaning of the *Rural Lands Protection Act 1989*.

[2] Sections 40 (2), 53 (2), 58E (2) and 139 (2) (n)

Omit “pastures protection board” wherever occurring. Insert instead “rural lands protection board”.

[3] Sections 118A, 118C and 118D

Insert after section 118A (3) (a), 118C (5) (a) and 118D (2) (a):

(a1) was the subject of a certificate issued under section 95 (2) of the *Threatened Species Conservation Act 1995*, or

[4] Sections 118A (3) (c), 118C (5) (c) and 118D (2) (c)

Omit “or the *State Emergency and Rescue Management Act 1989*” wherever occurring. Insert instead “, the *State Emergency and Rescue Management Act 1989* or the *State Emergency Service Act 1989*”.

[5] Section 179 Authority to take proceedings

Omit “this Act or” from section 179 (1). Insert instead “, or”.

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Section 179 (1)

Omit “under the provisions of”. Insert instead “under,”.

Explanatory note

Exemptions from certain offences

Sections 11 8A, 118C and 11 8D of the National Parks and Wildlife Act 1974 create offences relating to harming or picking threatened species, populations or ecological communities, damaging critical habitats or damaging the habitats of threatened species, populations or ecological communities. Each section sets out defences to those offences, which include holding a general licence under the National Parks and Wildlife Act 1974 or the Threatened Species Conservation Act 1995.

Section 95 (2) of the Threatened Species Conservation Act 1995 provides for the Director-General of National Parks and Wildlife to issue a certificate to the effect that proposed actions are not likely to significantly affect threatened species and that a licence under the Threatened Species Conservation Act 1995 is therefore not required.

Item [3] of the proposed amendments provides defences to a prosecution for harming or picking a threatened species, population or ecological community, damaging a critical habitat or damaging the habitat of a threatened species, population or ecological community if the relevant actions were undertaken in reliance on such a certificate.

Authority to take proceedings

At present, section 179 of the National Parks and Wildlife Act 1974 empowers a member of the police force or a person authorised by the Director-General to take legal proceedings for an offence against the National Parks and Wildlife Act 1974.

Item [5] of the proposed amendments will provide for authority to be given to such officers to take proceedings for offences under the Threatened Species Conservation Act 1995 or the regulations made under that Act and for offences under the regulations made under the National Parks and Wildlife Act 1974.

Statute law revision

Items [1] and [2] of the proposed amendments update references to boards that are now known as “rural lands protection boards”.

Item [4] updates references to the Acts relevant to emergency services.
1.16 Public Authorities (Financial Arrangements) Act 1987 No 33

[1] Section 8 Power to obtain financial accommodation

Insert after section 8 (4):

(5) Without limiting subsection (4) (c), the Treasurer’s approval may be subject to a condition that an agreement under which financial accommodation is obtained contains provisions in or to the effect of those referred to in section 8A.

[2] Section 8A

Insert after section 8:

8A Special provisions relating to ownership of buildings, structures or other fixtures

(1) An agreement under which financial accommodation is obtained by an authority may contain provisions in or to the effect:

(a) that the ownership of specified buildings, structures or other fixtures is not vested in the owner of the land on which they are located, and

(b) that such specified buildings, structures or fixtures are chattels and not real property, and

(c) that such specified buildings, structures or fixtures can be transferred or leased to any person or otherwise dealt with in accordance with the terms and conditions of the Treasurer’s approval of the financial accommodation.

(2) Despite any Act or rule to the contrary, any such provision has effect for all purposes (and not only as between the parties to the agreement in which the provision is contained), but only if the Treasurer’s approval to the obtaining of the financial accommodation was subject to a condition that the agreement contain the provision.
Validation

Any approval given by the Treasurer under section 8 of the *Public Authorities (Financial Arrangements) Act 1987* that included a provision in or to the effect of a provision referred to in clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995* (as in force at the time the approval was given) is validated. Section 8A of the *Public Authorities (Financial Arrangements) Act 1987* is taken to have applied at all times to each agreement entered into in connection with any financial accommodation obtained pursuant to any such approval as if the provisions in such approval in or to the effect of those referred to in clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995* were contained in each such agreement with the approval of the Treasurer referred to in section 8A (2).

Explanatory note

Part 2 of the *Public Authorities (Financial Arrangements) Act 1987* relates to the obtaining of financial accommodation by public authorities. Section 8 of the Act empowers an authority (approved by the Governor to do so) to obtain financial accommodation within or outside Australia, in accordance with the written approval of the Treasurer on such terms as the Treasurer thinks fit. Section 8 (4) sets out some examples of the terms on which the Treasurer's approval may be given.

The proposed amendments to the *Public Authorities (Financial Arrangements) Act 1987* specify certain provisions that may be included in an agreement for the obtaining of financial accommodation, and provide for such provisions to have effect despite any Act or rule of law to the contrary. (The proposed amendment to the *Public Authorities (Financial Arrangements) Regulation 1995* made elsewhere in this Schedule omits an analogous provision that is presently included in the regulation, as a consequence of the proposed amendment to the Act.)

1.17 Public Authorities (Financial Arrangements) Regulation 1995

Clause 55 Treasurer's approval to obtaining financial accommodation

Omit the clause.

Explanatory note

The proposed amendment is consequential on the amendments made to the *Public Authorities (Financial Arrangements) Act 1987* elsewhere in this Schedule.
1.18 **Real Property Act 1900 No 25**

[1] **Section 17 Creation of folio for land that is the subject of a primary application**

Omit “section 12 (1) (h) or 12 (1A), gives notice of that intention the Registrar-General shall, in the notice,” from section 17 (1).

Insert instead “section 12 (1) (hl) or 12 (1A), notice is given of that intention, that notice must”.

[2] **Section 47 Creation of easements etc**

Insert “or profit à prendre” after “easement” wherever occurring in section 47 (5A).

[3] **Section 74N Service of notices on caveators for purposes of Part**

Insert “registered” before “post” wherever occurring in section 74N (1) (b), (c) and (d).

[4] **Section 74N (4)**

Insert after section 74N (3):

(4) To avoid doubt, section 77 of the *Interpretation Act 1987* does not apply to this section.

**Explanatory note**

**Powers of Registrar-General**

Item [1] of the proposed amendments updates a reference to the relevant provision of the *Real Property Act 1900* which empowers the Registrar-General to give notice, or to direct another person to give notice, of the intended exercise or performance of any power, authority, duty or function conferred or imposed by the Act. The proposed amendment also reflects the fact that the notice may have been given by a person other than the Registrar-General.

**Release of profits à prendre**

At present, section 47 of the *Real Property Act 1900* deals with the creation of profits à prendre in the same manner as the creation of easements. The *Property Legislation Amendment (Easements) Act 1995* amended that section to make provision for the variation of registered easements on registration of a memorandum of variation, but made no provision for the variation of a profit à prendre.
Item [2] of the proposed amendments will ensure that profits à prendre are able to be varied in the same manner as easements.

**Service of notices on caveators**

At present, section 74N of the *Real Property Act 1900* deals with the service of notice of the lapsing of a caveat. Such a notice may be sent by post.

Item [3] of the proposed amendments modifies that requirement so that, in such cases, the notice must be sent by registered post. Item [4] makes a consequential amendment.

### 1.19 Roads Act 1993 No 33

**Section 112 Weight restrictions on certain roads and bridges etc**

Insert after section 112 (1):

> (1A) Despite subsection (1) (a), the regulations may prescribe circumstances in which a notice displayed in accordance with that paragraph does not operate to prohibit a vehicle passing along or over a road, bridge or causeway.

**Commencement**

The amendment to the *Roads Act 1993* is taken to have commenced on 1 July 1996.

**Explanatory note**

Section 112 (1) (a) of the *Roads Act 1993* enables a roads authority to display notices on, or adjacent to, a public road or any bridge or causeway forming part of a public road that prohibit vehicles with a laden weight exceeding a specified maximum weight from passing along or over the road, bridge or causeway.

Before its repeal by the *Road Transport (Mass, Loading and Access) Regulation 1996*, clause 11 (4) of the *Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993* (the *repealed Regulation*), which was formerly called *Ordinance No 30D* under the *Local Government Act 1979*, provided an exception that ensured that light thoroughfare notices did not prevent a person from driving a heavy vehicle along a road (or part of a road) to which the notice related if the destination of the vehicle lay on the road or part of a road.

The proposed amendment to the *Roads Act 1993* makes it clear that exceptions from the operation of section 112 (1) (a) of the Act of the kind previously provided by clause 11 (4) of the repealed Regulation can be prescribed by regulations made under the Act.
The proposed substitution of clause 40 of the Road Transport (Mass, Loading and Access) Regulation 1996 made elsewhere in this Schedule inserts a similar exception to that contained in clause 11 (4) of the repealed Regulation and ensures that it applies to notices erected before, on or after the commencement of the new Regulation. That amendment also makes provision for the display of signs indicating absolute load limits for a bridge or road, which will always operate to prohibit a vehicle passing along or over the relevant road, bridge or causeway.

1.20 Road Transport (Mass, Loading and Access) Regulation 1996

Clause 40

Omit the clause. Insert instead:

40 Loads on light traffic thoroughfares, bridges and roads

(1) For the purposes of section 112 of the Act, any notice that is required to be conspicuously displayed, must either:

(a) display the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT”, or

(b) be in or similar to the form illustrated in Schedule 3.

(2) A notice that displays the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT” prohibits the passage, from a direction facing the notice, of a vehicle or combination if

(a) the total mass of the vehicle or combination exceeds the gross mass indicated by the sign, or

(b) the mass carried by an axle or axle group of the vehicle or combination exceeds the mass indicated by the sign for that kind of axle or axle group.

(3) A notice of the kind illustrated in Schedule 3 prohibits the passage, from a direction facing the notice, of a vehicle or combination exceeding the total mass indicated by the notice.
(4) A notice in or similar to the form illustrated in Schedule 3 (whether erected before or after the commencement of this Regulation) does not prohibit any person from driving a vehicle along or over a public road (or any bridge or causeway forming part of a public road) if the destination of the vehicle lies in or on the road (or bridge or causeway) and there is no alternative route by which to reach that destination.

Commencement
The amendment made to the Road Transport (Mass, Loading and Access) Regulation 1996 is taken to have commenced on 1 July 1996.

Explanatory note
The proposed amendment is consequential on the amendment made to the Roads Act 1993 elsewhere in this Schedule.

1.21 Roman Catholic Church Communities’ Lands Act 1942 No 23

Section 19 Exemption from stamp duty
Insert after section 19 (2):

(3) Any other instrument to which the only parties are:
   (a) one or more bodies corporate created by this Act, or
   (b) one or more bodies corporate created by this Act and one or more bodies corporate created by the Roman Catholic Church Trust Property Act 1936, is exempt from stamp duty.

Transitional provision
The amendment to the Roman Catholic Church Communities’ Lands Act 1942 does not apply to an instrument executed before the date of commencement of the amendment.

Explanatory note
The Roman Catholic Church Communities’ Lands Act 1942 makes provision relating to real and personal property held on trust for or for the use, benefit or purposes of certain orders, congregations, communities and associations of the Roman Catholic Church in New South Wales.
Section 19 of the Act creates an exemption from stamp duty in respect of instruments executed only for the purpose of giving effect to section 8 of the Act (which vests all community land of a community in the relevant body corporate created by the Act) or for an ancillary purpose. An agreement for the sale, conveyance or demise of properly is also exempted from stamp duty under that section if the parties are each either a body corporate created by the Act or a body corporate created by the Roman Catholic Church Trust Property Act 1936. The proposed amendment provides an exemption from stamp duty in relation to any other instrument between such parties. (An analogous amendment is made to the Roman Catholic Church Trust Property Act 1936 elsewhere in this Schedule.)

1.22 Roman Catholic Church Trust Property Act 1936 No 24

Section 16 Exemption from stamp duty

Insert after section 16 (2):

(3) Any other instrument to which the only parties are:
(a) one or more bodies corporate created by this Act, or
(b) one or more bodies corporate created by this Act and one or more bodies corporate created by the Roman Catholic Church Communities’ Lands Act 1942,

is exempt from stamp duty.

Transitional provision

The amendment to the Roman Catholic Church Trust Property Act 1936 does not apply to an instrument executed before the date of commencement of the amendment.

Explanatory note

The Roman Catholic Church Trust Property Act 1936 makes provision relating to properly held on trust for or for the use, benefit or purposes of the Roman Catholic Church in New South Wales.

Section 16 of the Act creates an exemption from stamp duty in respect of instruments executed only for the purpose of giving effect to section 8 of the Act (which vests all Church trust properly within a diocese in the relevant body corporate created by the Act) or for an ancillary purpose. An agreement for the
sale, conveyance or demise of property is also exempted from duty under that section if the parties to the sale, conveyance or demise are all bodies corporate created by the Act or if the parties are each either a body corporate created by the Act or a body corporate created by the Roman Catholic Church Communities’ Lands Act 1942.

The proposed amendment provides an exemption from stamp duty in relation to any other instrument between such parties. (An analogous amendment is made to the Roman Catholic Church Communities’ Lands Act 1942 elsewhere in this Schedule.)

1.23 Strata Schemes Management Act 1996 No 138

[1] The whole Act
Omit “Strata Titles (Freehold Development) Act 1973” wherever occurring (except where otherwise omitted by this Schedule). Insert instead “Strata Schemes (Freehold Development) Act 1973”.

[2] The whole Act
Omit “Strata Titles (Leasehold Development) Act 1986” wherever occurring (except where otherwise omitted by this Schedule). Insert instead “Strata Schemes (Leasehold Development) Act 1986”.

Insert “additional by-laws that may previously have been added to those by-laws and any” before “amendments”.

[4] Section 42 What by-laws apply to old strata schemes?
Insert “additional by-laws, or any” before “amendments” in section 42 (2).

[5] Section 42 (2)
Omit “by-laws” where thirdly occurring. Insert instead “by-laws.”.
[6] Section 47 Can an owners corporation add to or amend the by-laws?
Insert “adding to,” after “by-laws” where firstly occurring.

[7] Section 68 What money can be paid out of the administrative fund?
Omit “section 76 (1)” from section 68 (1) (a).
Insert instead “section 75 (1)”.

[8] Section 83 Owners corporation to insure building
Insert “at least” before “the value” in section 83 (2).

[9] Section 84 Responsibility of owners corporation to insure where strata scheme is for part only of building
Insert “at least” before “the value” in section 84 (2).

[10] Section 87 What other insurance must an owners corporation take out?
Omit “claim” from section 87 (2).
Insert instead “event in respect of which any claim or claims may be made”.

[11] Section 162 Order appointing strata managing agent to exercise certain functions
Insert “but only” before “if satisfied” in section 162 (3).

[12] Section 192 Orders relating to costs
Insert “or appeal” after “application” wherever occurring.
[13] Section 192 (b)
Insert “or appellant” after “applicant”.

[14] Schedule 2 Meetings and procedure of owners corporation
Insert “or” after “in person” in clause 10 (3) (a).

[15] Schedule 4 Savings, transitional and other provisions
Omit “An owners corporation” from clause 2.
Insert instead “A body corporate”.

[16] Schedule 4, clause 2
Insert “as an owners corporation” after “constituted” where secondly occurring.

[17] Dictionary
Omit “section 69 of the Strata Titles (Freehold Development) Act 1973” from paragraph (b) of the definition of owner of a lot in a freehold strata scheme.
Insert instead “section 98”.

[18] Dictionary
Omit “section 99 of the Strata Titles (Leasehold Development) Act 1986” from paragraph (b) of the definition of owner of a lot in a leasehold strata scheme.
Insert instead “section 98”.

[19] Dictionary
Omit “that Act” from paragraph (c) of the definition of owner of a lot in a leasehold strata scheme.
Insert instead “the Strata Schemes (Leasehold Development) Act 1986”.

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[20] **Dictionary**

Omit “section 94” from the definition of *strata roll.*
Insert instead “section 98”.

**Commencement**

The amendments to the *Strata Schemes Management Act 1996* commence, or are taken to have commenced, on the date of commencement of section 1 of that Act.

**Explanatory note**

**By-laws**

Section 42 of the *Strata Schemes Management Act 1996* provides that strata schemes in existence before the commencement of the section are to have the by-laws set out in Schedule 1 to the Act, together with amendments that may previously have been made to those by-laws by the relevant owners Corporation.

Items [3]-[5] of the proposed amendments make it clear that those by-laws include any additional by-laws made by the owners corporation in the past.

Item [6] makes it clear that an owners corporation is able to add to its by-laws as well as to amend them.

**Insurance**

Section 83 of the Act requires an owners corporation for a strata scheme for the whole of a building to insure the building and to keep the building insured. At present, section 83 (2) of the Act requires the building to be insured for the value of the building indicated by the last valuation obtained for the building.

Item [e] of the proposed amendments amends that subsection so that an owners corporation must insure its building to at least the amount of the last valuation, rather than to exactly the amount of the valuation. Item [g] makes an analogous amendment in respect of an owners corporation for a strata scheme for part only of the building.

Section 87 (2) of the Act requires an owners corporation to take out public liability insurance cover of at least $10 million for each claim made. However, it is current insurance industry practice for an insurer to underwrite public liability insurance based on a maximum liability for any event that may arise during the currency of the policy.

Item [10] of the proposed amendments amends section 87 (2) so that the minimum cover required is $10 million in relation to any one event.

**Costs in relation to appeals from an order of an Adjudicator**

Section 177 of the Act confers a right to appeal to the Strata Schemes Board against an order of an Adjudicator.
Items [12] and [13] of the proposed amendments will empower the Board to make an order for payment of costs in relation to the determination of an appeal, but only on limited grounds. The Board has a similarly limited power to order the payment of costs in relation to an application made to it for an order (see section 192).

**Statute law revision**


Item [11] amends the wording of a provision to make it clear that the unsatisfactory operation or non-operation of the management structure of a strata scheme is the only basis on which an Adjudicator may make an order appointing a strata managing agent.

Item [14] inserts an omitted word.


### 1.24 Strata Titles Act 1973 No 68

**[1] Section 7 Subdivision**

Omit “creation of easements,” frm section 7 (3). Insert instead “creation or release of easements, or the creation of”.

**[2] Section 26 Creation or variation of easements, restrictions and positive covenants**

Insert “or varying” before “an easernent” wherever occurring in section 26 (1) (c) and (d).

**[3] Section 28R Requirement for strata management statement**

Omit section 28R (2) (a) (i). Insert instead:

(i) the building concerned is erected on a lot in a community scheme, and
Schedule 1 Minor amendments

[4] **Section 28R (2) (a) (ii)**

Insert “and site” after “building”.

[5] **Section 37 Approval of proposed strata plans and strata plans of subdivision and of conversion of lots into common property**

Omit section 37 (1AA).

[6] **Schedule 4 Transitional and savings provisions**

Omit “This Act, as in force immediately before the commencement of Part 1 of Schedule 1 to the Strata Titles (Staged Development) Amendment Act 1993, applies” from clause 2 (1) of Part 3.

Insert instead “The amendments made to this Act by the Strata Titles (Staged Development) Amendment Act 1993 do not apply”.

[7] **Schedule 4, Part 3, clauses 2 and 3**

Omit “that commencement” wherever occurring.

Insert instead “1 January 1995”.

[8] **Schedule 4, Part 3, clauses 2 (2) and 3**

Omit “The Land and Environment Court Act 1979, as in force immediately before the commencement of Schedule 2 to the Strata Titles (Staged Development) Amendment Act 1993, applies” wherever occurring.

Insert instead “The amendments made to the Land and Environment Court Act 1979 by the Strata Titles (Staged Development) Amendment Act 1993 do not apply”.

**Commencement**

The amendments to Schedule 4 of the Strata Titles Act 1973 commence on 1 January 1995 (the date of commencement of Schedule 1 [23] to the Strata Titles (Staged Development) Amendment Act 1993).

**Explanatory note**

**Release and variation of easements**

Since the enactment of the Property Legislation Amendment (Easements) Act 1995, section 88B of the Conveyancing Act 1919 sets out a procedure for the release of easements on registration or recording of a plan under Division 3 of Part 23 of that Act.
Item [1] of the proposed amendments to the *Strata Titles Act 1973* updates section 7 (3) of the Act, which refers to the creation of easements under section 88B of the *Conveyancing Act 1919*, but not to the release of easements under that section.

*The Property Legislation Amendment (Easements) Act 1995* also provided for the variation of an easement registered under the *Real Property Act 1900*, by registration of a memorandum of variation.

Item [2] of the proposed amendments updates section 26 of the Act, which empowers a body corporate to accept a dealing creating or releasing an easement, so as to empower a body corporate to accept a dealing varying an easement.

**Part strata development within a community scheme**

Section 28R of the *Strata Titles Act 1973* prevents the Registrar-General from registering a plan as a strata plan creating a stratum parcel unless the Registrar-General also registers a strata management statement for the building and site concerned. As part strata development is permitted on a lot in a community scheme (see section 7 (2C)), section 28R allows the Registrar-General to dispense with compliance with the requirement for a strata management statement if the building concerned is to be erected on a community development lot, if part only of the building is to be subdivided by a strata plan, and if all of the remainder of the building and site concerned are to be community property.

Item [3] of the proposed amendments amends section 28R so that a strata scheme can be registered in respect of part only of a building erected on a lot in a community scheme (which includes development on a community development lot, a precinct development lot, community association property and precinct association property). As a result of the amendments, such a scheme can be registered only if the relevant building has been erected.

Item [4] makes the language of section 28R (2) (a) (ii) consistent with the rest of the section.

**Widening of a public road by strata plan**

Section 37 of the Act provides for a local council, on application, to approve of a proposed strata plan that does not include a development lot or lots if satisfied of certain matters. At present, section 37 (1AA) provides that if a proposed strata plan shows a dedication of land to widen an existing public road, the local council may include approval of the dedication in its certificate of approval. However, it is current practice for road widening to be shown on a deposited plan registered under the *Conveyancing Act 1919*, which occurs before the registration of a strata plan.

Item [5] of the proposed amendments omits section 37 (1AA), which is redundant.

**Staged strata schemes registered before 1 January 1995**

Items [6]–[8] clarify the application of transitional provisions relating to staged strata schemes.
1.25 **Strata Titles (Leasehold) Act 1986 No 219**

[1] **Section 6 Subdivision (1973 Act, s. 7)**

Omit “creation of easements,” from section 6 (4).
Insert instead “creation or release of easements, or the creation of”.

[2] **Section 30 Creation or variation of easements, restrictions and positive covenants**

Insert “or varying” before “an easement” wherever occurring in section 30 (1) (c) and (d) and (5) (c) and (d).

[3] **Schedule 5 Transitional and savings provisions**

Omit “This Act, as in force immediately before the commencement of Part 1 of Schedule 1 to the *Strata Titles (Leasehold Staged Development) Amendment Act 1993*, applies” from clause 2 (1) of Part 2.
Insert instead “The amendments made to this Act by the *Strata Titles (Leasehold Staged Development) Amendment Act 1993* do not apply”.

[4] **Schedule 5, Part 2, clauses 2 and 3**

Omit “that commencement” wherever occurring.
Insert instead “1 January 1995”.

[5] **Schedule 5, Part 2, clauses 2 (2) and 3**

Insert instead “The amendments made to the *Land and Environment Court Act 1979* by the *Strata Titles (Leasehold Staged Development) Amendment Act 1993* do not apply”.

**Commencement**

The amendments to Schedule 5 to the *Strata Titles (Leasehold) Act 1986* commence on 1 January 1995 (the date of commencement of Schedule 1 [23] to the *Strata Titles (Leasehold Staged Development) Amendment Act 1993*).
Explanatory note

Release and variation of easements

Since the enactment of the Properly Legislation Amendment (Easements) Act 1995, section 88B of the Conveyancing Act 1979 sets out a procedure for the release of easements on registration or recording of a plan under Division 3 of Part 23 of that Act.

Item [1] of the proposed amendments to the Strata Titles (Leasehold) Act 1986 updates section 6 (4) of that Act, which refers to the creation of easements under section 88B of the Conveyancing Act 1979, but not to the release of easements under that section.

The Properly Legislation Amendment (Easements) Act 1995 also provided for the variation of an easement registered under the Real Property Act 1900, by registration of a memorandum of variation.

Item [2] of the proposed amendments updates section 30 of the Act, which empowers a body corporate to accept a dealing creating or releasing an easement, so as to empower a body corporate to accept a dealing varying an easement.

Staged strata schemes registered before 1 January 1995

Items [3]–[5] clarify the application of transitional provisions relating to staged strata schemes.

1.26 Subordinate Legislation Act 1989 No 146

[1] Section 10 Staged repeal of statutory rules

Omit section 10 (3). Insert instead:

(3) Despite subsection (l), the following regulations are repealed on 1 September 1998:

(a) the Construction Safety Regulations 1950,

[2] **Section 11 Postponement of repeal in specific cases**

Omit “section 10 (3)” from section 11 (6).
Insert instead “section 10 (3) or (4)”.

**Explanatory note**

Part 3 of the *Subordinate Legislation Act 1989* provides for the staged repeal of statutory rules. Section 10 sets out the dates on which statutory rules are repealed and section 11 provides for the postponement of repeal in certain cases.

Item [1] of the proposed amendments extends until 1 September 1998, with no further power of postponement, the repeal of regulations that are due for repeal on 1 September 1997 under the *Subordinate Legislation Act 1989* and for which the maximum number of postponements has already been granted. The amendment also fixes 1 September 1998 as the date of repeal of certain other regulations relating to occupational health and safety, for which the maximum number of postponements has not been granted. No further postponements will be permissible in respect of those regulations. As a result all the relevant regulations will be due for repeal on the same date.


### 1.27 Teacher Housing Authority Act 1975 No 27

**Section 37 Liability of Authority for rates**

Omit “(other than an ordinary rate made under the *Local Government Act 1993*)” from section 37 (1) (b).

**Validation**

Any payment of an ordinary rate made under the *Local Government Act 1993* made by the Teacher Housing Authority in respect of land vested in the Authority, and made between 1 July 1993 and the date of assent to this Act, is validated.

**Explanatory note**

Amendments made to the *Teacher Housing Authority Act 1975* as a consequence of the repeal and replacement of the greater part of the *Local Government Act 1979* by the *Local Government Act 1993* inadvertently changed the ratable status of land vested in the Teacher Housing Authority and on which a house is situated.

The proposed amendment will restore the former position.
1.28 Threatened Species Conservation Act 1995 No 101

[1] Schedule 1 Endangered species, populations and ecological communities

Omit the matter under the heading “Animals” in Part 1 of Schedule 1.
Insert instead:

Vertebrates

Amphibians

Hylidae

*Litoria aurea* (Lesson, 1829) Green and Golden Bell Frog

*Litoria castanea* (Steindachner, 1867) Yellow-spotted Tree Frog

*Litoria raniformis* (Keferstein, 1867) Southern Bell Frog

*Litoria spenceri* Dubois, 1984 Spotted Frog

Myobatrachidae

*Neobatrachus pictus* Peters, 1863 Painted Burrowing Frog

*Pseudophryne corroboree* Moore, 1953 Southern Corroboree Frog

Reptiles

Agamidae

*Tymanocryptis lineata* pinguicolla Mitchell, 1948 South-eastern Lined Earless Dragon

Scincidae

*Anomalopus mackayi* Greer & Cogger, 1985 Five-clawed Worm-skink
<table>
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<tr>
<th><strong>Egernia margaretae</strong></th>
<th>Storr, 1968</th>
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<tr>
<td><em>Eulamprus leuraensis</em></td>
<td>Wells &amp; Wellington, 1984</td>
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<td>Water skink</td>
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**Elapidae**

[*Hoplocephalus bungamides* (Schlegel, 1837)](Noun counts: 0)

**Typhlopidae**

*Ramphotyphlops endoteras* (Waite, 1918)

**Birds**

**Megapodiidae**

[*Leipoa ocellata* Gould, 1840](Noun counts: 0)

**Anatidae**

*Nettapus coromandelianus* (Gmelin, 1789)

**Diomedeidae**

*Diomedea exulans* Linnaeus, 1758

**Accipitridae**

*Erythrotriorchis radiatus* (Latham, 1801)

**Rallidae**

*Gallirallus sylvestris* (Sclater, 1869)
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<tr>
<td>Otidae</td>
<td><em>Ardeotis australis</em></td>
<td>(Gray, 1829)</td>
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<td>Tuminidae</td>
<td><em>Turnix melanogaster</em></td>
<td>(Gould, 1837)</td>
<td>Black-breasted Button-quail</td>
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<td>Pedionomidae</td>
<td><em>Pedionomus torquatus</em></td>
<td>Gould, 1841</td>
<td>Plains-wanderer</td>
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<td>Burhinidae</td>
<td><em>Burhinus grallarius</em></td>
<td>(Latham, 1801)</td>
<td>Bush Stone-curlew</td>
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<td><em>Esacus neglectus</em></td>
<td>Mathews, 1912</td>
<td>Beach Stone-curlew</td>
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<td>Charadriidae</td>
<td><em>Thinornis rubricollis</em></td>
<td>(Grnein, 1789)</td>
<td>Hooded Plover</td>
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<td>Laridae</td>
<td><em>Sterna albifrons</em></td>
<td>Pallas, 1764</td>
<td>Little Tern</td>
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<td>Columbidae</td>
<td><em>Phaps histrionica</em></td>
<td>Gould, 1841</td>
<td>Flock Bronzewing</td>
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<td><em>Geophaps scripta</em></td>
<td>Temminck, 1821</td>
<td>Squatter Pigeon</td>
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<td>Psittacidae</td>
<td><em>Cyclopsitta diophthalma coxeni</em></td>
<td>(Hombron &amp; Jacquinot, 1841)</td>
<td>Double-eyed Fig-parrot</td>
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<td></td>
<td><em>Polytelis anthopeplus</em></td>
<td>(Lear, 1831)</td>
<td>Regent Parrot</td>
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<td>Family</td>
<td>Species</td>
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<td>Maluridae</td>
<td><em>Amyforns textilis</em> (Dumont, 1824)</td>
<td>Thick-billed Grasswren</td>
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<td>Pardalotidae</td>
<td><em>Dasyornis brachypterus</em> (Latham, 1801)</td>
<td>Eastern Bristlebird</td>
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<tr>
<td>Meliphagidae</td>
<td><em>Xanthomyza phrygia</em> (Shaw, 1794)</td>
<td>Regent Honeyeater</td>
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<td><em>Manorina melanotis</em> (Wilson, 1911)</td>
<td>Black-eared Miner</td>
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<td>Pachycephalidae</td>
<td><em>Pachycephala rufugularis</em> Gould, 1841</td>
<td>Red-lord Whistler</td>
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<td>Passeridae</td>
<td><em>Poephila cincta</em> (Gould, 1837)</td>
<td>Black-boated Finch</td>
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<td>Mammals</td>
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<td>Dasyuridae</td>
<td><em>Dasyurus viverrinus</em> (Shaw, 1800)</td>
<td>Eastern Quoll</td>
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<td><em>Antechinomys laniger</em> (Gould, 1856)</td>
<td>Kultarr</td>
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<td>Perarnelidae</td>
<td><em>Isoodon obesulus</em> (Shaw, 1797)</td>
<td>Southern Brown Bandicoot</td>
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<td>Vombatidae</td>
<td><em>Lasiorhinus latifrons</em> (Owen, 1845)</td>
<td>Southern Hairy-nosed Wombat</td>
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### Statistical Law (Miscellaneous Provisions) Act 1997 No 55

#### Minor amendments Schedule 1

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<td>Burramyidae</td>
<td><em>Cercartetus concinnus</em> (Gould, 1845)</td>
<td>Western Pygmy Possum</td>
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<td>Potoroidae</td>
<td><em>Potorous longipes</em> Seebeck &amp; Johnston, 1980</td>
<td>Long-footed Potoroo</td>
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<td>Macropodidae</td>
<td><em>Macropus dorsalis</em> (Gray, 1837)</td>
<td>Black-striped Wallaby</td>
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<td><em>Petrogale xanthopus</em> Gray, 1855</td>
<td>Yellow-footed Rock-wallaby</td>
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<td>Muridae</td>
<td><em>Pseudomys apodemoides</em> Finlayson, 1932</td>
<td>Silky Mouse</td>
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<td><em>Pseudomys bolami</em> Troughton, 1932</td>
<td>Bolam’s Mouse</td>
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<td><em>Pseudomys fumeus</em> Brazenor, 1934</td>
<td>Smoky Mouse</td>
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<td><em>Pseudomys oralis</em> Thomas, 1921</td>
<td>Hastings River Mouse</td>
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</tbody>
</table>

### Marine mammals

| Balaenopteridae | *Balaenoptera musculus musculus* (Linnaeus, 1758) | Blue Whale |

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**Page 43**
Invertebrates

Molluscs

Bulimulidae
Placostylus bivaricosus (Gaskoin, 1855) a land snail

Camaenidae
Thersites mitchellae (Cox, 1864) a land snail

Arthropoda
Insecta
Lepidoptera

Casniidae
Synemon plana Walker, 1854 The Golden Sun Moth

Lycaenidae
Paralucia spinifera Edwards and Common, 1978 The Bathurst Copper Butterfly

Phasmatodea

Phasmatidae
Dryococelus australis Montrouzier, 1855 Lord Howe Island Phasmid

[2] Schedule 1, Part 1

Omit “Caesia parviflora var: minor R.J.F. Hind.” from the matter under the subheading “Anthericaceae” under the heading “Plants”. Insert instead “Caesia parviflora var. minor R.J.F. Hend.”.
[3] Schedule 1, Part 1

Omit “Wollemia noblei W. Jones & K. Hill ms” from the matter under the subheading “Araucariaceae” under the heading “Plants”. Insert instead “Wollemia nobilis W. Jones, K. Hill & J. Allen”.

[4] Schedule 1, Part 1

Omit “Baeckea camphorata R. Br.” from the matter under the subheading “Myrtaceae” under the heading “Plants”. Insert instead “Triplarina imbricata (Sm.) A.R. Bean”.

[5] Schedule 1, Part 1

Insert “*” before the description of each of the following species under the heading “Plants”.

Ochrosia moorei (F. Muell.) F. Muell. ex Benth.

Epacris hamiltonii Maiden & E. Betche

Haloragodendron lucasii (Maiden & E. Betche) Orch.

Deyeuxia appressa Vickery

Zieria adenophora Blakely

[6] Schedule 1, Part 1

Insert “Triplarina nowraensis A.R. Bean” in alphabetical order under the subheading “Myrtaceae” under the heading “Plants”.

[7] Schedule 1, Part 1

Insert “Microtis angusii D.L. Jones” in alphabetical order under the subheading “Orchidaceae” under the heading “Plants”.

Page 45
[8] Schedule 1, Part 1

Omit “Apatophyllum constublei McGillivray” from the matter under the subheading “Celastraceae” under the heading “Plants”. Insert instead “*Apatophyllum constublei McGillivray”.

[9] Schedule 1, Part 1

Omit “Davidsonia pruriens var. jerseyana Bailey” from the matter under the subheading “Davidsoniaceae” under the heading “Plants”. Insert instead “Davidsonia pruriens var. jerseyana Bailey”.

[10] Schedule 1, Part 1

Omit “*Davidsonia sp. A Mullumbimby-Currumbin Ck (A.G. Floyd 1595)” from the matter under the subheading “Davidsoniaceae” under the heading “Plants”. Insert instead “*Davidsonia sp. A Mullumbimby-Currumbin Ck (A.G. Floyd 1595)”.


Omit “Elaeocarpus sp. Rocky Creek (G. Read AQ 5621 14)” from the matter under the subheading “Elaeocarpaeae” under the heading “Plants”. Insert instead “Elaeocarpus sp. Rocky Creek (G. Read AQ 5621 14)”.

[12] Schedule 1, Part 1

Omit “Prostanthera sp. Somersby (B.J. Conn 4024)” from the matter under the subheading “Lamiaceae” under the heading “Plants”. Insert instead “Prostanthera sp. Somersby (B.J. Conn 4024)”.

Schedule 1, Part 1

Omit “*Quassia sp. Mooney Creek (J. Kin s.n., 1949)” from the matter under the subheading “Sirnaroubaceae” under the heading “Plants”. Insert instead “*Quassia sp. Mooney Creek (J. King s.n., 1949)”.

Page 46
[14] **Schedule 1, Part 2**

Insert the following matter:

**Animals**

**Vertebrates**

**Birds**

Spheniscidae

*Eudyptula minor* (Forster, 1781)  Little Penguin at Manly Point

**Mammals**

Petauridae

*Petaurus norfolcensis* (Kerr, 1792)  Squirrel Glider on Barrenjoey Peninsula, north of Bushrangers Hill

Peramelidae

*Perameles nasuta* Geoffroy, 1804  Long-nosed Bandicoot, North Head

[15] **Schedule 1, Part 4**

Omit the matter under the heading “Animals”. Insert instead:

**Vertebrates**

**Reptiles**

Elapidae

*Oxyuranus microlepidotus*  
(McCoy, 1879)  Fierce Snake
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<th>Species</th>
<th>Common Name</th>
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<tr>
<td>Rallidae</td>
<td><em>Porphyrio albus</em> (Shaw, 1790)</td>
<td>White Gallinule</td>
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<tr>
<td>Columbidae</td>
<td><em>Columba vitiensis godmanae</em> Matthews, 1915</td>
<td>White-throated Pigeon (Lord Howe Is. subsp.)</td>
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<td>Psittacidae</td>
<td><em>Psephotus pulcherrimus</em> (Gould, 1845)</td>
<td>Paradise Parrot</td>
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<td><em>Cyanoramphus novaehollandiae subflavescens</em> Salvadori, 1891</td>
<td>Red-crowned Parakeet (Lord Howe Is. subsp.)</td>
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<td><em>Pezoporus occidentalis</em> Gould, 1861</td>
<td>Night Parrot</td>
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<td>Strigidae</td>
<td><em>Ninox novaeseelandiae albaria</em> (Gmelin, 1788)</td>
<td>Southern Boobook (Lord Howe Is. subsp.)</td>
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<td>Pardalotida</td>
<td><em>Gerygone insularis</em> Ramsay, 1879</td>
<td>Lord Howe Gerygone</td>
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<td>Dicuridae</td>
<td><em>Rhipidura fuliginosa cervina</em> Ramsay, 1879</td>
<td>Grey Fantail (Lord Howe Is. subsp.)</td>
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<td>Passeridae</td>
<td><em>Neochmia ruficauda</em> (Gould, 1837)</td>
<td>Star Finch</td>
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<td>Zosteropida</td>
<td><em>Zosterops strenuus</em> Gould, 1855</td>
<td>Robust White-eye</td>
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<td>Muscicapidae</td>
<td><em>Turdus poliocephalus vinitinctus</em> (Gould, 1855)</td>
<td>Island Thrush (Lord Howe Is. subsp.)</td>
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<tr>
<td>Sturnidae</td>
<td><em>Aplonis fusca hullianus</em> Gould, 1836</td>
<td>Tasman Starling (Lord Howe Is. subsp.)</td>
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</table>
## Mammals

### Dasyuridae

- *Dasyurus geoffroi* Gould, 1841
- *Phascogale calura* Gould, 1844

### Myrmecobiidae

- *Myrmecobius fasciatus* Waterhouse, 1836

### Peramelidae

- *Chaeropus ecaudatus* Ogilby, 1838
- *Isoodon auratus* Ramsay, 1887
- *Perameles bougainville* Quoy & Gaimard, 1834
- *Macrotis lagotis* Reid, 1837

### Vombatidae

- *Lasiorhinus krefftii* Owen, 1872

### Potoroidae

- *Bettongia gaimardi* Desmarest, 1822
- *Bettongia lesueur* Quoy & Gaimard, 1824
- *Bettongia penicillata* Gray, 1837
- *Bettongia tropica* Wakefield, 1967

### Macropodidae

- *Lagorchestes leporides* Gould, 1841
- *Onychogalea fraenata* Gould, 1841
- *Onychogalea lunata* Gould, 1841
**Vespertilionidae**

*Nyctophilus howensis* McKean, 1973  
Lord Howe Island Bat

**Muridae**

*Conilurus albipes* (Lichtenstein, 1829)  
White-footed Tree-rat

*Leporillus apicalis* (Gould, 1853)  
Lesser Stick-nest Rat

*Leporillus conditor* (Sturt, 1848)  
Greater Stick-nest Rat

*Notomys cervinus* (Gould, 1853)  
Fawn Hopping-mouse

*Notomys fuscus* (Jones, 1925)  
Dusky Hopping-mouse

*Notomys longicaudatus* (Gould, 1844)  
Long-tailed Hopping-mouse

*Notomys mitchelli* (Ogilby, 1838)  
Mitchell’s Hopping-mouse

*Pseudomys australis* Gray, 1832  
Plains Rat

*Pseudomys desertor* Troughton, 1932  
Desert Mouse

*Pseudomys gouldii* (Waterhouse, 1839)  
Gould’s Mouse

[16] **Schedule 1, Part 4**

Insert “*” before “Acanthocladium dockeri F. Muell.” under the subheading “Asteraceae” under the heading “Plants”.

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Page 50
Omit the matter under the heading “Animals”. Insert instead:

**Vertebrates**

**Amphibians**

**Myobatrachidae**

- *Assa darlingtoni* (Loveridge, 1933)  
  Pouched Frog
- *Crinia tinnula* Straughan & Main, 1966  
  Wallum Froglet
- *Heleioporus australiacus* (Shaw & Nodder, 1795)  
  Giant Burrowing Frog
- *Mixophyes balbus* Straughan, 1968  
  Stuttering Frog
- *Mixophyes fleayi* Corben & Ingram, 1987  
  Fleay’s Frog
- *Mixophyes iteratus* Straughan, 1968  
  Giant Barred Frog
- *Philoria kundagungan* (Ingram & Corben, 1975)  
  Mountain Frog
- *Philoria loveridgei* Parker, 1940  
  Loveridge’s Frog
- *Philoria sphagnicola* (Moore, 1958)  
  Sphagnum Frog
- *Pseudophryne australis* (Gray, 1835)  
  Red-crowned Toadlet
- *Pseudophryne pengilleyi* Wells and Wellington, 1985  
  Northern Corroboree Frog

**Hylidae**

- *Litoria brevipalmata* Tyler, Martin & Watson, 1972  
  Green-thighed Frog
- *Litoria olongburensis* Liem & Ingram, 1977  
  Olongurra Frog
- *Litoria piperata* Tyler & Davies, 1985  
  Peppered Frog
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<td>Glandular Frog</td>
<td>Litoria subglandulosa</td>
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<td>Loggerhead Turtle</td>
<td>Caretta caretta (Linnaeus, 1758)</td>
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<td>Green Turtle</td>
<td>*Chelonia mydas (Linnaeus, 1758)</td>
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<td>Leathery Turtle</td>
<td>*Dermochelys coriacea (Vandelli, 1761)</td>
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<td>Bellinger River Emydura</td>
<td>Emydura macquarii (Gray, 1830)</td>
<td>(Bellinger River Form)</td>
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<td>Lord Howe Island Southern Gecko</td>
<td>Christinus guentheri (Boulenger, 1885)</td>
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<td>Border Thick-tailed Gecko</td>
<td>Underwoodisaurus sphyurus</td>
<td>(Ogilby, 1892)</td>
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<td>Mallee Worm Lizard</td>
<td>Aprasia inaurita Kluge, 1974</td>
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<td>Pink-tailed Legless Lizard</td>
<td>Aprasia parapulchella Kluge, 1974</td>
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<td>Striped Legless Lizard</td>
<td>*Delma impar Fischer, 1882</td>
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<td>Rosenberg's Goanna</td>
<td>Varanus rosenbergi Mertens, 1957</td>
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Minor amendments

Schedule 1

Scincidae

Coeranoscincus reticulatus (Gunther, 1873) Three-toed Snake-tooth Skink

Cyclodomorphus branchialis (Gunther, 1867) Gunther’s Skink

Pseudemoia lichenigera (O’Shaughnessy, 1874) Skink

Tiliqua multifasciata Sternfeld, 1919 Centralian Blue-tongued Lizard

Tiliqua occipitalis (Peters, 1863) Western Blue-tongued Lizard

Boidae

Aspidites ramsayi (Macleay, 1882) Woma

Liasis stimsoni Smith, 1985 Stimson’s Python

Elapidae

Cacophis harriettae Krefft, 1869 White-crowned Snake

Demansia torquata (Gunther, 1862) Collared Whip Snake

Echiopsis curta (Schlegel, 1837) Bardick

Hoplocephalus bitorquatus (Jan, 1859) Pale-headed Snake

Hoplocephalus stephensii Krefft, 1869 Stephens’ Banded Snake

Simoselaps fasciolatus (Gunther, 1872) Narrow-banded Snake

Suta flagellum (McCoy, 1878) Little Whip Snake

Birds

Anseranatidae

Anseranas semipalmata (Latham, 1798) Magpie Goose
Anatidae

_Oxyura australis_ (Gould, 1836)  Blue-billed Duck
_Stictonena naevosa_ (Gould, 1841)  Freckled Duck

Procellariidae

_Pterodroma solandri_ (Gould, 1844)  Providence Petrel
_Pterodroma neglecta_ (Schlegel, 1863)  Kermadec Petrel
_Pterodroma nigripennis_ (Rothschild, 1893)  Black-winged Petrel
_Pterodroma leucoptera_ (Gould, 1844)  Gould’s Petrel
_Puffinus carneipes_ Gould, 1844  Flesh-footed Shearwater
_Puffinus assimilis_ Gould, 1838  Little Shearwater

Diomedeidae

_Diomedea melanophris_ Temminck, 1828  Black-browed Albatross
_Diomedea cauta_ Gould, 1841  Shy Albatross
_Phoebetria fusca_ (Hilsenberg, 1822)  Sooty Albatross

Hydrobatidae

_Fregetta grallaria_ (Vieillot, 1817)  White-bellied Storm-petrel

Phaethontidae

_Phaethon rubricauda_ Boddaert, 1783  Red-tailed Tropicbird

Sulidae

_Sula dactylatra_ Lesson, 1831  Masked Booby
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<td><em>Botaurus poeciloptilus</em> (Wagler, 1827)</td>
<td>Australasian Bittern</td>
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<td><em>Ephippiorhynchus asiaticus</em> (Latham, 1790)</td>
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<td>Accipitridae</td>
<td><em>Pandion haliaetus</em> (Linnaeus, 1758)</td>
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<td>Square-tailed Kite</td>
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<td><em>Hamirostra melanostemon</em> (Gould, 1841)</td>
<td>Black-breasted Buzzard</td>
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<td>Falconidae</td>
<td><em>Falco hypoleucus</em> Gould, 1841</td>
<td>Grey Falcon</td>
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<td><em>Grus rubicunda</em> (Perry, 1810)</td>
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<td>Rallidae</td>
<td><em>Amauromis olivaceus</em> (Meyen, 1834)</td>
<td>Bush-hen</td>
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<td>Scolopacidae</td>
<td><em>Limosa limosa</em> (Linnaeus, 1758)</td>
<td>Black-tailed Godwit</td>
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<td><em>Xenus cinereus</em> (Guldenstadt, 1775)</td>
<td>Terek Sandpiper</td>
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<td><em>Cafidris alba</em> (Pallas, 1764)</td>
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### Schedule 1

#### Minor amendments

<table>
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<tr>
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<th>Common Name</th>
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<tr>
<td><em>Calidris tenuirostris</em> (Horsfield, 1821)</td>
<td>Great Knot</td>
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<td><em>Limicola falcinellus</em> (Pontoppidan, 1763)</td>
<td>Broad-billed Sandpiper</td>
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<td><strong>Rostratulidae</strong></td>
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<tr>
<td><em>Rostratula benghalensis</em> (Linnaeus, 1758)</td>
<td>Painted Snipe</td>
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<td><strong>Jacanidae</strong></td>
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<td><em>Irediparra gallinacea</em> (Temminck, 1828)</td>
<td>Comb-crested Jacana</td>
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<td><strong>Haematopodidae</strong></td>
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<tr>
<td><em>Haematopus fuliginosus</em> Gould, 1845</td>
<td>Sooty Oystercatcher</td>
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<td><em>Haematopus longirostris</em> Vieillot, 1817</td>
<td>Pied Oystercatcher</td>
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<td><strong>Charadriidae</strong></td>
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<tr>
<td><em>Charadrius leschenaulti</em> Lesson, 1826</td>
<td>Greater Sand-plover</td>
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<td><em>Charadrius mongolus</em> Pallas, 1776</td>
<td>Lesser Sand-plover</td>
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<td><strong>Laridae</strong></td>
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<td><em>Sterna fuscata</em> Linnaeus, 1766</td>
<td>Sooty Tern</td>
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<td><em>Procelsterna cerulea</em> (Bennett, 1840)</td>
<td>Grey Ternlet</td>
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<td><em>Gygis alba</em> (Spanman, 1786)</td>
<td>White Tern Columbidae</td>
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<td><em>Ptilinopus magnificus</em> (Temminck, 1821)</td>
<td>Wompoo Fruit-dove</td>
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<td><em>Ptilinopus regina</em> Swainson, 1825</td>
<td>Rose-crowned Fruit-dove</td>
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<td><em>Ptilinopus superbus</em> (Temminck, 1810)</td>
<td>Superb Fruit-dove</td>
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<td>Family</td>
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<tr>
<td>Cacatuidae</td>
<td><em>Calyptrhynchus banksii</em> (Latham, 1790)</td>
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<td><em>Calyptrhynchus lathami</em> (Temminck, 1807)</td>
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<td><em>Cacatua leadbeateri</em> (Vigors, 1831)</td>
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<td>Psittacidae</td>
<td><em>Glossopsitta potyrocephala</em> (Diebichsen, 1837)</td>
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<td><em>Polytelis swainsonii</em> (Desmarest, 1826)</td>
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<td><em>Lathamus discolor</em> (Shaw, 1790)</td>
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<td><em>Neophema pulchella</em> (Shaw, 1792)</td>
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<td><em>Neophema splendida</em> (Gould, 1841)</td>
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<td><em>Pezoponrs wallicus</em> (Kerr, 1792)</td>
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<td>Strigidae</td>
<td><em>Ninox strenua</em> (Gould, 1838)</td>
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<td>Tytonidae</td>
<td><em>Tyto capensis</em> (Smith, 1834)</td>
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<td><em>Tyto novaehollandiae</em> (Stephens, 1826)</td>
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<td><em>Tyto tenebricosa</em> (Gould, 1845)</td>
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<tr>
<td>Podargidae</td>
<td><em>Podargus ocellatus</em> Quoy &amp; Gaimard, 1830</td>
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### Schedule 1 Minor amendments

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<thead>
<tr>
<th>Family</th>
<th>Species</th>
<th>Common Name</th>
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<tbody>
<tr>
<td>Halcyonidae</td>
<td><em>Todiramphus chloris</em> (Boddaert, 1783)</td>
<td>Collared Kingfisher</td>
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<td>Menuridae</td>
<td><em>Menura alberti</em> Bonaparte, 1851</td>
<td>Albert's Lyrebird</td>
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<td>Atrichornithidae</td>
<td><em>Atrichornis rufescens</em> (Ramsay, 1867)</td>
<td>Rufous Scrub-bird</td>
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<td>Maluridae</td>
<td><em>Stipiturus mallee</em> Campbell, 1908</td>
<td>Mallee Emu-wren</td>
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<td><em>Amytornis barbatus</em> Favaloro &amp; McEvey, 1968</td>
<td>Grey Grasswren</td>
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<td><em>Amytornis striatus</em> (Gould, 1840)</td>
<td>Striated Grasswren</td>
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<td>Pardalotidae</td>
<td><em>Hylacola cauta</em> Gould, 1843</td>
<td>Shy Heathwren</td>
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<td><em>Calamanthus fuliginosus</em> (Vigors &amp; Horsfield, 1827)</td>
<td>Striated Fieldwren</td>
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<td><em>Pyrrholaemus brunneus</em> Gould, 1841</td>
<td>Redthroat</td>
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<td>Meliphagidae</td>
<td><em>Lichenostomus fasciogularis</em> (Gould, 1854)</td>
<td>Mangrove Honeyeater</td>
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<td><em>Lichenostomus cratitius</em> (Gould, 1841)</td>
<td>Purple-gaped Honeyeater</td>
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<td><em>Grantiella picta</em> (Gould, 1838)</td>
<td>Painted Honeyeater</td>
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<td><em>Certhionyx variegatus</em> Lesson, 1830</td>
<td>Pied Honeyeater</td>
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<td>Family</td>
<td>Genus and Species</td>
<td>Common Name</td>
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<td><strong>Petroicidae</strong></td>
<td><em>Petroica</em> rodinogaster</td>
<td>Pink Robin (Drapiez, 1819)</td>
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<td><em>Drymodes</em> brunneopygia</td>
<td>Southern Scrub-robin (Gould, 1840)</td>
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<td><strong>Pomatostomidae</strong></td>
<td><em>Pomatostomus</em> halli</td>
<td>Hall’s Babbler (Cowles, 1964)</td>
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<tr>
<td><strong>Cinclosomatidae</strong></td>
<td><em>Cinclosoma</em> castanotus</td>
<td>Chestnut Quail-thrush (Gould, 1840)</td>
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<tr>
<td><strong>Pachycephalidae</strong></td>
<td><em>Pachycephala</em> olivacea</td>
<td>Olive Whistler (Vigors &amp; Horsfield, 1827)</td>
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<td><em>Pachycephala</em> inornata</td>
<td>Gilbert’s Whistler (Gould, 1841)</td>
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<td><strong>Dicruridae</strong></td>
<td><em>Monarcha</em> leucotis</td>
<td>White-eared Monarch (Gould, 1851)</td>
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<tr>
<td><strong>Campephagidae</strong></td>
<td><em>Coracina</em> lineata</td>
<td>Barred Cuckoo-shrike (Swainson, 1825)</td>
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<tr>
<td><strong>Artamidae</strong></td>
<td><em>Strepera</em> graculina crissalis</td>
<td>Pied Currawong (Lord Howe Is. subsp.) (Sharpe, 1877)</td>
</tr>
</tbody>
</table>
### Zosteropidae

- **Zosterops lateralis tephropleura** 
  Gould, 1855
  - Silveryeye (Lord Howe Is. subsp.)

### Mammals

#### Dasyuridae

- **Dasyuns maculatus** (Kerr, 1792) 
  - Spotted-tailed Quoll
- **Phascogale tapoatafa** (Meyer, 1793) 
  - Brush-tailed Phascogale
- **Planigale maculata** (Gould, 1851) 
  - Common Planigale
- **Ningaui yvonneae** Kitchener, Stoddart & Henry, 1983 
  - Southern Ningaui
- **Sminthopsis leucopus** (Gray, 1842) 
  - White-footed Dunnart
- **Sminthopsis macroura** (Gould, 1845) 
  - Stripe-faced Dunnart

#### Phascolarctidae

- **Phascolarctos cinereus** (Goldfuss, 1817) 
  - Koala

#### Burramyidae

- **Burramys parvus** Broom, 1896 
  - Mountain Pygmy-possum

#### Petauridae

- **Petaurus australis** Shaw, 1791 
  - Yellow-bellied Glider
- **Petaurus norfolcensis** (Kerr, 1792) 
  - Squirrel Glider

#### Potoroidae

- **Aepyptmnus rufescens** (Gray, 1837) 
  - Rufous Bettong
- **Potorous tridactylus** (Kerr, 1792) 
  - Long-nosed Potoroo
<table>
<thead>
<tr>
<th>Family</th>
<th>Species</th>
<th>Common Name</th>
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<tr>
<td>Macropodidae</td>
<td><em>Macropus parma</em> Waterhouse, 1845</td>
<td>Parma Wallaby</td>
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<td><em>Petrogale penicillata</em> (Gray, 1825)</td>
<td>Brush-tailed Rock-wallaby</td>
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<td><em>Thylgale stigmatica</em> (Gould, 1860)</td>
<td>Red-legged Pademelon</td>
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<tr>
<td>Pteropodidae</td>
<td><em>Syconycteris australis</em> (Peters, 1867)</td>
<td>Common Blossom-bat</td>
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<tr>
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<td><em>Nyctimene robinsoni</em> Thomas, 1904</td>
<td>Eastern Tube-nosed Bat</td>
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<td><em>Pteropus alecto</em> Temminck, 1837</td>
<td>Black Flying-fox</td>
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<tr>
<td>Ernballonuridae</td>
<td><em>Saccolaimus flaviventris</em> (Peters, 1867)</td>
<td>Yellow-bellied Sheathtail-bat</td>
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<td>Molossidae</td>
<td><em>Mormopterus beccarii</em> Peters, 1881</td>
<td>Beccari’s Freetail-bat</td>
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<td><em>Mormopterus norfolkensis</em> (Gray, 1839)</td>
<td>Eastern Freetail-bat</td>
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<td>Vespertilionidae</td>
<td><em>Kerivoula papuensis</em> Dobson, 1878</td>
<td>Golden-tipped Bat</td>
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<td><em>Miniopterus australis</em> (Tomes, 1858)</td>
<td>Little Bentwing-bat</td>
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<td><em>Miniopterus schreibersii</em> (Kuhl, 1817)</td>
<td>Common Bentwing-bat</td>
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<td><em>Nyctophilus bifax</em> Thomas, 1915</td>
<td>Eastern Long-eared Bat</td>
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<td><em>Nyctophilus timoriensis</em> (Geoffroy, 1806)</td>
<td>Greater Long-eared Bat</td>
</tr>
</tbody>
</table>
Schedule 1 Minor amendments

**Chalinolobus dwyeri** Ryan, 1966  Large-eared Pied Bat

**Chalinolobus nigrogriseus** (Gould, 1856)  Hoary Wattled Bat

**Chalinolobus picatus** (Gould, 1852)  Little Pied Bat

**Falsistrellus tasmaniensis** (Gould, 1858)  Eastern False Pipistrelle

**Myotis adversus** (Horsfield, 1824)  Large-footed Myotis

**Scoteanax rueppellii** (Peters, 1866)  Greater Broad-nosed Bat

**Vespadelus baverstocki** (Kitchener, Jones & Caputi, 1987)  Inland Forest Bat

**Vespadelus troughtoni** (Kitchener, Jones & Caputi, 1987)  Eastern Cave Bat

**Muridae**

**Leggadina forresti** (Thomas, 1906)  Forrest’s Mouse

**Masracornys fuscus** Thomas, 1882  Broad-toothed Rat

**Pseudornys gracilicaudatus** (Gould, 1845)  Eastern Chestnut Mouse

**Pseudornys hermannsburgensis** (Waite, 1896)  Sandy Inland Mouse

*Pseudomys pilligaensis* Fox & Briscoe, 1980  Pilliga Mouse

**Rattus villosissimus** (Waite, 1898)  Long-haired Rat

**Marine mammals**

**Physeteridae**

**Physeter catodon** Linnaeus, 1758  Sperm Whale
Delphinidae

*Sousa chinensis* (Osbeck, 1765) Indo-Pacific Hump-backed Dolphin

*Stenella longirostris* (Gray, 1828) Long-snouted Spinner Dolphin

Balaenopteridae

*Balaenoptera borealis* Lesson, 1828 Sei Whale

*Balaenoptera physalus* (Linnaeus, 1758) Fin Whale

*Megaptera novaeangliae* (Borowski, 1781) Humpback Whale

Balaenidae

*Eubalaena australis* (Desmoullins, 1822) Southern Right Whale

[8] Schedule 2

Insert “**” before the descriptions of the following species under the heading “Plants”:

- *Ammobium craspedooides* Benth.
- *Brachycome muelleroides* G. Davis
- *Brachycome papillosa* G. Davis
- *Calotis glandulosa* F. Muell.
- *Olearia cordata* Lander
- *Ozothamnus tesselatus* (Maiden & R. Baker) Anderberg
- *Picris evae* Lack
- *Rutidosis heterogama* Philipson
- *Rutidosis leiolepis* F. Muell.
- *Senecio garlandii* F. Muell. ex Belcher
- *Callitriche cyclocarpa* Hegelm.
- *Atriplex infrequens* Paul G. Wilson
- *Maireana cheelii* (R. Anderson) Paul G. Wilson
- *Corokia whiteana* L.S. Smith
- *Acrophyllum australis* (Cunn.) Hoogl.
Schedule 1 Minor amendments

Eleocharis obicis L.A.S. Johnson & O.D. Evans
Budawangia gnidioides (Summerh.) Telford
Leucopogon exalatus (F. Muell.) F. Muell. ex Benth.
Eriocaulon australasicum (F. Muell.) Korn.
Baloghia mannorata C. White
Fontainea australis Jessup & Guymer
Acacia bynoeana Benth.
Acacia carnea Maiden
Acacia clunies-rossiae Maiden
Acacia constablei Tind.
Acacia courtii Tind. & Herscovich
Acacia curranii Maiden
Acacia flocktoniae Maiden
Acacia georgensis Tind.
Acacia phasmoideas J.H. Willis
Acacia pubescens (Vent.) R. Br.
Bossiaea oligospetma A. Lee
Desmodium acanthocladium F. Muell.
Dillwynia tenuifolia Sieber ex DC.
Kennedia retrorsa Hemsley
Phyllota humifusa Benth.
Pultenaea aristata Sieber ex DC.
Pultenaea baueerlenii F. Muell.
Pultenaea campbellii Maiden & E. Betch
Pultenaea glabra Benth.
Pultenaea parrisiae subsp. parrisiae J.D. Briggs & Crisp
Pultenaea stuartiana Williamson
Sophora fraseri Benth.
Swainsona murrayana Wawra
Swainsona plagiotropis F. Muell.
Swainsona pyrophila J. Thompson
Gentiana bredboensis L. Adams
Goodenia macbarronii Carolin
Haloragis exalata subsp. exalata F. Muell.
Haloragis exalata subsp. velutina Orch.
Prostanthera cineolifera R. Baker & H.G. Smith
Prostanthera cryptandroides Cunn. ex Benth.
Prostanthera densa A.A. Ham.
Prostanthera discolor R. Baker
Prostanthera stricta R. Baker
Westringia davidii Conn
Cryptocarya foetida R. Baker
Endiandra hayesii Kosterm.
Owenia cepiodora F. Muell.
Tinospora tinosporoides (F. Muell.) Forman
Angophora robusta L. Johnson & K. Hill
Baeckea sp. Pyramids (W.J. McDonald 357)
Eucalyptus aquatica (Blakely) L. Johnson & K. Hill
Eucalyptus benthamii Maiden & Cambage
Eucalyptus camfieldii Maiden
Eucalyptus glaucina Blakely
Eucalyptus kertzoffiana L. Johnson & Blaxell
Eucalyptus langleyi L. Johnson & Blaxell
Eucalyptus mckieana Blakely
Eucalyptus nicholii Maiden & Blakely
Eucalyptus parramattensis subsp. decadens L. Johnson
& Blaxell
Eucalyptus parvula L. Johnson & K. Hill
Eucalyptus pulverulenta Sims
Eucalyptus pumila Cambage
Eucalyptus micheliana subsp. hemisphaerica L. Johnson
& K. Hill
Eucalyptus rubida subsp. barbigerorum L. Johnson & K. Hill
Eucalyptus rubida subsp. canobolensis L. Johnson & K. Hill
Eucalyptus sturgissiana L. Johnson & Blaxell
Eucalyptus tetrapeura L. Johnson
Homoranthus darwiniioides (Maiden & E. Betche) Cheel
Kunzea carnibager Maiden & E. Betche
Leptospermum deanei J. Thompson
Leptospermum thompsonii J. Thompson
Melaleuca groveana Cheel & C. White
Micromyrtus blakelyi J. Green
Micromyrtus minitiflora (F. Muell.) Benth.
Syzygium hodgkinsoniae (F. Muell.) L. Johnson
Syzygium moorei (F. Muell.) L. Johnson
Syzygium paniculatum Gaertner
Bulbophyllum globuliforme Nicholls
Caladenia tesselata Fitzg.
Cryptostylis hunteriana Nicholls  
*Diuris aequalis* F. Muell. ex Fitzg.  
*Diuris praecox* D.L. Jones  
*Diuris venosa* Rupp  
*Phaius australis* F. Muell.  
*Prasophyllum morganii* Nicholls  
*Pterostylis cobarensis* M.A. Clem.  
*Pterostylis cucullata* R. Br.  
*Pterostylis pulchella* Messmer  
*Sarcochilus fitzgeraldii* F. Muell.  
*Sarcochilus hartmannii* F. Muell.  
*Sarcochilus weinthalii* (F.M. Bailey) Dockrill  
*Amphibromus fluitans* Kirk  
*Bothriochloa biloba* S.T. Blake  
*Dichanthium setosum* S.T. Blake  
*Erythranthera pumila* (Kirk) Zotov  
*Plinthanthesis rodwayi* (C.E. Hubb.) S.T. Blake  
*Stipa metatoris* J. Everett & S.W.L. Jacobs  
*Persicaria elatior* (R. Br.) Sojak  
*Floydia praealta* (F. Muell.) L. Johnson & B. Briggs  
*Grevillea evansiana* McKee  
*Grevillea kennedyana* F. Muell.  
*Grevillea scortechinii subsp. sarmentosa* (Blakely & McKie) McGillivray  
*Grevillea shiressii* Blakely  
*Hakea trineura* F. Muell.  
*Hicksbeachia pinnatifolia* F. Muell.  
*Isopogon fletcheri* F. Muell.  
*Macadamia tetraphylla* L. Johnson  
*Persoonia acerosa* Sieber ex Schultes & Schultes f.  
*Persoonia glaucescens* Sieber ex Sprengel  
*Persoonia marginata* Cunn. ex R. Br.  
*Clematis fawcettii* F. Muell.  
*Ranunculus anemoneus* F. Muell.  
*Restio longipes* L.A.S Johnson & O.D. Evans  
*Pornaderris brunnea* Wakef.  
*Pornaderris pallida* Wakef.  
*Pornaderris parrisiae* N. Walsh  
*Asperula asthenes* Airy Shaw & Turrill  
*Boronia deanei* Maiden & E. Betché
Bosistoia selwynii T. Hartley
Bosistoia transversa J. Bailey & C. White
Correa baueuleri F. Muell.
Eriostemon ericifolius Cunn. ex Benth.
Phebalium ralstonii (F. Muell.) Benth.
Phebalium rhytidophyllum Albrecht & N. Walsh
Phebalium sympetalum Paul G. Wilson
Ziera citriodora J.A. Armstrong ms
Ziera involucrata R. Br. ex Benth.
Ziera murphyi Blakely
Ziera tuberculata J.A. Armstrong unpub
Thesium austral R. Br.
Amorphospennum whitei Aubrev.
Euphrasia bella ST. Blake
Lasiopetalum longistamineum Maiden & Betche
Rulingia procumbens Maiden & Betche
Cadellia pentastylis F. Muell.
Symplocos baueuleri R. Baker
Tetratheca glandulosa Smith
Tetratheca juncea Smith
Tasmannia glaucijolia J. Williams
Tasmannia purpurascens (Vick.) A.C. Smith

[19] Schedule 2

Omit “Darwinia biflora (Cheel) B. Briggs” from the matter under the subheading “Myrtaceae” under the heading “Plants”. Insert instead “*Darwinia biflora (Cheel) B. Briggs”.

[20] Schedule 2

Omit “Diuris schaeffiana Fitzg.” from the matter under the subheading “Orchidaceae” under the heading “Plants”. Insert instead “*Diuris schaeffiana Fitzg.”.

Saving

To avoid doubt, a notice of a final determination of the Scientific Committee published under section 24 of the Threatened Species Conservation Act 1995 before the date of assent to this Act has the effect provided for in section 25 of the Act and a notice for provisional listing of a species in Schedule 1 to the Act published under section 33 of the Act before that date of assent has the effect set out in section 34 of the Act. The repeal and re-enactment of parts of Schedules 1
and 2 by the amendments to the *Threatened Species Conservation Act 1995* does not affect the operation of any such notice.

**Explanatory note**

Schedule 1 to the *Threatened Species Conservation Act 1995* is divided into 4 parts, and contains lists of endangered species, endangered populations, endangered ecological communities and species presumed extinct for the purpose of the Act.

Schedule 2 to the Act contains a list of vulnerable species for the purposes of the Act.

The proposed amendments to the Act update the descriptions of species in those Schedules, but do not alter the status of any species (that is, the amendments do not affect whether or not a species is endangered or vulnerable).

Items [1], [14], [15] and [17] of the proposed amendments replace parts of those Schedules so as to correct the common name, scientific name or author citation of certain species or to provide a common name for a species. The substitution of those parts also allows for species to be arranged in currently accepted taxonomic order.


Items [5], [16] and [18] correct the placement of asterisks alongside species (to indicate whether or not the species appears in the Schedules to the *Endangered Species Protection Act 1992* of the Commonwealth).

Items [6] and [7] of the proposed amendments (and some of the changes made by items [1], [14], [15] and [17]) specifically include in the Schedules those species that have been the subject of final determinations of the Scientific Committee published under section 24 of the Act, or notices of provisional listing published under section 33 of the Act. The publication of those notices has the effect of amending the corresponding Schedule to the Act. (See sections 25 and 34.) The purpose of the proposed amendments made here is to ensure that the relevant species are listed in the correct order in the Schedules, and with the correct scientific and common name.

### 1.29 Waste Minimisation and Management Act 1995 No 102

#### Section 14 Directors of Waste Boards

Insert “*, unless the waste management region concerned is comprised of only 2 councils, in which case a constituent council may have 2 such representatives*” after “employee)” in section 14 (6).
The Waste Minimisation and Management Act 1995 provides for the constitution of Waste Planning and Management Boards for each waste management region in the State. Section 14 (6) provides that a majority of the directors of a Waste Board must be councillors or employees of the constituent councils that make up the waste management region. However each constituent council is limited to having only one representative on the Board. This means that if a waste management region comprises only 2 constituent councils, the relevant councils cannot have a majority on the Board and at the same time comply with the obligation to have a general manager and community representative appointed to the Board.

The proposed amendment relaxes the limit on council representation in respect of those waste management regions that comprise only 2 constituent councils. Such councils will be allowed to have 2 representatives each.

1.30 Water Board (Corporatisation) Act 1994 No 88

[1] Schedule 3 Board of Corporation

Omit subclause (6A) (c). Insert instead:

(c) one director, selected under subclause (6B).

[2] Schedule 3

Omit subclauses (6B)–(6D). Insert instead:

(6B) The director referred to in subclause (6A) (c) is to be appointed by the voting shareholders on the recommendation of a selection committee comprising:

(a) 2 persons nominated by the voting shareholders, and

(b) 2 persons nominated by the Labor Council of New South Wales,

being a person selected by the committee from a panel of 3 persons nominated by the Labor Council.
(6C) The procedures for constituting a selection committee for the purposes of subclause (6B), for making nominations and for determining other matters relating to the selection process are to be determined by the regulations or (subject to the regulations) by the voting shareholders.

(6D) Subclauses (6A)–(6C) have effect despite clause 3 (2) and (3) of Schedule 11 and the articles of association of the corporation may be altered accordingly.

Commencement

The amendments to the Water Board (Corporatisation) Act 1994 commence, or are taken to have commenced, on 1 July 1997.

Explanatory note

The proposed amendments replace a requirement for the appointment of a staff director to the board of Sydney Water Corporation Limited with a requirement for the appointment of a director from nominees of the Labor Council. In effect, the amendment restores the position that applied in relation to the board of Sydney Water Corporation Limited before the enactment of the State Owned Corporations Amendment Act 1995 and is similar to provisions and procedures applying with respect to the boards of statutory State owned corporations (such as those of the energy services corporations and New South Wales Lotteries Corporation).

1.31 Wilderness Act 1987 No 196

Section 23 Dunphy Wilderness Fund

Omit “Wilderness Fund” from section 23 (1), Insert instead “Dunphy Wilderness Fund”.

Savings

The renaming of the Wilderness Fund as the Dunphy Wilderness Fund does not affect the validity of any payment into or out of the Fund before or after the commencement of the amendment to the Wilderness Act 1987.

Explanatory note

The Wilderness Act 1987 provides for the identification of wilderness and the protection of wilderness areas in the State. Section 23 of the Act establishes a Special Deposits Account in the Treasury known as the Wilderness Fund, out of which are paid all amounts required to be paid under the Act.

The proposed amendment renames the Fund as the “Dunphy Wilderness Fund”.

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Schedule 2  Amendments by way of statute law revision

(Section 3)

2.1 Broken Hill Trades Hall Site Act of 1898 No 31

Section 3 Trustees may make rules

Omit “the Trades Union Act 1881”.
Insert instead “Chapter 5 of the Industrial Relations Act 1996”.

Explanatory note
The proposed amendment updates a reference to a repealed Act.

2.2 Broken Hill Trades Hall Site Extension Act 1915 No 42

Section 3 Trustees may make rules

Omit “the Trades Union Act, 1881”.
Insert instead “Chapter 5 of the Industrial Relations Act 1996”.

Explanatory note
The proposed amendment updates a reference to a repealed Act.

2.3 Correctional Centres Act 1952 No 9

[1]  Part 2, heading
Omit “prisons”.
Insert instead “correctional complexes and correctional centres”.

[2]  Section 22D Interim directions by Review Council
Omit “a inmate” from section 22D (6).
Insert instead “an inmate”.

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[3] **Section 37 Trafficking**

Omit “menaing” from section 37 (1C). Insert instead “meaning”.

[4] **Section 50 Regulations**

Omit “prisoners” from section 50 (1) (d3). Insert instead “inmates”.


Omit “a a judicially” from clause 3 (2). Insert instead “a judicially”.

**Explanatory note**


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2.4 **District Court Act 1973 No 9**

**Section 77 Questions of fact and law**

Omit “section 150 (1) (e) of the Workers Compensation Act 1987” from section 77 (5) (b).

Insert instead “section 1512 (1) (e) of the Workers Compensation Act 1987”.

**Explanatory note**

The proposed amendment corrects a cross-reference.
2.5 Electricity Safety Act 1945 (1946 No 13)

[1] Section 19F Definitions

Omit the definition of traffic route. Insert instead:

traffic route has the same meaning as in the Traffic Act 1909.

[2] Schedule 11 Savings, transitional and other provisions

Omit “an” where firstly occurring in clause 21 (6).

Explanatory note
Item [1] of the proposed amendments restores a definition.

2.6 Firearms Amendment Act 1996 No 135

Schedule 1 Amendments

Insert “a” before “carrier” in section 65 (4) of the Firearms Act 1996, as proposed to be inserted by item [56].

Explanatory note
The proposed amendment inserts an omitted word.

2.7 Harness Racing Legislation Amendment Act 1996 No 90

Schedule 1 Amendment of Harness Racing Authority Act 1977

Omit item [15] of Schedule 1. Insert instead:

[15] Section 8 (2) (d) (ix)

Omit “20 penalty units”. Insert instead “200 penalty units”.

Explanatory note
The proposed amendment corrects an incorporating direction.
2.8 Legal Profession Amendment (National Practising Certificates) Act 1996 No 113

Schedule 1 Amendments relating to national practising certificates scheme

Omit “and during” from section 213A (3) of the Legal Profession Act 1987, as proposed to be inserted by item [77].
Insert instead “or during”.

Explanatory note
The proposed amendment corrects a grammatical error.

2.9 Long Service Leave Act 1955 No 38

Section 4 Long service leave

Omit “Industrial Relations Act 1988 of the Commonwealth” from section 4 (2) (a1) (i).
Insert instead “Workplace Relations Act 1996 of the Commonwealth”.

Explanatory note
The proposed amendment updates a reference to a Commonwealth Act.

2.10 Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48

Section 4 Long service leave

Omit “Industrial Relations Act 1988 of the Commonwealth” from section 4 (2) (b) (i).
Insert instead “Workplace Relations Act 1996 of the Commonwealth”.

Explanatory note
The proposed amendment updates a reference to a Commonwealth Act.
2.11 Pawnbrokers and Second-hand Dealers Act 1996 No 13

[1] Section 16 Records
Omit “Maximum penalty: 50 penalty units.” from section 16 (6).

[2] Section 16
Insert “Maximum penalty: 50 penalty units.” at the end of the section.

Explanatory note
The proposed amendments make it clear that the penalty presently referred to under section 16 (6) applies to all offences created by section 16.

2.12 Pay-roll Tax Act 1971 No 22

Schedule 6 Savings, transitional and other provisions
Omit “section” from clause 1B (9). Insert instead “clause”.

Explanatory note
The proposed amendment corrects a reference to a clause.

2.13 Police Service Act 1990 No 47

[1] Section 139A Application of Division
Omit “Commission” from section 139A (b). Insert instead “Commissioner”.

[2] Section 162C Classification of complaints
Omit “does fall” from section 162C (3).
Insert instead “does not fall”.

Commencement
The amendments to the Police Service Act 1990 are taken to have commenced on 1 January 1997 (the date of commencement of Schedule 1 [5] to the Police Legislation Amendment Act 1996, which inserted the sections amended).

Explanatory note

2.14 Public Lotteries Act 1996 No 86

Schedule 1 Amendment of Acts
Omit “(b)” from the matter proposed to be inserted by Schedule 1.5 [1].
Insert instead “(a)”.

Explanatory note
The proposed amendment corrects a typographical error.

2.15 Sentencing Act 1989 No 87

Schedule 1 Provisions relating to members of the Board, Divisions of the Board and procedure
Omit “a judicially” from clause 3 (3). Insert instead “a judicially”.

Explanatory note
The proposed amendment omits a superfluous word.

2.16 State Revenue Legislation (Miscellaneous Amendments) Act 1996 No 125

Schedule 1 Amendment of Stamp Duties Act 1920
Omit “secondly” from item [20]. Insert instead “firstly”.

Explanatory note
The proposed amendment corrects an incorporating direction.
2.17 Statute Law (Miscellaneous Provisions) Act (No 2) 1996 No 121

[1] Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act 1996

Omit “under” from Schedule 4.37 [4].
Insert instead “made pursuant to”.


Omit the item. Insert instead:

[3] Schedule 5

Insert “, enterprise agreement” after “industrial agreement” where lastly occurring in clause 3 (5).

Explanatory note
The proposed amendments correct incorporating directions.

2.18 Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139

[1] Schedules 1 and 2

Omit “Strata Titles (Freehold Development) Act 1973” wherever occurring.
Insert instead “Strata Schemes (Freehold Development) Act 1973”.

[2] Schedules 1 and 2

Omit “Strata Titles (Leasehold Development) Act 1986” wherever occurring.
Insert instead “Strata Schemes (Leasehold Development) Act 1986”.

Explanatory note
The proposed amendments correct incorporating directions.

Omit proposed section 63 (1) (c) and (d) of the Community Land Management Act 1989. Insert instead:

(c) be accompanied by the fee prescribed by the regulations.

Explanatory note

Items [1] and [2] of the proposed amendments amend the short title of the strata titles legislation so as to achieve consistency with the Strata Schemes Management Act 1996.


2.19 Superannuation (Axiom Funds Management Corporation) Act 1996 No 40

Section 65 Obligations during period following completion

Omit “enforceability” where secondly occurring. Insert instead “alienability”.

Explanatory note

The proposed amendment corrects a typographical error.

2.20 Supreme Court Act 1970 No 52

Section 89 Common law claims—special provisions

Omit “section 150 (1) (e) of the Workers Compensation Act 1987” from section 89 (3) (b).

Insert instead “section 151Z (1) (e) of the Workers Compensation Act 1987”.

Explanatory note

The proposed amendment corrects a cross-reference.
2.21 Transport Administration Act 1988 No 109

Section 97 Failure to pay train fare etc

Omit the section.

Commencement
The amendment to the Transport Administration Act 1988 commences on a day to be appointed by proclamation.

Saving
The repeal of section 97 of the Transport Administration Act 1988 does not affect any prosecution commenced under that section.

Explanatory note
The proposed amendment omits a section which is duplicated in the Rail Safety Act 1993 (see section 79A of that Act, as inserted by the Transport Administration Amendment (Light Rail) Act 1996).

2.22 Transport Administration Amendment (Light Rail) Act 1996 No 128

Schedule 2 Amendment of other Acts

Omit “section 6 (6) (c)” from Schedule 2.1.
Insert instead “section 611 (6) (c)”.

Explanatory note
The proposed amendment corrects an incorporating direction.

2.23 Water Supply Authorities Act 1987 No 140

Schedule 3 Broken Hill Water Board

Omit “subsection (1)” from clause 4 (2).
Insert instead “subclause (1)”.

Explanatory note
The proposed amendment corrects a reference to a subclause.
Schedule 3  Amendments replacing gender-specific language

Explanatory note
The amendments proposed to be made by this Schedule replace gender-specific language with gender-neutral language.

3.1  Aboriginal Land Rights Act 1983 No 42
Section 36 (5)
Omit “him”. Insert instead “the Crown Lands Minister”.

3.2  Business Names Act 1962 No 11
[1] Sections 4 (2), 5 (2) (a) (iv), 5A (1) (b) and (2), 12 (9) and (10), 14 (1), 20, 27 (1) (a) and (b) and 28 (1) and (2)
Omit “he” wherever occurring. Insert instead “the person”.

[2] Sections 4 (2) (e) and (g) and 12 (3)
her “or her” after “his” wherever occurring.

[3] Sections 5 (2) (a), 5A (2), 15 (1) (a), 17 and 28 (2)
Omit “his” wherever occurring. Insert instead “the person’s”.

[4] Sections 5A (3) (b) and 7 (2)
Omit “he” wherever occurring. Insert instead “the applicant”.

[5] Section 7 (2)
Omit “his”. Insert instead “the applicant’s”.

[6] Section 9 (2)
Omit “by him”.

[7] Section 12 (4) and (7) (b) (i)
Omit “his or their behalf” wherever occurring.
Insert instead “behalf of the person or persons”.

[8] Section 28 (2)
Omit “him”. Insert instead “the person”.

3.3  Dog Act 1966 No 2
[1] Section 4 (l), definition of “administrator”
Omit “his” wherever occurring. Insert instead “the person”.

[2] Sections 4 (3), 11 (4) (c) and 14 (1) (a)
Insert “or her” after “his” wherever occurring.

[3] Section 5 (1) (d1) and (d2)
Insert “or her” after “him” wherever occurring.

[4] Sections 5 (1) (d2) and (3) and 19 (2)
Omit “his” wherever occurring.
[5] Section 5 (1) (d2)
Insert “or she” after “he”.

[6] Sections 5 (1A) (b), 14 (1A) (b) and 16 (4) (b)
Omit “he or it” wherever occurring. Insert instead “the person”.

[7] Sections 5 (1A), 14 (1A) and 16 (4) (b)
Omit “his or its” wherever occurring. Insert instead “the person”.

[8] Section 9B (4)
Omit “he”. Insert instead “the owner”.

[9] Section 11 (6)
Omit “he”. Insert instead “the claimant”.

[10] Section 12
Omit “he”. Insert instead “the occupier or person”.

[11] Section 16 (1) (a)
Omit “him”. Insert instead “the registration clerk”.

[12] Section 16 (3) (b)
Omit “his”. Insert instead “the person’s”.

[13] Section 16 (3) (c)
Insert “or herself” after “himself”.

[14] Sections 17A (1), (2), (2B) and (2C) and 20A
Omit “him” wherever occurring. Insert instead “the person”.

[15] Section 17A
Omit “he” wherever occurring. Insert instead “the person”.

[16] Section 17A (2A)
Omit “avail himself of”.

3.4 Election Funding Act 1981 No 78

[1] Section 4 (l), definition of “Chairman”
Omit the definition. Insert instead:
Chairperson means the Chairperson of the Authority.

[2] Section 4 (1), definition of “disposition of property” and sections 10 (2) and 33 (1) (a)
Omit “his” wherever occurring. Insert instead “the person’s”.

[3] Sections 7, 13 (1) (l), 15 (2), (3), (4) and (5), 16, 17 (3), 35 (3) and 115 (1)
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[4] Sections 8 (4) and 13 (1) (b) (ii) and (m)
Insert “or she” after “he” wherever occurring.
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 3 Amendments replacing gender-specific language

[5] Sections 9 (2) (a), 13 (1) (b) (j) and (c), 14 (l), 15 (5), 16 (2), 20, 41 (5), 46 (5), 49 (1) and (2) (b), 77 (6), 79, 110 (4) (a) and (5) and 115 (6)
   Insert “or her” after “his” wherever occurring.

[6] Sections 9 (2), 11 and 14 (2)
   Omit “he” wherever occurring. Insen instead “the person”.

[7] Section 13 (1)
   Omit “vacated his office”. Insert instead “vacated office”.

[8] Section 13 (1) (a), (c)–(e), (g), (h), (j) and (k)
   Omit “he” wherever occurring.
   Insert instead “the appointed member or alternate”.

[9] Section 13 (1) (b)
   Omit “he” where firstly occurring.
   Insert instead “the appointed member or alternate”.

[10] Section 13 (1) (b) and Schedule 1, clause 2 (2)
    Insert “or her” after “him” wherever occurring.

    Omit the paragraph. Insert instead:

    (f) if the appointed member or alternate resigns his or her office by instrument in writing addressed to the Minister,

[12] Section 15 (6)
    Omit “his”. Insert instead “that member’s or alternate’s”.

[13] Section 33 (2) (b)
    Omit “his”. Insert instead “the candidate’s”.

[14] Section 33 (2) (c)
    Omit “he”. Insert instead “the candidate”.

[15] Sections 40 (1) and 41 (4)
    Omit “he” wherever occurring. Insert instead “the party agent”.

[16] Sections 45 (1) and 46 (4) and (5)
    Omit “he” wherever occurring. Insert instead “the official agent”.

[17] Sections 61 (2) (a) and (b) and 65 (2) (a)
    Omit “he” wherever occurring. Insert instead “the candidate”.

[18] Sections 75 and 93 (1)
    Omit “he” wherever occurring. Insert instead “the auditor”.

[19] Section 75 (d)
    Omit “him”. Insert instead “the auditor”.

[20] Section 77 (6)
    Omit “him”. Insert instead “the agent”.

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[21] **Section 77 (7)**
Omit “he”. Insert instead “the agent”.

[22] **Section 107 (4)**
Omit “him”. Insert instead “the President”.

[23] **Section 107 (5)**
Omit “him”. Insert instead “the Speaker”.

[24] **Section 110 (3) (c) and (5)**
Omit “he” wherever occurring. Insert instead “the inspector”.

[25] **Section 110 (4)**
Omit “him” wherever occurring. Insert instead “the inspector”.

3.5 **Funeral Funds Act 1979 No 106**

[1] **Section 4 (1) paragraph (b) of definition of “contributor” and sections 8 (3), (4) and (5), 38 (l), 39 (1) (b) (l), 60 and 71 (1) (b)**
Insert “or her” after “his” wherever occurring.

[2] **Sections 4 (2) and (3), 8 (3), 11 (1) and (2), 19 (1) (b) and (2), 26 (2) (b) 36 (2), 49 (1), (2) (b) and (4), 53, 57 (4) (a) and (10), 93 (2) (b), 111 paragraph (b) of definition of “prescribed day” and sections 112, 115(1), 120(1) and 123 (2)**
Omit “he” wherever occurring. Insert instead “the person”.

[3] **Section 7 (4)**
Omit “his”. Insert instead “the Deputy Registrar’s”.

[4] **Sections 8 (3), 25 (3), 53 (1) (c), 57 (6) and (13), 111 paragraph (b) of definition of “prescribed day”, 112 (2), 114A, 114C (3) (b), 115 (1), 120 (1) and 123**
Omit “him” wherever occurring. Insert instead “the person”.

[5] **Section 8 (5)**
Omit “him”. Insert instead “the inspector”.

[6] **Sections 9 (1), 57 (9), 58 (1), 59 (c), 83, 88 and 105 (3)**
Omit “his” wherever occurring. Insert instead “the Registrar’s”.

[7] **Sections 13 (2) and 61 (1)**
Omit “him” wherever occurring. Insert instead “the Minister”.

[8] **Sections 13 (3), 14 (2), 15 (3), 16 (1), 32 (4), (5) and (6), 33 (2), 37 (2), 38 (2), 42 (5), 56, 57 (3), 58 (1), 59 (a) and (b), 63, 64, 69 (1) (d), 74 (d), 82, 978 (3) (c), 114C (3) (b) and 121 (2)**
Omit “he” wherever occurring. Insert instead “the Registrar”.

[9] **Sections 16 (1), 25 (1), 30 (1), 57 (11) and 88 (a)**
Omit “him” wherever occurring. Insert instead “the Registrar”.

[10] **Section 21 (1) (a)**
Omit “his services”. Insert instead “the services of the director or officer”.

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[11] Sections 26 (3), 49 (l), 57 (4) (b) and (c) (i), 1148 (3) (b) and 118 (11)
Omit “his” wherever occurring. Insert instead “the person’s”.

[12] Sections 49 (1) and 93 (2) (a)
Insert “or she” after “he” wherever occurring.

[13] Section 49 (3) (c)
Omit “he”. Insert instead “the legal personal representative”.

[14] Section 54 (2) (c)
Omit “he”. Insert instead “the Registrar or inspector”.

[15] Section 58 (2), (4) and (6)
Omit “he” wherever occurring. Insert instead “the Minister”.

[16] Section 58 (2) (a)
Omit “his”. Insert instead “the Minister’s”.

[17] Section 62 (2)
Omit “he”. Insert instead “the defendant”.

[18] Sections 68 (2) (a), 69 (2) (a) and 80 (6)
Omit “his” wherever occurring. Insert instead “the administrator’s”.

[19] Section 68 (3) (a)
Omit “his” where firstly occurring. Insert instead “the administrator’s”.

[20] Sections 68 (3) (a) and 69 (3) (a)
Omit “his custody or under his control” wherever occurring.
Insert instead “the custody or under the control of the administrator”.

[21] Sections 68 (3) (b), 69 (3) (b) and 70 (1)
Omit “him” wherever occurring. Insert instead “the administrator”.

[22] Sections 68 (3) (b) and (4) and 69 (3) (b)
Omit “he” wherever occurring. Insert instead “the administrator”.

[23] Section 68 (4)
Omit “chairman”. Insert instead “chairperson”.

[24] Section 69 (3) (a)
Omit “his” where firstly occurring. Insert instead “the administrator’s”.

[25] Section 71 (1)
Omit “shall be deemed to have vacated his office if”.
Insert instead “vacates office as such if the administrator”.

[26] Section 71 (1) (a)-(e)
Omit “he” wherever occurring.

[27] Section 71 (1) (e)
Omit “his” where firstly occurring. Insert instead “the”.
Amendments replacing gender-specific language

[28] **Section 71 (1) (e)**
Omit “writing under his hand”. Insert instead “instrument in writing”.

[29] **Section 71 (1) (f)**
Omit “his appointment is”. Insert instead “has his or her appointment”.

[30] **Section 73 (1)**
Omit “his” where firstly occurring. Insert instead “the administrator’s”.

[31] **Section 73 (1)**
Insert “the administrator’s” after “attributable to”.

[32] **Section 73 (a)-(d)**
Omit “his” wherever occurring.

[33] **Section 85 (a)**
Omit “him of his”. Insert instead “the Registrar or inspector of”.

[34] **Section 85 (b)**
Omit “him”. Insert instead “the Registrar or inspector”.

[35] **Section 90 (1)**
Omit “he” wherever occurring. Insert instead “the director or officer”.

[36] **Section 90 (1) (a)**
Omit “his”. Insert instead “the director’s or officer’s”.

[37] **Section 93 (1) paragraph (b) of definition of “prescribed day” and sections 94, 96, 103 (l), 104 and 107 (2)**
Omit “he” wherever occurring. Insert instead “the fund”.

[38] **Section 93 (1) paragraph (b) of the definition of “prescribed day” and sections 103 (l), 104 and 105 (l)**
Omit “his” wherever occurring. Insert instead “the fund’s”.

[39] **Section 93 (2) (a)**
Omit “his”.

[40] **Sections 93 (2) (a) and 116 (1)**
Insert “or her” after “him” wherever occurring.

[41] **Section 105 (1)**
Omit “him”. Insert instead “the fund”.

[42] **Section 107 (1)**
Omit “his” where firstly occurring. Insert instead “the fund’s”.

[43] **Section 107 (1)**
Omit “his” where secondly occurring. Insert instead “the”.

[44] **Section 110 heading**
Omit “his”.

[45] **Sections 121 (3) and 123 (1)**
Omit “his” wherever occurring. Insert instead “the”.
3.6 Growth Centres (Development Corporations) Act 1974 No 49

[1] Section 3 (1), definition of “Chairman”
Omit the definition. Insert instead:
Chairperson, in relation to a development corporation, means the chairperson of the development corporation.

[2] Section 11 (1)
Omit “his”. Insert instead “the”.

[3] Section 15 (1)
Omit “to him”.

[4] Section 16 (2) (b)
Omit “his”. Insert instead “the Minister’s”.

[5] Section 32 (2) and (3)
Omit “him” wherever occurring. Insert instead “the Minister”.

[6] Section 32 (2)
Omit “himself” make an inquiry”. Insert instead “make his or her own inquiry”.

[7] Section 33 (1) and (2)
Omit “his” wherever occurring.

[8] Sections 33 (1) and (2) and 34 (2)
Omit “he” wherever occurring. Insert instead “the person”.

[9] Section 33 (1) (a) and (2) (a)
Insert “or herself” after “himself” wherever occurring.

[10] Section 34 (1) and Schedule 2, clause 6 (1)
Omit “he” wherever occurring. Insert instead “the member”.

[11] Sections 34 (l), 36 (6) and Schedule 2, clauses 6 (l) (c)-(e) and 7
Insert “or her” after “his” wherever occurring.

[12] Section 34 (2) (a)
Omit “his”. Insert instead “the person”.

[13] Section 34 (3) (b)
Omit “his”. Insert instead “the person’s”.

[14] Section 34 (4)
Omit “man and his wife”. Insert instead “couple”.

[15] Section 34 (5)
Omit “he or his” wherever occurring.
Insert instead “the member or the member’s”.

[16] Section 34 (5)
Omit “his interest”. Insert instead “the member’s interest”.

[17] Section 34 (11) and Schedule 2, clause 4 (2)
Omit “him” wherever occurring. Insert instead “the member”.
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Schedule 3

[18] **Schedule 2, clauses 1 (l), 3 (l), 6 (1) (d) and (e), 9 (2), 10 (3) and (4)**

Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[19] **Schedule 2, clauses 1 (l), 3 (1) and (2) and 5**

Omit “his” wherever occurring. Insert instead “the member’s”.

[20] **Schedule 2, clause 4 (3)**

Omit “his” wherever occurring. Insert instead “the holder’s”.

[21] **Schedule 2, clause 4 (3)**

Omit “him” wherever occurring. Insert instead “the holder”.

[22] **Schedule 2, clause 6 (1)**

Omit “his office” wherever occurring. Insert instead “office”.

[23] **Schedule 2, clause 6 (1) (b)**

Omit “his” wherever occurring. Insert instead “the member’s”.

[24] **Schedule 2, clauses 6 (1) (d) and (e)**

Omit “to him” wherever occurring.

[25] **Schedule 2, clause 6 (1) (h)**

Omit “his hand”. Insert instead “the member’s hand”.

[26] **Schedule 2, clause 6 (2)**

Omit “him”. Insert instead “the Governor”.

[27] **Schedule 2, clause 9 (2)**

Omit “his”. Insert instead “the Chairperson’s”.

3.7 Hay Irrigation Act 1902 No 57

[1] **Section 17A (2) (b) (i)**

Omit “him and that he”.

Insert instead “the proposed transferee or assignee and that he or she”.

[2] **Section 17A (6) (a)**

Insert “or she after “he”.

[3] **Section 17A (6) (a)**

Omit “him”. Insert instead “the person”.

[4] **Section 17A (8) (a) and (b)**

Omit “his mortgage”. Insert instead “the mortgage”.

[5] **Section 17A (8) (a)**

Omit “he”. Insert instead “the mortgagee”.

[6] **Section 17A (8) (a)**

Omit “his entering”. Insert instead “entering”.

[7] **Section 17A (8) (g)**

Omit “his”. Insert instead “the mortgagee’s”.

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Statute Law (Miscellaneous Provisions) Act 1997 No 55

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[8] Section 19 (2) (b)
Insert “or her” after “his”.

3.8 Horticultural Stock and Nurseries Act 1969 No 3

[1] Section 3, definition of “reseller”, sections 8 (4) (a) and (5), 13D (1), 13F, 13H (1) and 19 (2) (a)
Insert “or she” after “he” wherever occurring.

[2] Sections 6 (1), 13 (1) and 20 (3) (a)
Omit “his” wherever occurring. Insert instead “the Minister’s”.

[3] Sections 7, 9 (3) and 135 (3) (b) and (c)
Omit “he” wherever occurring. Insert instead “the person”.

[4] Sections 8 (4) and (5) and 9 (1)
Omit “he” wherever occurring. Insert instead “the Director-General”.

[5] Sections 8 (8) (b), 9 (3), (4) and (6) (a), 13D (2), 135 (3) (a) and 18
Insert “or her” after “his” wherever occurring.

[6] Section 9 (2C) and (2D)
Omit “his” wherever occurring. Insert instead “the”.

[7] Section 9 (6) (b)
Insert “or herself” after “himself”.

[8] Section 12 (1)
Omit “he”. Insert instead “the Minister”.

[9] Section 13B (3)
Omit “him”. Insert instead “the Minister”.

[10] Section 13G (1)
Omit “him” wherever occurring. Insert instead “the participant”.

[11] Section 16
Omit “he is”.

[12] Section 17 (1)
Omit “his”.

[13] Sections 17 (1) (a) and (g) and 18 (1)
Omit “he” wherever occurring. Insert instead “the inspector”.

[14] Section 17 (1) (f)
Omit “his possession or under his control” wherever occurring. Insert instead “his or her possession or control”.

[15] Section 17 (4) (b)
Omit “his”. Insert instead “the person’s”.

[16] Section 19 (2)
Omit “his”. Insert instead “the Director-General’s”.

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3.9 Land Development Contribution Management Act 1970 No 22

[1] Section 3 (l), definition of “trustee” and section 7 (3) (a)
   Insert “or herself” after “himself” wherever occurring.

[2] Sections 7 (3) (j), (m) and (n), 48 (1) (a), 64 (2), 68 (1) (b) and 69 (1) and (5)
   Omit “his” wherever occurring. Insert instead “the person’s”.

[3] Sections 16 (2) (a) and (f), 22 (l), 34 (1) (b), 53 (8), 60 (1) and 76
   Omit “he” wherever occurring. Insert instead “the person”.

[4] Sections 19 (4) (a), 53 (g), 56 (3) (b), 58 (a), 59 (2), 65, 69 (6) and 70 (1)
   Insert “or she” after “he” wherever occurring.

[5] Sections 22 (5), 24 (l), 29 (l), 30 (a) and (c), 33 (b), 35 (2), 47 (2), 53 (2), 59 (2), 60 (1) and (2), 65 and 70 (1)
   Insert “or her” after “his” wherever occurring.

[6] Section 24A (2) and (3) (b)
   Omit “notifying him” wherever occurring. Insert instead “stating”.

[7] Section 24A (2)
   Omit “he”. Insert instead “the applicant”.

[8] Section 27 (c)
   Omit “him”. Insert instead “the contributor”.

[9] Sections 29 (1) and 53 (9)
   Omit “him” wherever occurring. Insert instead “the defendant”.

[10] Section 30
    Omit “his lifetime by reason of his”.
    Insert instead “his or her lifetime by reason of”.

[11] Section 32 (1)
    Omit “him from his”. Insert instead “the contributor from”.

[12] Section 32 (1)
    Omit “his behalf”. Insert instead “the contributor’s behalf”.

[13] Section 32 (1) (a)
    Omit “him as if he”. Insert instead “the lessee or occupier as if he or she”

[14] Section 32 (2)
    Omit “him”. Insert instead “the lessee or occupier”.

[15] Sections 33 (a), 65 (a), (e), (f) and (g) and 70 (1)
    Insert “or her” after “him” wherever occurring.

[16] Section 40 (2)
    Omit “he or it” wherever occurring.
    Insert instead “the valuer-general or the Court”.

[17] Sections 42 (l), 44 (l) and 51 (1)
    Omit “he” wherever occurring. Insert instead “the valuer-general”.

Amendments replacing gender-specific language

Schedule 3
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 3 Amendments replacing gender-specific language

[18] Sections 42 (2) (a) and 46 (3) (c)
Omit “his records” wherever occurring. Insert instead “the valuer-general’s records”.

[19] Section 42 (2) (a)
Omit “his expense”. Insert instead “the owner’s expense”.

[20] Section 53 (2)
Omit “to him”.

[21] Section 53 (4) (b)
Omit “his possession or under his control”. Insert instead “the owner’s possession or control”.

[22] Sections 53 (6) and (7), 64 (1), 69 (3) and (4) (a) and 77
Omit “him” wherever occurring. Insert instead “the person”.

[23] Section 53 (8)
Omit “his”.

[24] Section 54 (4) (c)
Omit “he”. Insert instead “the Treasurer”.

[25] Section 58 (3)
Omit “by him”.

[26] Section 63 (4)
Omit “his”. Insert instead “the Premier’s”.

[27] Section 69 (6)
Omit “him”. Insert instead “the defendant”.

3.10 Land Sales Act 1964 No 12

[1] Section 2, definition of “Preliminary deposit”
Insert “or herself” after “himself”.

[2] Section 5 (1)
Omit “his” wherever occurring. Insert instead “the Minister’s”.

[3] Section 5 (1) (b)
Omit “he”. Insert instead “the Minister”.

[4] Section 5 (3)
Omit “his approval”. Insert instead “the approval”.

[5] Section 5 (3) and (4)
Omit “his appointment” wherever occurring. Insert instead “his or her appointment”.

[6] Section 7 (1) (b) (i)
Insert “or her” after “his”.

[7] Section 7 (1) (b) (ii)
Omit the subparagraph. Insert instead:
(ii) contains a covenant binding the trustee that the trustee will, upon ceasing to be a trustee, transfer to the trustee appointed by the vendor under subparagraph (i), or by the Minister under section 5, any money held by the trustee or on the trustee’s behalf, and any books of account kept by the trustee, in his or her capacity as such trustee.

[8] Sections 7 (1) (d) and (f) (ii) and (iii) and 18 and Fifth Schedule, Item 6 (b)
Omit “him” wherever occurring. Insert instead “the trustee”.

[9] Sections 7 (1) (d) and (f) and 18
Omit “he” wherever occurring. Insert instead “the trustee”.

[10] Section 7 (1) (d) (i)
Omit “has satisfied himself”. Insert instead “is Satisfied”.

[11] Section 7 (1) (e)
Omit “he will”. Insert instead “the vendor will”.

[12] Section 7 (1) (e)
Omit “he requires”. Insert instead “the trustee or registered public accountant requires”.

[13] Sections 7 (1) (f) (i) and 19
Omit “his” wherever occurring. Insert instead “the trustee’s”.

[14] Section 7 (2)
Omit “he”. Insert instead “the trustee or registered public accountant”.

[15] Sections 7 (2), 22 (b) and (d) and 23 (b)
Omit “his solicitor” wherever occurring. Insert instead “the purchaser’s solicitor”.

[16] Sections 9, 10 (l), 22 (b) and 23 (b)
Omit “his agent” wherever occurring. Insert instead “the vendor’s agent”

[17] Sections 9 (2) (a) (i) and (b), 10 (2) (b), 14 (3) (b) and 27
Omit “him” wherever occurring. Insert instead “the purchaser”.

[18] Sections 9 (2) (a) (i) and (b), 12 (4) and 15 and Fifth Schedule, item 2 (b)
Omit “he” wherever occurring. Insert instead “the vendor”.

[19] Section 9 (2) (a) (l)
Omit “his client”. Insert instead “the client of the solicitor or conveyancer”

[20] Sections 10 (2), 12 (2) (a) (i) and 14 (l), Fourth Schedule and Fifth Schedule, items 2, 6 (b) and 9
Omit “his” wherever occurring. Insert instead “the vendor’s”.

[21] Sections 12 (1) and 27 (a)
Omit “he” wherever occurring. Insert instead “the person”.

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### Schedule 3
Amendments replacing gender-specific language

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<th>Section</th>
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<tbody>
<tr>
<td>22</td>
<td><strong>Section 12 (3)</strong></td>
<td>Omit “his”. Insert instead “the person’s”.</td>
</tr>
<tr>
<td>23</td>
<td><strong>Sections 13 (1) (b), 14 (2) (b) and (3) and 20</strong></td>
<td>Omit “his” wherever occurring. Insert instead “the purchaser’s”.</td>
</tr>
<tr>
<td>24</td>
<td><strong>Section 14 (2) (b)</strong></td>
<td>Omit “to him”.</td>
</tr>
<tr>
<td>25</td>
<td><strong>Section 14 (2) (b)</strong></td>
<td>Omit “informing him”. Insert instead “informing the vendor”.</td>
</tr>
<tr>
<td>26</td>
<td><strong>Section 15 (b), First Schedule, Third Schedule and Fifth Schedule, Item 5 (d)</strong></td>
<td>Omit “him” wherever occurring. Insert instead “the vendor”.</td>
</tr>
<tr>
<td>27</td>
<td><strong>Sections 22 and 23</strong></td>
<td>Omit “such vendor by himself or his agent” wherever occurring. Insert instead “the vendor or the vendor’s agent”.</td>
</tr>
<tr>
<td>28</td>
<td><strong>Sections 22 and 23</strong></td>
<td>Omit “him or his” wherever occurring. Insert instead “the vendor or the vendor’s”.</td>
</tr>
<tr>
<td>29</td>
<td><strong>Section 25</strong></td>
<td>Omit “he proves that he”. Insert instead “the director or person proves that the director or person”.</td>
</tr>
</tbody>
</table>

### 3.11 Land Tax Management Act 1956 No 26

<table>
<thead>
<tr>
<th></th>
<th>Section</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Section 3 (1), definition of “Trustee”</strong></td>
<td>Insert “or herself” after “himself”.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Sections 3 (2) and (3) (b), 14 (1) and 31</strong></td>
<td>Omit “his” wherever occurring. Insert instead “the person’s”.</td>
</tr>
<tr>
<td>3</td>
<td><strong>Sections 12 (2), 24, 34 (1) and 81 (3)</strong></td>
<td>Omit “him” wherever occurring. Insert instead “the person”.</td>
</tr>
<tr>
<td>4</td>
<td><strong>Sections 12 (2), 31 and 50 (1) (b)</strong></td>
<td>Omit “he” wherever occurring. Insert instead “the person”.</td>
</tr>
<tr>
<td>5</td>
<td><strong>Section 14 (1)</strong></td>
<td>Omit “his”. Insert instead “the Commissioner’s”.</td>
</tr>
<tr>
<td>6</td>
<td><strong>Sections 22, 23 (1) (b), 24, 25, 27 (3), 46 (1) (a) and 64</strong></td>
<td>Insert “or she” after “he” wherever occurring.</td>
</tr>
<tr>
<td>7</td>
<td><strong>Section 26 (1) (a)</strong></td>
<td>Omit “he”. Insert instead “the purchaser”.</td>
</tr>
<tr>
<td>8</td>
<td><strong>Section 26 (1) (c)</strong></td>
<td>Omit “he” wherever occurring. Insert instead “the vendor”.</td>
</tr>
</tbody>
</table>
Amendments replacing gender-specific language

3.12 Section 26 (1)
Omit “he is”. Insert instead “the Chief Commissioner is”.

Sections 27 (3) and (4), 46 (1) and 64
Insert “or her” after “his” wherever occurring.

Sections 27 (3), 46 (1) and 64
Insert “or her” after “him” wherever occurring.

Sections 32 (1), 47 (2) and 51 (2)
Omit “he” wherever occurring. Insert instead “the Chief Commissioner”.

Section 50 (3)
Omit “his” wherever occurring. Insert instead “the member’s”.

Section 50 (3)
Omit “he” wherever occurring. Insert instead “the member”.

Section 51 (2)
Omit “his”. Insert instead “the taxpayer’s”.

Section 64
Insert “or she” after “He” wherever occurring.

Landlord and Tenant (Rental Bonds) Act 1977 No 44

Schedule 1 Provisions relating to constitution and procedure of the Board
Omit “he” from clause I (6). Insert instead “the member”.

Law Foundation Act 1979 No 32

Section 3, definition of “Chairman”
Omit the definition. Insert instead:
Chairperson means the Chairperson of the Board for the time being holding office under clause 5 of Schedule 1.

Sections 9 and 11
Omit “him” wherever occurring. Insert instead “the Director”.

Sections 10 (1) and 15 (3)
Omit “his” wherever occurring. Insert instead “the Director’s”.

Section 12 (2)
Omit “he”. Insert instead “the Director”.

Section 13
Omit “The Director shall be deemed to have vacated his office”. Insert instead “The office of Director becomes vacant if the Director”.

Section 13 (a)–(e) and (g)
Omit “if he” wherever occurring.
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 3 Amendments replacing gender-specific language

[7] Section 13 (b) and (c) and Schedule 1, clause 8 (b) and (d)
Insert “or her” after “his” wherever occurring.

[8] Section 13 (f)
Omit “if he.”.

[9] Section 13 (f)
Omit “his”. Insert instead “the”.

[10] Section 14 (1)
Omit “his”.

[11] Section 14 (2) and (4)
Omit “his” wherever occurring. Insert instead “the person’s”.

[12] Section 22 (3)
Omit “the receipt by him of the report”. Insert instead “receiving the report”.

[13] Schedule 1, clause 2 (3) (a) and (5) (b)
Omit “him” wherever occurring. Insert instead “the Attorney General”.

[14] Schedule 1, clauses 4 (2) and 17
Omit “his” wherever occurring. Insert instead “the member’s”.

[15] Schedule 1, clauses 5 and 11 (3) and (4)
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[16] Schedule 1, clause 6 (1)
Insert “a person who is” before “the holder”.

[17] Schedule 1, clause 6 (1)
Omit “his” where firstly occurring. Insert instead “the person’s”.

[18] Schedule 1, clause 6 (1)
Omit “his” where secondly occurring. Insert instead “the”.

[19] Schedule 1, clause 6 (1)
Omit “him”. Insert instead “the person”.

[20] Schedule 1, clauses 7 and 8 (c)
Omit “him” wherever occurring. Insert instead “the member”.

[21] Schedule 1, clause 8
Omit “An appointed member shall be deemed to have vacated his office”. Insert instead “The office of an appointed member becomes vacant if the member”.

[22] Schedule 1, clause 8 (a), (b) and (f)
Omit “if he” wherever occurring.

[23] Schedule 1, clause 8 (c)–(f)
Omit “if,” wherever occurring.

[24] Schedule 1, clause 8 (c)–(e)
Omit “he” wherever occurring.
3.14 Law Reform Commission Act 1967 No 39

[1] Section 2, definition of “Chairman”
Omit the definition. Insert instead:

Chairperson means the Chairperson of the Commission.

[2] Section 2, definition of “Commissioner” and sections 3, 5, 10 (2) (a) and (b), 12 (1), (3) and (4), 12A (1) and (2), 12B (1) and 13 (4)
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[3] Sections 3 (3) and (4) and 10 (2) (b)
Insert “or she” after “he” wherever occurring.

[4] Sections 3 (4), 4 (1) and 8 (6)
Omit “his” wherever occurring. Insert instead “the person’s”.

[5] Sections 3A (1), 3B, 4 (2), 8 (5) and Schedule 1, clauses 2 (f) and (h), 3 (1) and 5
Omit “his” wherever occurring.
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 3 Amendments replacing gender-specific language

[6] Section 3A (2)
Insert “or her” after “his” where firstly occurring.

[7] Section 3A (2)
Omit “his” where secondly occurring. Insert instead “the”.

[8] Section 4 (1)
Omit “a holder of judicial office”.
Insert instead “a person who is the holder of judicial office”.

[9] Section 4 (2)
Omit “A holder of a judicial office”.
Insert instead “A person who is the holder of a judicial office”.

[10] Section 4 (2) and Schedule 1, clause 5 (2)
Omit “he” wherever occurring. Insert instead “the person”.

[11] Section 8 (2)
Omit “him”. Insert instead “the part-time commissioner”.

[12] Section 8 (3)
Insert “a person who is” after “requiring”.

[13] Section 8 (3)
Omit “his” where firstly occurring. Insert instead “the person’s”.

[14] Section 8 (3)
Omit “his” where secondly and thirdly occurring. Insert instead “the”.

[15] Section 8 (3)
Omit “him” wherever occurring. Insert instead “the person”.

[16] Section 8 (6)
Omit “he”. Insert instead “the person”.

[17] Section 9 (2) (a)
Omit “his employment”. Insert instead “employment as a commissioner”.

[18] Section 9 (2) (b)
Omit “his”. Insert instead “the”.

[19] Section 9 (2) (c) and (2A)
Insert “or her” after “his” wherever occurring.

[20] Section 9 (2) (e) and Schedule 1, clauses 2 (f), (h) and (i) and 3
Omit “he” wherever occurring. Insert instead “the commissioner”.

[21] Sections 12 (3) and 12A (2)
Omit “he” wherever occurring. Insert instead “the chairperson”.

[22] Section 12A (1)
Insert “or herself” after “himself”.

[23] Schedule 1, clause 2
Insert “or her” after “his” where firstly occurring.
Schedule 1, clause 2
Omit “his” where secondly and fourthly occurring.

Schedule 1, clause 2
Omit “he” where firstly and thirdly occurring. Insert instead “the person”.

Schedule 1, clause 2
Omit “him” where firstly occurring. Insert instead “the person”.

Schedule 1, clause 2
Omit “he” where secondly and fourthly occurring. Insert instead “the commissioner”.

Schedule 1, clauses 2 (e) and 3
Omit “him” wherever occurring. Insert instead “the commissioner”.

Schedule 1, clause 2 (i)
Omit “his”. Insert instead “the commissioner’s”.

Schedule 1, clause 3 (2)
Omit “his” where firstly occurring.

Schedule 1, clause 3 (2)
Insert “or her” after “his” where secondly occurring.

3.15 Marine Pilotage Licensing Act 1971 No 56

Section 4 (l), definition of “owner” and sections 12 (1) and (2), 36 (2) (b), 39, 43 (1), 45 (3) and 47 (3)
Inser “or her” after “his” wherever occurring.

Section 4 (l), definition of “pilot” and sections 7 (1) (a), 12 (1) and 14 (1)
Omit “he” wherever occurring. Insert instead “the person”.

Sections 6 (1) and 10 (4)
Omit “his” wherever occurring. Insert instead “the person’s”.

Section 10 (2)
Omit “he”. Insert instead “that person”.

Section 40 (1)
Omit “him” wherever occurring. Insert instead “the pilot or certificated person”.

Section 43 (2) and section 50 (2), definition of “confidential report”
Insert “or she” after “he” wherever occurring.

Section 44 (2)
Omit “his”.

Sections 44 (1) (a) and 45 (1) and (4)
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

Section 45 (6)
Omit “chairman”. Insert instead “chairperson”.

[24] [25] [26] [27] [28] [29] [30] [31]
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 3 Amendments replacing gender-specific language

[10] Section 50 (2), definition of “prescribed person”
   Omit “chairman” from paragraph (b) of the definition.
   Insert instead “chairperson”.

[11] Section 50 (2), definition of “prescribed person”
   Omit “him” from paragraph (e) of the definition.
   Insert instead “the owner”.

3.16 Mine Subsidence Compensation Act 1961 No 22

[1] Section 4, definition of “Proprietor”
   Insert “or she” after “he”.

[2] Sections 5 (2) (a), (5) and (9), 8 and 15 (9)
   Omit “chairman” wherever occurring. Insert instead “chairperson”.

[3] Sections 5 (3), (8), (9) and (10), 11 (6) and 16 (2) (a) and (c)
   Insert “or her” after “his” wherever occurring.

[4] Section 5 (9)
   Omit “absents himself”. Insert instead “is absent”.

[5] Section 5 (9)
   Omit “he”. Insert instead “the chairperson”.

[6] Section 5 (10) and (12)
   Omit “him” wherever occurring. Insert instead “the member”.

[7] Sections 11 (2), (3) (a), (4) and (9) and 14 (2)
   Omit “his” wherever occurring. Insert instead “the proprietor’s”.

[8] Sections 11 (3) (a) and 14 (1) (a)
   Omit “him” wherever occurring. Insert instead “the proprietor”.

[9] Section 12 (2) (a)
   Omit “he claims”. Insert instead “claimed”.

[10] Section 14 (1) (b)
    Omit “he”. Insert instead “the proprietor”.

    Omit “by him”.

[12] Section 15 (7) and (8)
    Omit “he” wherever occurring. Insert instead “the person”.

[13] Section 16 (1D)
    Omit “he may” wherever occurring.

[14] Section 16 (2) (c)
    Omit “him”. Insert instead “the person”.

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3.17 National Parks and Wildlife Act 1974 No 80

[1] Sections 5 (l), definitions of “ex-officio ranger”, “fauna dealer” and “skin dealer” and sections 56 (1) (c) and (d) and (4), 57 (2), 70 (2) (a) and (b) and (4), 71 (1), 99 (3) (b), 101 (1) and (6), 108, 117 (1), (3) (b) and (6), 120 (1) (d), 130, 135 (1) and 171 (1) (c) and Schedule 3, clause 4

Omit “his” wherever occurring. Insert instead “the person’s”.

[2] Sections 5 (l), definitions of “fauna dealer” and “skin dealer” and sections 45 (3), 56 (3) and (4), 57 (4), 68 (4), 70 (3) and (4), 71 (2), 91, 98 (a), 99 (2), 100 (l), 102 (3), 103 (2), 104 (l), 105, 106 (3), 107, 110 (3), 112, 117 (3), 158 (4), 171 (2), 175 (l), 176 (3) and 177 (1) and Schedule 3, clauses 2 (l) and (3) and 4

Omit “he” wherever occurring. Insert instead “the person”.

[3] Sections 8 (3), (4), (7) (a)–(c), (8) and (g), 43 and 87 (l)

Omit “he” where occurring. Insert instead “the Director-General”.

[4] Sections 8 (9) and 171 (4)

Omit “his” where occurring. Insert instead “the Director-General’s”.

[5] Sections 8 (10), 46 (1) (e), 66 (2) and 75 (3)

Omit “him” where occurring. Insert instead “the Director-General”.

[6] Sections 16, 18 (2), 20, 47 (2) (b), (e) and (g), 164 (1) (a) and (b), 165 (1), 169 (2), 170 and 172

Insert “or her” after “his” where occurring.

[7] Section 17 (2)

Omit “his”. Insert instead “the honorary ranger’s”.

[8] Section 17 (2)

Omit “he” where firstly occurring. Insert instead “the honorary ranger”.

[9] Section 17 (2)

Insert “or she” after “he” where secondly occurring.

[10] Section 17 (3)

Omit “he” where occurring. Insert instead “the honorary ranger”.

[11] Section 17 (3)

Omit “his office by writing under his hand”.

Insert instead “the office by instrument in writing”.

[12] Section 19 (1)

Omit “him”. Insert instead “an ex-officio ranger”.

[13] Section 20

Omit “him”. Insert instead “an honorary ranger”.

[14] Section 21 (5)

Omit “him”. Insert instead “that Minister or Director-General”.

Schedule 3
[15] Section 21 (7)
Omit “him”. Insert instead “the delegate”.

[16] Section 21 (8)
Omit “he”. Insert instead “the delegate”.

[17] Sections 45 (3) (b), 56 (3) (b), 57 (4) (b), 70 (3) (b), 71 (2) (b), 98 (3) (b), 101 (6), 102 (2), 117 (3) (b) and (6), 121 (1) (b), 128 (3) (b), 130 and 159 (1) (b) (i)
Omit “him” wherever occurring. Insert instead “the person”.

[18] Sections 45 (4), 56 (5) and 57 (5)
Omit “him” wherever occurring. Insert instead “such a lessee or occupier”.

[19] Sections 47 (2) (b) and (d), 157 (1), 164 (1) (a) and 165 (1) and Schedule 7, clause 8 and Schedule 9, clause 6
Insert “or she” after “he” wherever occurring.

[20] Sections 47 (2) (d) and 165 (2)
Insert “or her” after “him” wherever occurring.

[21] Section 68 (4)
Insert “or her” after “his” where firstly, thirdly and lastly occurring.

[22] Section 68 (4)
Omit “his” where secondly occurring.

[23] Sections 70 (6) and 71 (3)
Omit “him” wherever occurring. Insert instead “such an owner, lessee or occupier”.

[24] Sections 75 (6) and (8), 76 (4), 80 (2) (a), 150 (3), 153 (1) and 183 (2) (c)
Omit “he” wherever occurring. Insert instead “the Minister”.

[24] Section 86
Omit “him” where firstly occurring. Insert instead “the Director-General”.

[26] Section 86
Omit “him” where secondly occurring. Insert instead “the person”.

[27] Section 89 (1)
Omit “he”. Insert instead “the Minister or the Director-General”.

[28] Section 90 (2) and (7)
Omit “his” wherever occurring.

[29] Sections 104 (1) (c) and 105 (c)
Insert “or herself” after “himself” wherever occurring.

[30] Section 117 (4)
Omit “his”. Insert instead “the defendant’s”.

[31] Section 133 (2)
Omit “he”. Insert instead “the authorised officer”.

Statute Law (Miscellaneous Provisions) Act 1997 No 55
Schedule 3 Amendments replacing gender-specific language
[32] **Section 139 (2) (a)**
Omit “his”. Insert instead “the Minister’s or the Director-General’s”.

[33] **Section 140 (4), Schedule 3, clause 14 (1), Schedule 8, clause 2 (1) and Schedule 9, clause 3**
Omit “him” wherever occurring. Insert instead “the Minister”.

[34] **Section 150 (1) and (3)**
Omit “his” wherever occurring. Insert instead “the Minister’s”.

[35] **Section 157 (1)**
Omit “his full name and his”. Insert instead “the person’s full name and”.

[36] **Section 157 (2)**
Omit “his driver’s licence and to state his full name and his”. Insert instead “his or her driver’s licence and to state his or her full name and”.

[37] **Section 158 (1) (b)**
Omit “his”. Insert instead “that other person’s”.

[38] **Section 158 (3)**
Omit “he”. Insert instead “the defendant”.

[39] **Section 159 (2) and (4)**
Omit “he” wherever occurring. Insert instead “the owner”.

[40] **Section 159 (4) (a) (i) and (b) (i)**
Omit “him” wherever occurring. Insert instead “the owner”.

[41] **Section 163 (2)**
Omit “he”. Insert instead “the officer”.

[42] **Schedule 3, clause 2 (1)**
Omit “instrument of his appointment”. Insert instead “person’s instrument of appointment”.

[43] **Schedule 7, clause 2 (1) and Schedule 9, clause 2**
Omit “instrument of his appointment” wherever occurring. Insert instead “member’s instrument of appointment”.

[44] **Schedule 7, clause 5**
Omit “him”. Insert instead “the Governor”.

[45] **Schedule 7, clause 6, Schedule 8, clause 3 and Schedule 9, clause 4**
Omit “his” wherever occurring. Insert instead “the member’s”.

[46] **Schedule 7, clauses 6 and 7, Schedule 8, clause 3 and Schedule 9, clauses 4 and 5**
Omit “he” wherever occurring. Insert instead “the member”.

[47] **Schedule 7, clause 7 and Schedule 9, clause 5**
Omit “his” wherever occurring. Insert instead “the”.
Schedule 3 Amendments replacing gender-specific language

[48] Schedule 7, clauses 9-11 and 14
Omit “chairman” wherever occurring. Insert instead “chairperson”.

[49] Schedule 7, clause 9
Omit “he”. Insert instead “the chairperson”.

[50] Schedule 7, clause 14, Schedule 8, clause 10 and Schedule 9, clause 9
Omit “him” wherever occurring. Insert instead “the member”.

3.18 Pesticides Act 1978 No 57

[1] Section 5 (7)
Omit “his”. Insert instead “the Minister’s”.

[2] Sections 8 (4), 19, 21 (2) and (3), 22 (2), 28, 30 (2), 31, 32, 33 (1), 34, 35 (1), 36, 38, 40 (6), 42 (1) and (2), 43, 44 (1) and (2), 48, 49, 71 (1) and 73 (4)
Omit “he” wherever occurring. Insert instead “the person”.

[3] Sections 12 (1) and 69 (3)
Omit “him” wherever occurring. Insert instead “the Registrar”.

[4] Sections 12 (1), 16, 17 (1), (2) and (3), 18 (1), (2) and (3), 21 (1) and (4), 24 (2), 27 (2) and (4), 65 (1) and 70 (4)
Omit “he” wherever occurring. Insert instead “the Registrar”.

[5] Section 12 (2)
Omit “him”. Insert instead “the applicant”.

[6] Section 12 (2)
Omit “his”. Insert instead “the”.

[7] Sections 18 (1), (2) and (3), 21 (4) and 75 (3)
Omit “his” wherever occurring. Insert instead “the Registrar’s”.

[8] Sections 19, 21 (a), 30 (2) and (a), 55 (1) and (2) and 71 (2)
Omit “his” wherever occurring. Insert instead “the person’s”.

[9] Sections 19, 32, 46 (1), 50 (5), 51 (5), 55 (2) and 75 (1)
Omit “him” wherever occurring. Insert instead “the person”.

[10] Sections 25, 39 (2), 54 and 63 (1)
Insert “or her” after “his” wherever occurring.

[11] Section 37 (a)
Omit “himself or another”. Insert instead “that or another person”.

[12] Section 39 (2)
Omit “he”. Insert instead “the officer, employee or person”.

[13] Section 40 (1)
Omit “he” wherever occurring. Insert instead “the defendant”.

[14] Section 40 (2) (d) and (5)
Omit “his” wherever occurring. Insert instead “the guarantor’s”.

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[15] **Section 40 (3)**
Omit “him”. Insert instead “the defendant”.

[16] **Section 40 (3) (a)**
Omit “he” where firstly occurring. Insert instead “the defendant”.

[17] **Section 40 (3) (a)**
Omit “he” where secondly occurring. Insert instead “the guarantor”.

[18] **Section 40 (5)**
Omit “he” wherever occurring. Insert instead “the guarantor”.

[19] **Sections 50 (1), 52 (1), 53 (1) and (2) and 55 (1)**
Omit “he” wherever occurring. Insert instead “the inspector”.

[20] **Sections 51 (3) and 75 (2)**
Omit “he” wherever occurring. Insert instead “the Minister”.

[21] **Section 53 (1) (b)**
Omit “his”. Insert instead “the inspector’s”.

[22] **Section 53 (1)**
Omit “him” wherever occurring. Insert instead “the inspector”.

[23] **Section 53 (2)**
Omit “granted him”. Insert instead “conferred on him or her”.

[24] **Section 58 (4)**
Insert “or herself” after “himself”.

[25] **Sections 58 (4) and 63 (1)**
Insert “or she” after “he” wherever occurring.

[26] **Section 62 (1)**
Omit “he” wherever occurring. Insert instead “the employer”.

[27] **Section 62 (1)**
Omit “his”. Insert instead “the employee”.

[28] **Section 62 (1)**
Omit “him”. Insert instead “the employee”.

[29] **Section 64 (7)**
Omit “his”. Insert instead “the delegate’s”.

[30] **Section 69 (2)**
Omit “his”. Insert instead “the analyst’s”.

3.19 **Petroleum Products Subsidy Act 1965 No 1**

[1] **Sections 6 (2) and 14 (2)**
Omit “he” wherever occurring. Insert instead “the person”.

[2] **Sections 8 (1), 13 (1) and 14 (1)**
Omit “him”. Insert instead “the authorized officer”.
Schedule 3 Amendments replacing gender-specific language

[3] Sections 8 (1) and (3) and 13 (1)
Omit “he” wherever occurring. Insert instead “the officer”.

[4] Section 12 (2) and (3)
Omit “his” wherever occurring. Insert instead “the officer’s”.

[5] Section 13 (3)
Omit “him” wherever occurring. Insert instead “the person”.

[6] Section 13 (3)
Omit “his”. Insert instead “the person’s”.

[7] Section 14 (2)
Omit “him”.

[8] Section 16 (1)
Omit “his” wherever occurring. Insert instead “the Minister”.

Royal Botanic Gardens and Domain Trust Act 1980 No 19

[1] Section 8 (8)
Omit “he”. Insert instead “the person”.

[2] Section 11 (2) and (3)
Omit “his” wherever occurring.

[3] Section 11 (3)
Omit “he”. Insert instead “the Governor”.

[4] Section 13 (2)
Omit “his”. Insert instead “the Director’s”.

[5] Schedule 1, clauses 1 (c), 4, 7 (c) and 8 (1)
Insert “or her” after “his” wherever occurring.

[6] Schedule 1, clause 2 (1)
Omit “his”. Insert instead “the trustee’s”.

[7] Schedule 1, clause 2 (2)
Omit “he is”.

[8] Schedule 1, clause 2 (3)
Omit “him”. Insert instead “the deputy”.

[9] Schedule 1, clauses 3 (1) and 8 (1)
Omit “he” wherever occurring. Insert instead “the trustee”.

[10] Schedule 1, clause 3 (1)
Omit “his” where firstly occurring. Insert instead “the”.

[11] Schedule 1, clause 3 (1)
Insert “or her” after “his” where secondly occurring.

[12] Schedule 1, clause 3 (1)
Omit “appointing him”. Insert instead “of appointment”.

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[13] Schedule 1, clause 6
Omit “him”. Insert instead “the Governor”.

[14] Schedule 1, clause 7
Omit “A trustee shall be deemed to have vacated his office if he”.
Insert instead “The office of a trustee becomes vacant if the trustee”.

[15] Schedule 1, clause 7 (b)
Omit “his” where firstly occurring. Insert instead “the”.

[16] Schedule 1, clause 7 (b)
Omit “writing under his hand”. Insert instead “an instrument in writing”.

[17] Schedule 1, clause 7 (e)
Omit “him”. Insert instead “the trustee”.

[18] Schedule 1, clause 7 (e)
Omit “his”. Insert instead “the”.

[19] Schedule 1, clause 8 (2), (3) and (4)
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[20] Schedule 1, clause 8 (3)
Omit “his”. Insert instead “a”.

[21] Schedule 1, clause 8 (3)
Omit “he”. Insert instead “the chairperson”.

[22] Schedule 1, clause 8 (4) (b)
Omit “chairman”. Insert instead “chairperson”.

[23] Schedule 1, clause 9 (2)
Omit “he”. Insert instead “the Minister”.

3.21 Seeds Act 1982 No 14

[1] Sections 6 (d) and 20
Omit “he” wherever occurring. Insert instead “the defendant”.

[2] Sections 10 and 16
Omit “he” wherever occurring. Insert instead “the Director-General”.

[3] Section 10
Omit “him”. Insert instead “the person”.

[4] Sections 11 (1), 12 (2) and 27 (2)
Omit “he” wherever occurring. Insert instead “the person”.

[5] Section 12 (2) (b)
Omit “him”. Insert instead “the person”.

[6] Section 17 (b)
Insert “or her” after “his”.

[7] Sections 22 (d) and 28
Omit “him” wherever occurring. Insert instead “the inspector”.

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Section 23  
Insert “or she” after “he”.

Sections 24 and 25 (1) (a) and (c)  
Omit “his” wherever occurring. Insert instead “the inspector’s”.

Section 25 (1) (a)  
Omit “he”. Insert instead “the owner”.

Sections 25 (2) and 26 (1)  
Omit “he” wherever occurring. Insert instead “the inspector”.

Section 26 (2)  
Omit “by him”. Insert instead “by him or her”.

Section 26 (2)  
Omit “to him”.

3.22 Solicitor General Act 1969 No 80  

Section 1 (2), definition of “Solicitor General” and sections 2 (1) and 6 (4) (c)  
Omit “his” wherever occurring. Insert instead “the Solicitor General’s”.

Section 2 (3)  
Omit “him”. Insert instead “the Solicitor General”.

Sections 2 (5) and 6 (2) (d), (e) and (f)  
Omit “his office” wherever occurring. Insert instead “office”.

Section 2 (5)  
Omit “he” wherever occurring. Insert instead “the Solicitor General”.

Section 2 (5) (b)  
Omit “his creditors”. Insert instead “his or her creditors”.

Section 2 (5) (b)  
Omit “his remuneration or of his estate”. Insert instead “his or her remuneration or estate”.

Section 2 (5) (d)  
Omit “his hand”. Insert instead “his or her hand”.

Sections 2 (5) (f), 3 (1) (b) and 6 (3) (a)  
Insert “or her” after “his” wherever occurring.

Section 2 (7)  
Omit “he”. Insert instead “the person”.

Section 6 (2) (e)  
Omit “his vacation”. Insert instead “that vacation”.

Section 6 (3) (a)  
Insert “or she” after “he”.
Stock (Chemical Residues) Act 1975 No 26

Section 3, definition of “stock”
Omit “man” from paragraph (b), Insert instead “people”.

Sections 5 (1) (a), (d) (i) and (e) (l) and 7 (2)
Omit “on him” wherever occurring.

Sections 5 (1) (f) and 7 (2)
Omit “he” wherever occurring. Insert instead “the inspector”.

Sections 5 (1) (f) and 13
Omit “his” wherever occurring. Insert instead “the person’s”.

Section 5 (2) (a)
Omit “his”. Insert instead “the inspector’s”.

Sections 5 (2) (c), 6A (1), 7 (4) (b) and 8 (5) (b)
Insert “or her” after “his” wherever occurring.

Sections 5 (4) and 6A (2)
Omit “his” wherever occurring.

Section 6 (1)
Omit “he”. Insert instead “that the inspector”.

Sections 6 (1) (a) and (2) and 7 (4) (a)
Omit “him” wherever occurring. Insert instead “the person”.

Sections 7 (4), 8 (5) and 12 (3)
Omit “he” wherever occurring. Insert instead “the person”.

Section 9 (1)
Omit “him”. Insert instead “the owner or person”.

Section 11 (1) and (2)
Omit “he” wherever occurring. Insert instead “the Minister”.

Section 11 (3) and (4)
Omit “his” wherever occurring. Insert instead “the Minister’s”

Section 14 (1) (a)
Insert “or she” after “he”.

Section 14 (1)
Insert “or her” after “him” wherever occurring.

Trustee Companies Act 1964 No 6

Sections 2 (2) (d) and 35
Omit “he” wherever occurring. Insert instead “the person”.

Section 2 (2) (d)
Omit “him”. Insert instead “that person”.

Section 6 (1) (a)
Omit “himself”. Insert instead “that person”.

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<table>
<thead>
<tr>
<th></th>
<th>Section</th>
<th>Amendment Details</th>
</tr>
</thead>
</table>
| 4 | **Section 6 (1) (b)**                       | Omit “himself”.
| 5 | **Sections 14, 15, 19C (1), 20A (2) and 33 (2)** | Insert “her” after “his” wherever occurring.
| 6 | **Section 18 (5)**                          | Omit “his”. Insert instead “the testator’s”.
| 7 | **Section 19C (1) (a)**                     | Omit “he”. Insert instead “the officer”.
| 8 | **Section 22 (2)**                          | Omit “him” wherever occurring. Insert instead “the person”.
| 9 | **Section 33 (1)**                          | Omit “his”. Insert instead “the settlor’s or testator’s”.
| 10| **Section 35**                              | Omit “his”. Insert instead “the person’s”.
| 11| **Section 35**                              | Omit “him”. Insert instead “the person”.
| 12| **Second Schedule**                         | Omit “him” wherever occurring. Insert instead “the member”.

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Schedule 4  Amendments transferring provisions

(Section 3)

Aboriginal Land Rights Act 1983No 42

[1] Schedule 4 Savings, transitional and other provisions

Insert after Part 2:

Part 2A  Provision consequent on the enactment of the Aboriginal Land Rights (Amendment) Act 1986

9A Funding of acquisition of certain land

(1) Where, as at 2 May 1986 (the date of assent to the amending Act), land was being acquired by a Local Aboriginal Land Council with money or other financial assistance provided by a Regional Aboriginal Land Council, the Regional Aboriginal Land Council may, notwithstanding the provisions of this Act, as amended by the amending Act, continue to provide that money or financial assistance and the Local Aboriginal Land Council may continue to acquire and complete the acquisition of that land.

(2) This clause is taken to have commenced on 2 May 1986.

(3) Subclause (1) re-enacts (with minor modifications) clause 1 of Schedule 2 to the amending Act. Subclause (1) is a transferred provision to which section 30A of the Interpretation Act 1987 applies.

(4) In this clause:

[2] Schedule 4, Part 3A

Insert after Part 3:

**Part 3A Provision consequent on the enactment of the Aboriginal Land Rights (Revival of Financial Provision) Act 1990**

**15A Saving of certain directions**

(1) Any directions given by the Minister under section 33A (as inserted by the Aboriginal Land Rights (Amendment) Act 1986) that were in force immediately before 2 May 1990 are to be taken to be directions given by the Minister under that section (as revived by the amending Act).

(2) This clause is taken to have commenced on 22 June 1990.

(3) Subclause (1) re-enacts (with minor modifications) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the Interpretation Act 1987 applies.

(4) In this clause:


**Explanatory note**

The proposed amendments insert in Schedule 4 (Savings, transitional and other provisions) to the Aboriginal Land Rights Act 1983 the substance of transitional provisions (of possible on-going effect) contained in clause 1 of Schedule 2 to the Aboriginal Land Rights (Amendment) Act 1986 and section 4 of the Aboriginal Land Rights (Revival of Financial Provision) Act 1990. The enactment of the amendments enables the repeal, by Schedule 5 to this Act, of those Acts. In accordance with section 30A of the Interpretation Act 1987, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions.
Statute Law (Miscellaneous Provisions) Act 1997 No 55

Repeals

Schedule 5

Schedule 5 Repeals

(Section 4)

Repeal of Acts or parts of Acts

Landlord and Tenant (Amendment) Act 1932 No 67***
Aboriginal Land Rights (Amendment) Act 1986 No 18**
Local Government (General Revision) Amendment Act 1986 No 159—Schedule 6 (7) only****
WorkCover Legislation (Amendment) Act 1989 No 121*
Workers Compensation (Amendment) Act 1989 No 214*
Food Act 1989 No 231—items (2) and (3) of the provisions of Schedule 4 relating to the Local Government Act 1919 only****
Aboriginal Land Rights (Revival of Financial Provision) Act 1990 No 32**
Miscellaneous Acts (Crown and Other Roads) Amendment Act 1990 No 55—item (2) of amendments to the Land and Environment Court Act 1979 and amendments to the Valuation of Land Act 1916 only****
Fertilizers (Amendment) Act 1992 No 8—Schedule 2 only****
Police Service (Volunteer Police) Amendment Act 1992 No 54****
State Revenue Legislation (Further Amendment) 1992 No 86*
Electricity (Amendment) Act 1993 No 24*
Commonwealth Powers (Poultry Processing) Act 1993 No 100****
Occupational Health and Safety Legislation (Amendment) Act 1994 No 5
Energy Legislation (Miscellaneous Amendments) Act 1994 No 82—Schedule 1 (3), Schedule 1 (4) (to the extent that it inserts proposed section 6FA into the Electricity Act 1945) and Schedule 5 only****
Registered Clubs Amendment Act 1995 No 37*
Commercial Tribunal Legislation Amendment Act 1995 No 40*
Stock Medicines Amendment Act 1995 No 47*
Fair Trading Amendment Act 1995 No 58*
Police Service Amendment Act 1995 No 77*
Schedule 5  Repeals

Electricity Supply Act 1995 No 94—clause 16 (3) and (4) of Schedule 6 only****

Energy Services Corporations Act 1995 No 95—so much of Schedule 4.6 [4] as would repeal section 6B of the Electricity Act 1945 only****

State Revenue Legislation Further Amendment Act 1995 No 98—Schedule 7 [20] only****

Public Health Amendment Act 1996 No 1*

Roads Amendment (Street Vending) Act 1996 No 8*

Casino Control Amendment (Cheques) Act 1996 No 10*

Sydney Organising Committee for the Olympic Games Amendment Act 1996 No 26*

Public Health Amendment (Tobacco) Act 1996 No 33*

Liquor and Registered Clubs Legislation Amendment Act 1996 No 41*

Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996 No 42*

Liquor and Registered Clubs Legislation Amendment (Minors’ Entertainment) Act 1996 No 43*

Sydney Organising Committee for the Olympic Games Further Amendment Act 1996 No 63*

Police Service Amendment (Commissioned Officers) Act 1996 No 91*

Trustee Amendment Act 1996 No 100*

Listening Devices Amendment Act 1996 No 118*

Notes

* indicates repeal of an amending Act the provisions of which 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 an amending Act whose savings, transitional or other provisions of on-going effect are transferred to, or re-enacted in, the Principal Act (by Schedule 4 to this Act)

*** indicates repeal of an Act that is no longer of practical utility

**** indicates repeal of an Act or part of an Act that is uncommenced
Explanatory note

The repeals are explained in detail in the explanatory note relating to this Act. In relation to the repeal of amending Acts that are fully commenced, 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.

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,
(d) the operation of any savings or transitional provision contained in the Act.
Schedule 6 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, 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 to an Act by:

(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) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter) will commence on the date the amendments to which they relate commenced.

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

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

(a) amends a provision of an Act or regulation, or

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

3 Amendments removing gender-specific language

The amendments made to an Act by Schedule 3 are made for the
purposes of replacing gender-specific language with
gender-neutral language. The amendments contained in that
Schedule do not affect the construction or meaning of any Act.

Explanatory note
This clause ensures that amendments that are made solely for the purposes
of removing gender-specific language from an Act do not have any
unintended consequences.

4 Revocation of repeal

The Public Finance and Audit (Auditor-General) Amendment
Act 1991 is taken not to be, and never to have been, repealed by

5 Commencement of part of an Act

The uncommenced part of Schedule 3 [29] to the WorkCover
Legislation Amendment Act 1995 is commenced.

6 Regulations

(1) The Governor may make regulations containing provisions of a
savings or transitional nature consequent on the enactment of
this Act.

(2) Any such provision may, if the regulations so provide, take
effect from the date of assent to this Act or a later date.
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication 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.

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

Index of Acts and regulations amended by Schedules 1, 2, 3 and 4

Aboriginal Land Rights Act 1983 No 42—Sch 3, Sch 4
Bookmakers (Taxation) Act 1917 No 15—Sch 1
Broken Hill Trades Hall Site Act of 1898 No 31—Sch 2
Broken Hill Trades Hall Site Extension Act 1915 No 42—Sch 2
Business Names Act 1962 No 11—Sch 3
Community Land Development Act 1989 No 201—Sch 1
Conveyancing Act 1919 No 6—Sch 1
Correctional Centres Act 1952 No 9—Sch 2
Director of Public Prosecutions Act 1986 No 207—Sch 1
District Court Act 1973 No 9—Sch 2
Dog Act 1966 No 2—Sch 3
Eastern Gas Pipeline (Special Provisions) Act 1996 No 126—Sch 1
Election Funding Act 1981 No 78—Sch 3
Electricity Safety Act 1945 (1946 No 13)—Sch 2
Encroachment of Buildings Act 1922 No 23—Sch 1
Evidence Act 1995 No 25—Sch 1
Fertilizers Act 1985 No 5—Sch 1
Firearms Amendment Act 1996 No 135—Sch 2
Funeral Funds Act 1979 No 106—Sch 3
Gas Supply Act 1996 No 38—Sch 1
Growth Centres (Development Corporations) Act 1974 No 49—Sch 3
Harness Racing Legislation Amendment Act 1996 No 90—Sch 2
Hay Irrigation Act 1902 No 57—Sch 3
Horticultural Stock and Nurseries Act 1969 No 3—Sch 3
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Industrial Relations Act 1996 No 17—Sch 1
Interpretation Act 1987 No 15—Sch 1
Land Development Contribution Management Act 1970 No 22—ch 3
Land Sales Act 1964 No 12—Sch 3
Land Tax Management Act 1956 No 26—Sch 3
Landlord and Tenant (Rental Bonds) Act 1977 No 44—Sch 1, Sch 3
Law Foundation Act 1979 No 32—Sch 1, Sch 3
Law Reform Commission Act 1967 No 39—Sch 3
Legal Profession Amendment (National Practising Certificates) Act 1996 No 113—Sch 2
Long Service Leave Act 1955 No 38—Sch 2
Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48—Sch 2
Marine Pilotage Licensing Act 1971 No 56—Sch 3
Mine Subsidence Compensation Act 1961 No 22—Sch 3
Motor Accidents Act 1988 No 102—Sch 1
National Parks and Wildlife Act 1974 No 80—Sch 1, Sch 3
Pawnbrokers and Second-hand Dealers Act 1996 No 13—Sch 2
Pay-roll Tax Act 1971 No 22—Sch 2
Pesticides Act 1978 No 57—Sch 3
Petroleum Products Subsidy Act 1965 No 1—Sch 3
Police Service Act 1990 No 47—Sch 2
Public Authorities (Financial Arrangements) Act 1987 No 33—Sch 1
Public Authorities (Financial Arrangements) Regulation 1995—Sch 1
Public Lotteries Act 1996 No 86—Sch 2
Real Property Act 1900 No 25—Sch 1
Road Transport (Mass, Loading and Access) Regulation 1996—Sch 1
Roads Act 1993 No 33—Sch 1
Roman Catholic Church Communities’ Lands Act 1942 No 23—Sch 1
Roman Catholic Church Trust Property Act 1936 No 24—Sch 1
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Seeds Act 1982 No 14—Sch 3
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Solicitor General Act 1969 No 80—Sch 3
State Revenue Legislation (Miscellaneous Amendments) Act 1996 No 125—Sch 2
Statute Law (Miscellaneous Provisions) Act (No 2) 1996 No 121—Sch 2
Stock (Chemical Residues) Act 1975 No 26—Sch 3
Strata Schemes Management Act 1996 No 138—Sch 1
Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139—Sch 2
Strata Titles Act 1973 No 68—Sch 1
Strata Titles (Leasehold) Act 1986 No 219—Sch 1
Subordinate Legislation Act 1989 No 146—Sch 1
Superannuation (Axiom Funds Management Corporation) Act 1996 No 40—Sch 2
Supreme Court Act 1970 No 52—Sch 2
Teacher Housing Authority Act 1975 No 27—Sch 1
Threatened Species Conservation Act 1995 No 101—Sch 1
Transport Administration Act 1988 No 109—Sch 2
Transport Administration Amendment (Light Rail) Act 1996 No 128—Sch 2
Trustee Companies Act 1964 No 6—Sch 3
Waste Minimisation and Management Act 1995 No 102—Sch 1
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**Index of Acts repealed by Schedule 5**
Aboriginal Land Rights (Amendment) Act 1986 No 18
Aboriginal Land Rights (Revival of Financial Provision) Act 1990 No 32
Casino Control Amendment (Cheques) Act 1996 No 10
Commercial Tribunal Legislation Amendment Act 1995 No 40
Commonwealth Powers (Poultry Processing) Act 1993 No 100
Electricity (Amendment) Act 1993 No 24
Electricity Supply Act 1995 No 94—clause 16 (3) and (4) of Schedule 6 only
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Energy Services Corporations Act 1995 No 95—so much of Schedule 4.6 [4] as would repeal section 6B of the Electricity Act 1945 only
Fair Trading Amendment Act 1995 No 58
Fertilizers (Amendment) Act 1992 No 8—Schedule 2 only
Food Act 1989 No 231—items (2) and (3) of the provisions of Schedule 4 relating to the Local Government Act 1919 only
Landlord and Tenant (Amendment) Act 1932 No 67
Liquor and Registered Clubs Legislation Amendment Act 1996 No 41
Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996 No 42
Liquor and Registered Clubs Legislation Amendment (Minors’ Entertainment) Act 1996 No 43
Listening Devices Amendment Act 1996 No 118
Local Government (General Revision) Amendment Act 1986 No 159—Schedule 6 (7) only
Miscellaneous Acts (Crown and Other Roads) Amendment Act 1990 No 55—item (2) of amendments to the Land and Environment Court Act 1979 and amendments to the Valuation of Land Act 1916 only
Occupational Health and Safety Legislation (Amendment) Act 1994 No 5
Police Service Amendment Act 1995 No 77

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Police Service Amendment (Commissioned Officers) Act 1996 No 91
Police Service (Volunteer Police) Amendment Act 1992 No 54
Public Health Amendment Act 1996 No 1
Public Health Amendment (Tobacco) Act 1996 No 33
Registered Clubs Amendment Act 1995 No 37
Roads Amendment (Street Vending) Act 1996 No 8
State Revenue Legislation (Further Amendment) Act 1992 No 86
State Revenue Legislation Further Amendment Act 1995 No 98—Schedule 7 [20] only
Stock Medicines Amendment Act 1995 No 47
Sydney Organising Committee for the Olympic Games Amendment Act 1996 No 26
Sydney Organising Committee for the Olympic Games Further Amendment Act 1996 No 63
Trustee Amendment Act 1996 No 100
WorkCover Legislation (Amendment) Act 1989 No 121
Workers Compensation (Amendment) Act 1989 No 214

[Minister's second reading speech made in—
  Legislative Assembly on 28 May 1997
  Legislative Council on 25 June 1997]