



New South Wales

# Regulatory Reform and Other Legislative Repeals Act 2015 No 48

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New South Wales

# Regulatory Reform and Other Legislative Repeals Act 2015 No 48

Act No 48, 2015

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An Act to repeal certain Acts for the purpose of regulatory reform; to repeal certain other Acts and instruments for the purpose of statute law revision; and to make certain savings. [Assented to 5 November 2015]

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See also the *Occupational Licensing National Law Repeal Act 2015*.

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

**1 Name of Act**

This Act is the *Regulatory Reform and Other Legislative Repeals Act 2015*.

**2 Commencement**

- (1) This Act commences on the date of assent to this Act, except as otherwise provided by this section.
- (2) Section 3 (g) and (q)–(s) and Schedules 1, 2.1, 2.2, 2.4 [1] and 2.5–2.7 commence on a day or days to be appointed by proclamation.

**3 Repeal of principal Acts and Regulation**

The following Acts (or provisions of Acts) and Regulation are repealed:

- (a) *Appropriation Act 2014* No 34,
- (b) *Appropriation (Budget Variations) Act 2014* No 35,
- (c) *Appropriation (Parliament) Act 2014* No 36,
- (d) *Forestry (Darling Mills State Forest Revocation) Act 2005* No 2,
- (e) *HomeFund Restructuring Act 1993* No 112,
- (f) sections 3A and 3B and Parts 2, 3, 4 and 5 (except for section 24 (1)) of the *Insurance Protection Tax Act 2001* No 40,
- (g) *Internal Audit Bureau Act 1992* No 20,
- (h) *Land Acquisition (Charitable Institutions) Act 1946* No 55,
- (i) *Lane Cove National Park (Sugarloaf Point Additions) Act 1996* No 71,
- (j) *National Parks and Wildlife (Adjustment of Areas) Act 2005* No 27,
- (k) *State Revenue and Other Legislation Amendment (Budget Measures) Act 2013* No 50,
- (l) *Statute Law (Miscellaneous Provisions) Act 2015* No 15,
- (m) *Succession to the Crown (Request) Act 2013* No 53,
- (n) *Sydney Entertainment Centre Act 1980* No 135,
- (o) *Transfer of Records Act 1923* No 14,
- (p) *University of Sydney (Law School Site) Act 1967* No 26,
- (q) *Valuers Act 2003* No 4,
- (r) *Valuers Regulation 2010*,
- (s) *West Scholarships Act 1930* No 19.

**4 Repeal of amending provisions that have commenced**

The following provisions of Acts or an instrument are repealed:

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Environmental Planning and Assessment Amendment Act 2008</i> No 36	Schedule 5.1
<i>Marine Safety Act 1998</i> No 121	Schedule 3.7 [15]
<i>Public Health (Tobacco) Act 2008</i> No 94	Schedule 2
<i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	Schedule 3.1, 3.2 [1] and [5], 3.3 [1] and [5], 3.5–3.10, 3.12 and 3.13

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Water Management Act 2000</i> No 92	Schedule 8.30 [4]
<i>Water Management Amendment Act 2008</i> No 73	Schedule 4 [7]

**5 Repeal of amending Acts or provisions that cannot be commenced because they amend Acts or provisions that have since been repealed**

The following Act or provisions of Acts are repealed:

<b>Act</b>	<b>Provisions repealed</b>
<i>Environmental Planning and Assessment Amendment Act 2008</i> No 36	Schedule 2.1 [14]
<i>Licensing and Registration (Uniform Procedures) Act 2002</i> No 28	Schedule 4, Part 4
<i>National Parks and Wildlife Amendment (Jenolan Caves Reserves) Act 2005</i> No 83	Schedule 2.2
<i>Parliamentary Electorates and Elections Amendment Act 2006</i> No 68	Schedule 19.2, 19.3, 19.8, 19.11, 19.13, 19.23 and 19.28
<i>Workers Compensation Legislation Amendment (Miscellaneous Provisions) Act 2005</i> No 113	Whole Act

## **Schedule 1 Consequential and other amendments related to repeal of Valuers Act 2003**

### **1.1 Aboriginal Land Rights Act 1983 No 42**

#### **[1] Section 38 Purchase, lease etc of property**

Omit section 38 (1A) (a). Insert instead:

- (a) the purchase price for the land is not more than 5% above the market value of the land, as assessed by a qualified valuer who is appointed by the Local Aboriginal Land Council, or

#### **[2] Section 38 (6)**

Omit the subsection. Insert instead:

- (6) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

### **1.2 Civil and Administrative Tribunal Act 2013 No 2**

#### **Schedule 5 Occupational Division**

Omit “*Valuers Act 2003*” from clause 4 (1).

### **1.3 Community Land Development Act 1989 No 201**

#### **[1] Section 3 Definitions**

Omit the definition of *registered valuer* from section 3 (1).

Insert in alphabetical order:

*qualified valuer* means (subject to the regulations) a person who:

- (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
- (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
- (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
- (d) is of a class prescribed by the regulations.

#### **[2] Schedule 8, clause 2 (2) (a) and Schedule 11, clauses 2 (b), 4 (c) and 6 (b)**

Omit “registered valuer” wherever occurring. Insert instead “qualified valuer”.

**[3] Schedule 12 Transitional provisions**

Insert “or any other Act that amends this Act” after “this Act” in clause 1 (1).

**1.4 Community Land Development Regulation 2007**

**Clauses 8 (5) (b), 9 (f), 15 (10), 21 (10) and 27 (10)**

Omit “registered valuer” wherever occurring. Insert instead “qualified valuer”.

**1.5 Community Land Management Act 1989 No 202**

**[1] Section 3 Definitions**

Omit the definition of *registered valuer* from section 3 (1).

**[2] Section 39 Insurance against damage or destruction**

Omit section 39 (1A). Insert instead:

- (1A) Any such building or structure is to be insured for not less than the amount determined in accordance with the regulations.

**[3] Section 39A Valuations to be obtained for the purposes of insurance**

Omit the section.

**[4] Section 78 Order by Tribunal substituting schedule of unit entitlements**

Omit “different registered valuer” from section 78 (2) (a).

Insert instead “different valuer who is a qualified valuer”.

**[5] Section 78 (4)**

Omit “registered valuer”. Insert instead “qualified valuer”.

**[6] Section 78 (7)**

Insert after section 78 (6):

- (7) In this section:  
*qualified valuer* has the same meaning as it has in the *Community Land Development Act 1989*.

**[7] Schedule 7 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

**1.6 Community Land Management Regulation 2007**

**Clause 18 Valuations to be obtained for insurance purposes**

Omit the clause.

**1.7 Conveyancing Act 1919 No 6**

**[1] Section 131 Costs and expenses**

Omit “registered valuer (within the meaning of the *Valuers Act 2003*)”.

Insert instead “valuer”.

**[2] Schedule 9 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

**1.8 Duties Act 1997 No 123**

**[1] Section 305 Valuation of property**

Omit section 305 (1). Insert instead:

- (1) The Chief Commissioner may, for the purpose of determining whether a person is liable for duty or determining a person's liability for duty:
  - (a) require the person, by notice in writing given to the person, to provide any evidence of the value of property that the Chief Commissioner considers appropriate, or
  - (b) obtain a valuation of property from a person the Chief Commissioner is satisfied is suitably qualified to provide evidence of the value of property, or
  - (c) rely on a valuation of property prepared for any purpose by a person the Chief Commissioner is satisfied is suitably qualified to provide evidence of the value of property.

**[2] Section 305 (2)**

Insert "other" after "or".

**[3] Section 305 (4)**

Omit the subsection.

**1.9 Election Funding, Expenditure and Disclosures Regulation 2009**

**Clause 37 Determination of value of property disposed of**

Omit clause 37 (1). Insert instead:

- (1) The Authority may, if it is of the opinion that the value of property disposed of has not been correctly stated, appoint or approve persons to assess the value of the property who have, for a period of (or for periods totalling not less than) 5 years, been engaged in making valuations of property of the same kind as that property.

**1.10 Encroachment of Buildings Act 1922 No 23**

**[1] Section 3 Encroachments**

Omit section 3 (4). Insert instead:

- (4) The Court may refer any question involved in proceedings on the application to:
  - (a) any registered land surveyor (within the meaning of the *Surveying and Spatial Information Act 2002*), or
  - (b) any valuer.

**[2] Schedule 1 Savings and transitional provisions**

Insert before clause 1:

**1A Regulations**

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

**1.11 Fair Trading Act 1987 No 68**

**[1] Section 25I Functions**

Omit “, valuing” from paragraph (a) of the definition of *property services industry* in section 25I (2).

**[2] Section 25I (2), definition of “property services industry”**

Omit “or the *Valuers Act 2003*” from paragraph (a).

**[3] Schedule 5 Savings and transitional provisions**

Insert after Part 6:

**Part 7 Provisions consequent on repeal of Valuers Act 2003 by Regulatory Reform and Other Legislative Repeals Act 2015**

**42 Definition of “relevant valuer”**

In this Part:

*relevant valuer* means a person who was registered under the *Valuers Act 2003* as a valuer immediately before the repeal of that Act.

**43 References to qualified valuers**

- (1) Subject to the regulations, a reference in any Act or regulation to a qualified valuer is taken to include a reference to a relevant valuer.
- (2) Subclause (1) does not apply in relation to a person to whom an order that is in force under this clause applies.
- (3) The Secretary may, by order published in the Gazette, direct that a person who is a relevant valuer is not to be taken to be a qualified valuer under this clause if the Secretary is satisfied that:
  - (a) the person is a disqualified person (within the meaning of the *Valuers Act 2003*, as in force immediately before the repeal of that Act), or

- (b) the person was not eligible to be registered and was registered by mistake or as a result of any false representation concerning the person's age or qualifications for registration, or
  - (c) any circumstances prescribed by the regulations apply in relation to the person.
- (4) The Secretary may, by notice published in the Gazette, revoke an order under this clause.

#### **44 Conditions and undertakings to continue**

- (1) A relevant valuer must not practise as a valuer in contravention of any restriction on the valuer's practice as a valuer that was in force under the *Valuers Act 2003* immediately before the repeal of that Act.  
Maximum penalty: 100 penalty units.
- (2) A reference in this clause to a restriction on a valuer's practice is a reference to:
- (a) a condition imposed under section 11 of the *Valuers Act 2003* on the valuer's registration, or
  - (b) a written undertaking from the valuer accepted by the Secretary under section 18 of that Act.
- (3) The regulations may exempt any of the following from the application of this clause:
- (a) a relevant valuer or any class of relevant valuers,
  - (b) a condition or any class of conditions,
  - (c) a written undertaking or any class of written undertakings.

#### **45 Expiry of clauses 43 and 44**

Clauses 43 and 44 cease to have effect 3 years after the day on which the *Valuers Act 2003* is repealed.

#### **46 No compensation by State**

- (1) Compensation is not payable by or on behalf of the State because of the repeal of the *Valuers Act 2003* by the *Regulatory Reform and Other Legislative Repeals Act 2015*, or the enactment or operation of Schedule 1 to the *Regulatory Reform and Other Legislative Repeals Act 2015*, or for any consequence of that repeal, enactment or operation.
- (2) This clause does not prevent the regulations making provision for or with respect to the refund of any application fees paid under the *Valuers Act 2003* before the repeal of that Act.
- (3) In this clause:  
*compensation* includes damages or any other form of monetary compensation.  
*the State* means the Crown within the meaning of the *Crown Proceedings Act 1988*, and includes any employee or agent of the Crown.

### **1.12 Fines Act 1996 No 99**

#### **Schedule 1 Statutory provisions under which penalty notices issued**

Omit the matter relating to the *Valuers Act 2003*.

### **1.13 First Home Owner Grant (New Homes) Act 2000 No 21**

#### **[1] Section 36A Power to require valuation or other evidence**

Omit section 36A (1). Insert instead:

- (1) For the purposes of determining the total value of a transaction, the Chief Commissioner may do any one or more of the following:
  - (a) require, by written notice, an applicant (or former applicant) for a first home owner grant to provide to the Chief Commissioner any evidence of the value of the property or consideration that the Chief Commissioner considers appropriate,
  - (b) have a valuation made of any property or consideration by a person the Chief Commissioner is satisfied is suitably qualified to provide evidence of the value of property or consideration,
  - (c) adopt any available valuation made of the property or consideration by a person the Chief Commissioner is satisfied is suitably qualified to provide evidence of the value of property or consideration.

#### **[2] Section 36A (2)**

Omit the subsection.

### **1.14 Land Acquisition (Just Terms Compensation) Act 1991 No 22**

#### **[1] Section 59 Loss attributable to disturbance**

Omit paragraph (b) of the definition of *loss attributable to disturbance*. Insert instead:

- (b) valuation fees of a qualified valuer reasonably incurred by those persons in connection with the compulsory acquisition of the land (but not fees calculated by reference to the value, as assessed by the valuer, of the land),

#### **[2] Section 59 (2)**

Insert at the end of section 59:

- (2) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

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

#### **Schedule 2 Search warrants under other Acts**

Omit the matter relating to the *Valuers Act 2003*.

## 1.16 Licensing and Registration (Uniform Procedures) Act 2002 No 28

### Schedule 2 Registration to which Part 3 of Act applies

Omit the matter relating to the *Valuers Act 2003* (including the heading).

## 1.17 Mining Regulation 2010

### [1] Clause 47 Objections

Omit clause 47 (2) (a). Insert instead:

- (a) a qualified valuer, or

### [2] Clause 47 (3)

Insert after clause 47 (2):

- (3) In this clause:

*qualified valuer* means a person who:

- (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
- (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
- (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer.

### [3] Clause 71 Inquiry and report concerning significant improvement claim

Omit the clause.

## 1.18 Mine Subsidence Compensation Act 1961 No 22

### [1] Section 13 Purchase of damaged improvements and effecting of remedial works by the Board

Omit “valuer with the prescribed qualifications” from section 13 (1) (a).

Insert instead “qualified valuer”.

### [2] Section 13 (3)

Insert after section 13 (2):

- (3) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

## **1.19 Mine Subsidence Compensation Regulation 2012**

### **Clause 8 Prescribed qualifications of valuer under section 13 (1) (a)**

Omit the clause.

## **1.20 Property, Stock and Business Agents Act 2002 No 66**

### **Section 189 Application of money in Statutory Interest Account**

Omit “, the *Valuers Act 2003*” from section 189 (2) (d).

## **1.21 Regional Relocation Grants (Skills Incentive) Act 2011 No 26**

### **[1] Section 52 Power to require valuation or other evidence**

Omit section 52 (1). Insert instead:

- (1) For the purposes of determining the value of a purchase, the Chief Commissioner may do any one or more of the following:
  - (a) require, by written notice, an applicant (or former applicant) for a regional relocation grant to provide to the Chief Commissioner any evidence of the value of the property or consideration that the Chief Commissioner considers appropriate,
  - (b) have a valuation made of any property or consideration by a person the Chief Commissioner is satisfied is suitably qualified to provide evidence of the value of property or consideration,
  - (c) adopt any available valuation made of the property or consideration by a person the Chief Commissioner is satisfied is suitably qualified to provide evidence of the value of property or consideration.

### **[2] Section 52 (2)**

Omit the subsection.

## **1.22 Registered Clubs Act 1976 No 31**

### **[1] Section 41J Disposal by club of real property**

Omit section 41J (3) (a). Insert instead:

- (a) the property has been valued by a qualified valuer, and

### **[2] Section 41J (5)**

Insert after section 41J (4):

- (5) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

### **1.23 Registered Clubs Regulation 2015**

#### **Clause 23 Exceptions relating to disposal of core property**

Omit “a registered valuer” from clause 23 (1) (a).

Insert instead “a qualified valuer (within the meaning of section 41J of the Act)”.

### **1.24 Residential (Land Lease) Communities Act 2013 No 97**

#### **[1] Section 138 Tribunal may value homes to facilitate sale**

Omit “registered valuers” from section 138 (2). Insert instead “qualified valuers”.

#### **[2] Section 138 (3)**

Omit “registered valuer”. Insert instead “qualified valuer”.

#### **[3] Section 138 (5)**

Omit the subsection. Insert instead:

- (5) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

### **1.25 Strata Schemes (Freehold Development) Act 1973 No 68**

#### **[1] Section 28QAA Revised schedule of unit entitlements**

Omit “registered valuer” from section 28QAA (3) (d). Insert instead “qualified valuer”.

#### **[2] Section 28QAA (4)**

Omit the subsection. Insert instead:

- (4) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

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

Insert before Part 1:

**Part 1A General**

**1 Regulations**

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

**1.26 Strata Schemes (Leasehold Development) Act 1986 No 219**

**[1] Section 57AAA Revised schedule of unit entitlements**

Omit “registered valuer” from section 57AAA (3) (d). Insert instead “qualified valuer”.

**[2] Section 57AAA (4)**

Omit the subsection. Insert instead:

- (4) Subject to the regulations, a reference in this section to a *qualified valuer* is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
  - (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
  - (d) is of a class prescribed by the regulations.

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

Insert at the end of clause 1 (1):

any other Act that amends this Act

**1.27 Strata Schemes Management Act 1996 No 138**

**[1] Sections 83 (2) and 84 (2)**

Omit the subsections. Insert instead as sections 83 (2) and 84 (2), respectively:

- (2) The building is to be insured for at least the amount determined in accordance with the regulations.

**[2] Section 85 Valuations to be obtained for the purposes of insurance**

Omit the section.

**[3] Section 183 Order for reallocation of unit entitlements**

Omit section 183 (5). Insert instead:

**(5) Requirements as to person giving certificate**

The certificate must have been given by a qualified valuer.

**[4] Section 183 (11)**

Insert after section 183 (10):

(11) In this section:

***qualified valuer:***

- (a) in relation to a freehold strata scheme, has the same meaning as in section 28QAA of the *Strata Schemes (Freehold Development) Act 1973*, and
- (b) in relation to a leasehold strata scheme, has the same meaning as in section 57AAA of the *Strata Schemes (Leasehold Development) Act 1986*.

## **1.28 Strata Schemes Management Regulation 2010**

**[1] Clause 11 Qualifications for person to carry out valuation for insurance purposes**

Omit the clause.

**[2] Clause 12 Calculation of insured amount under damage policy**

Insert after clause 12 (1):

- (1A) For the purposes of sections 83 (2) and 84 (2) of the Act, the amount for which a building is to be insured under a damage policy is to be not less than the amount calculated in accordance with subclause (1).

## **1.29 Succession Act 2006 No 80**

**[1] Section 101 Definitions**

Omit the definition of *registered valuer*.

**[2] Section 119 Basis of the election**

Omit “registered valuer” from section 119 (3). Insert instead “qualified valuer”.

**[3] Section 119 (6)**

Insert after section 119 (5):

- (6) Subject to the regulations, a reference in this section to a ***qualified valuer*** is a reference to a person who:
  - (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
  - (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or

- (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
- (d) is of a class prescribed by the regulations.

**[4] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

### **1.30 Trustee Act 1925 No 14**

**[1] Section 18 Ratio of loan to value**

Omit “valuer of land, registered under the *Valuers Act 2003*,” from section 18 (2).

Insert instead “qualified valuer”.

**[2] Section 18 (7)**

Omit the subsection. Insert instead:

(7) In this section:

***prescribed insurer*** means an insurer or an insurer of a class prescribed by the regulations.

***qualified valuer*** means (subject to the regulations) a person who:

- (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
- (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
- (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
- (d) is of a class prescribed by the regulations.

**[3] Schedule 2 Savings and transitional provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

### **1.31 Valuation of Land Act 1916 No 2**

**[1] Section 13C Contested contracts**

Omit section 13C (3) and (4).

**[2] Section 80B Valuers Registration Act 1975 not affected**

Omit the section.

**[3] Schedule 2 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

## **Schedule 2 Consequential and other amendments related to repeal of Internal Audit Bureau Act 1992**

### **2.1 First State Superannuation Act 1992 No 100**

#### **Schedule 1 Employers**

Omit “Internal Audit Bureau”.

### **2.2 Government Sector Employment Act 2013 No 40**

#### **Schedule 4 Savings, transitional and other provisions**

Omit clause 13A (a).

### **2.3 Internal Audit Bureau Act 1992 No 20**

#### **[1] Section 5A**

Insert after section 5:

##### **5A Disposal of assets, rights and liabilities prior to dissolution**

- (1) The Bureau is authorised to dispose of all or any of its assets, rights or liabilities to the private sector or to any public authority of the State.

**Note.** Part 8 of Schedule 4 to the *Public Finance and Audit Act 1983* provides for the dissolution of the Bureau on the repeal of this Act.

- (2) In this section:  
*assets*, *rights* and *liabilities* have the same meanings as in Part 8 of Schedule 4 to the *Public Finance and Audit Act 1983*.

#### **[2] Section 7 Functions of the Board**

Insert “(including any policies that are necessary to facilitate the dissolution of the Bureau)” after “Bureau” in section 7 (a).

#### **[3] Section 7, note**

Insert at the end of section 7:

**Note.** Part 8 of Schedule 4 to the *Public Finance and Audit Act 1983* provides for the dissolution of the Bureau on the repeal of this Act.

#### **[4] Schedule 3 Savings, transitional and other provisions**

Insert “or any Act that amends this Act” after “this Act” in clause 1 (1).

### **2.4 Public Finance and Audit Act 1983 No 152**

#### **[1] Schedule 2 Statutory bodies**

Omit “Internal Audit Bureau of New South Wales”.

#### **[2] Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Regulatory Reform and Other Legislative Repeals Act 2015* (but only to the extent that it repeals the *Internal Audit Bureau Act 1992* or amends this Act)  
any other Act that amends this Act

[3] **Schedule 4**

Insert at the end of the Schedule:

**Part 8 Provisions consequent on repeal of Internal Audit Bureau Act 1992 by Regulatory Reform and Other Legislative Repeals Act 2015**

**16 Definitions**

In this Part:

**assets** means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**dissolution day** means the day on which the *Internal Audit Bureau Act 1992* is repealed.

**IAB** means the Internal Audit Bureau of New South Wales constituted by the *Internal Audit Bureau Act 1992*, as in force immediately before its repeal by the *Regulatory Reform and Other Legislative Repeals Act 2015*.

**instrument** means an instrument (other than this Act or an instrument made under this Act) or any other document that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order, process or other instrument issued by a court or tribunal.

**liabilities** means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

**rights** means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

**17 Dissolution of Internal Audit Bureau**

IAB is dissolved on the dissolution day.

**18 Transfer of assets, rights and liabilities**

- (1) On the dissolution day, any assets, rights and liabilities of IAB immediately before its dissolution by this Part are transferred to the Crown.
- (2) On and from the dissolution day, the following provisions have effect in relation to the transfer:
  - (a) the transferred assets vest in the Crown by virtue of this clause without the need for any further conveyance, transfer, assignment or assurance,
  - (b) the transferred rights and liabilities become, by virtue of this clause, the rights and liabilities of the Crown,
  - (c) all proceedings relating to the transferred assets, rights or liabilities commenced before the dissolution day by or against IAB pending immediately before the dissolution day are taken to be proceedings pending by or against the Crown,
  - (d) any act, matter or thing done or omitted to be done in relation to the transferred assets, rights or liabilities before the dissolution day by, to or in respect of IAB is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Crown,

- (e) the Crown has all the entitlements and obligations of IAB in relation to the transferred assets, rights and liabilities that IAB would have had but for the dissolution of IAB, whether or not those entitlements and obligations were actual or potential at the time the dissolution took effect.

**19 Internal Audit Bureau of New South Wales Fund**

On the dissolution day:

- (a) the Internal Audit Bureau of New South Wales Fund in the Special Deposits Account is closed, and
- (b) any balance standing to the credit of the Fund is transferred to the Crown.

**20 Board of Management members to vacate office**

A person who, immediately before the dissolution day, held office as a member of the Board of Management established under section 6 of the *Internal Audit Bureau Act 1992*:

- (a) ceases to hold that office on the dissolution day, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

**21 Chief Executive of Internal Audit Bureau**

The person who, immediately before the dissolution day, held office as the Chief Executive of IAB or as acting Chief Executive:

- (a) ceases to hold that office on the dissolution day, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

**22 Other staff**

- (1) On the dissolution day, the staff of IAB are transferred to The Treasury.
- (2) A transfer under this clause does not require the consent of the person transferred.
- (3) A person who is transferred under this clause is (until other provision is duly made under any Act or law) to be employed in accordance with any relevant statutory provisions, awards, agreements and determinations that would have applied to the person had the person remained a member of staff of IAB.

**23 Effect of this Part on contracts, instruments and other matters**

The operation of this Part is not to be regarded as:

- (a) a breach of contract, trust or confidence or otherwise as a civil wrong, or
- (b) a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
- (c) giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of, or exercise of rights under, any instrument, or
- (d) an event of default under any contract or other instrument.

**24 Final annual report**

The annual report for the year ending 30 June 2016 may be included in the annual report of The Treasury for that year.

**25 References to Internal Audit Bureau**

Subject to the regulations, a reference in any other Act or instrument made under any other Act or in any instrument of any kind to IAB is (to the extent that it relates to the assets, rights and liabilities transferred to the Crown) to be read on and from the dissolution day as being a reference to the Crown.

**2.5 State Authorities Non-contributory Superannuation Act 1987 No 212**

**Schedule 1 Employers**

Omit “Internal Audit Bureau of New South Wales” from Part 1.

**2.6 State Authorities Superannuation Act 1987 No 211**

**Schedule 1 Employers**

Omit “Internal Audit Bureau of New South Wales” from Part 1.

**2.7 Superannuation Act 1916 No 28**

**Schedule 3 List of employers**

Omit “Internal Audit Bureau of New South Wales” from Part 1.

## Schedule 3 Other amendments consequent on repeals

### 3.1 Crown Lands Act 1989 No 6

#### [1] Schedule 6 Transferred provisions

Insert after clause 1:

### Part 2 Forestry (Darling Mills State Forest Revocation) Act 2005

#### 2 Definitions

In this Part:

*existing interest* means an existing interest, within the meaning of section 7 of the former Act:

- (a) saved by the operation of section 7 (1), and
- (b) current and in force under the *Forestry Act 2012* immediately before the repeal of the former Act.

*former Act* means the *Forestry (Darling Mills State Forest Revocation) Act 2005*, as in force immediately before its repeal.

#### [2] Schedule 6, new Part 2

Transfer sections 5–9 (except for sections 7 (4) and 9 (1)) of the *Forestry (Darling Mills State Forest Revocation) Act 2005* (which is repealed by section 3 of this Act) to Part 2 (as inserted by item [1]), as clauses 3–7, respectively.

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

Insert “to the former Act” after “Schedule 1” wherever occurring.

#### [4] Schedule 6, new clauses 3, 4 (1) and 7

Omit “the *Crown Lands Act 1989*” wherever occurring. Insert instead “this Act”.

#### [5] Schedule 6, new clause 3

Omit “section 7”. Insert instead “clause 5”.

#### [6] Schedule 6, new clause 3

Insert after clause 3 (as inserted by item [2]):

**Note.** The land described in Schedule 1 to the *Forestry (Darling Mills State Forest Revocation) Act 2005* was formerly Darling Mills State Forest. Section 4 of the *Forestry (Darling Mills State Forest Revocation) Act 2005* revoked its dedication as a State forest (and as part of a national forest) under the *Forestry Act 1916*.

#### [7] Schedule 6, new clause 4 (2)

Omit “of the *Crown Lands Act 1989*”.

#### [8] Schedule 6, new clause 5 (1) and (3)

Omit “*Forestry Act 1916*” wherever occurring. Insert instead “*Forestry Act 2012*”.

#### [9] Schedule 6, new clause 5 (2) and (3)

Omit “administering the *Crown Lands Act 1989*” wherever occurring.

**[10] Schedule 6, new clause 5 (3)**

Omit “subsection”. Insert instead “subclause”.

**[11] Schedule 6, new clauses 6 and 7**

Omit “This Act” wherever occurring. Insert instead “This Part”.

**[12] Schedule 6, new clause 7**

Omit “that Act”. Insert instead “this Act”.

**[13] Schedule 6, clause 8**

Insert after clause 7 (as inserted by item [2]):

**8 Transferred provisions to which Interpretation Act 1987 applies**

Clauses 3–7 re-enact (with minor modifications) sections 5–9 (except for sections 7 (4) and 9 (1)) of the former Act and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.2 Education Act 1990 No 8**

**Schedule 3 Savings, transitional and other provisions**

Insert after Part 14:

**Part 15 Provisions consequent on repeal of West Scholarships Act 1930 by Regulatory Reform and Other Legislative Repeals Act 2015**

**34 Definitions**

In this Part:

**assets** means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**dissolution day** means the day on which the Trust is dissolved by clause 35.

**instrument** means an instrument (other than this Act or an instrument made under this Act) or any other document that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order, process or other instrument issued by a court or tribunal.

**liabilities** means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

**rights** means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

**Trust** means the trust administered by the West Scholarships Trustees.

**trust assets** means:

- (a) any assets vested (whether absolutely or contingently) in, or otherwise held by, the West Scholarships Trustees on behalf of the Trust immediately before the dissolution day, and
- (b) any assets purportedly vested (whether absolutely or contingently), or otherwise held, in the name of the Trust instead of the West Scholarships Trustees immediately before the dissolution day.

**trust liabilities** means any of the liabilities of the Trust (including liabilities enforceable against the West Scholarships Trustees) immediately before the dissolution day.

**trust rights** means any rights of the Trust (including rights enforceable by the West Scholarships Trustees) immediately before the dissolution day.

**West Scholarships Trustees** means the trustees holding office under the *West Scholarships Act 1930* immediately before the dissolution day.

### **35 Dissolution of Trust**

- (1) The Trust is dissolved on the repeal of the *West Scholarships Act 1930* by the *Regulatory Reform and Other Legislative Repeals Act 2015*.
- (2) On the dissolution day, any trust assets, trust rights and trust liabilities are transferred to the Crown.
- (3) On and from the dissolution day, the following provisions have effect in relation to the transfer of trust assets, trust rights and trust liabilities to the Crown:
  - (a) the transferred assets vest in the Crown by virtue of this clause:
    - (i) without the need for any further conveyance, transfer, assignment or assurance, and
    - (ii) free of any equitable estates, interests, rights or obligations that attached to the assets immediately before the dissolution day by reason of the Trust,
  - (b) the transferred rights and liabilities become, by virtue of this clause, the rights and liabilities of the Crown,
  - (c) all proceedings relating to the transferred assets, rights or liabilities commenced before the dissolution day by or against the West Scholarships Trustees or any predecessors of those trustees pending immediately before the dissolution day are taken to be proceedings pending by or against the Crown,
  - (d) any act, matter or thing done or omitted to be done in relation to the transferred assets, rights or liabilities before the dissolution day by, to or in respect of the Trust is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Crown,
  - (e) the Crown has all the entitlements and obligations of the Trust and West Scholarships Trustees in relation to the transferred assets, rights and liabilities that the Trust or West Scholarships Trustees would have had but for the dissolution of the Trust, whether or not those entitlements and obligations were actual or potential at the time the dissolution took effect.
- (4) Any money transferred to the Crown by the operation of this clause is not required to be paid into the Consolidated Fund and may be:
  - (a) held in any account operated by the West Scholarships Trustees immediately before the dissolution day, or
  - (b) paid into another account operated by the Minister.
- (5) The Minister may arrange for any money transferred to the Crown by the operation of this clause to be provided to schools or bodies that the Minister is satisfied will apply the money for the purpose of awards, on the basis of academic achievement, to final year primary school students.

- (6) A person who, immediately before the dissolution of the Trust, held office as a trustee for the purposes of the *West Scholarships Act 1930* ceases to hold that office on the dissolution day.
- (7) Subject to the regulations, a reference in any other Act or instrument made under any other Act or in any instrument of any kind to the Trust or the West Scholarships Trustees is (to the extent that it relates to the assets, rights and liabilities transferred to the Crown) to be read on and from the dissolution day as being a reference to the Crown.
- (8) No compensation is payable to any person or body in connection with the transfer of any asset, right or liability, or the loss of any office, by operation of this clause.
- (9) The operation of this clause is not to be regarded as:
  - (a) a breach of contract, trust or confidence or otherwise as a civil wrong, or
  - (b) a breach of any contract or other instrument (including, without limitation, any provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities), or
  - (c) an event of default under any contract or other instrument, or
  - (d) giving rise to any remedy by a party to a contract or other instrument, or as causing or permitting the termination of, or exercise of rights under, any contract or other instrument.

### 3.3 Housing Act 2001 No 52

**[1] Schedule 4**

Insert after Schedule 3:

#### **Schedule 4 Transferred provisions—HomeFund Restructuring Act 1993**

**[2] Schedule 4**

Transfer Parts 1–4 (other than sections 1, 2, 4, 5, 18 (2), 22, 24 and 25) of the *HomeFund Restructuring Act 1993* (which is repealed by section 3 of this Act) to Schedule 4 (as inserted by item [1]), as clauses 1 of Part 1, 2–5 of Part 2, 6 and 7 of Part 3 and 8–10 of Part 4 and renumber each subclause number appropriately.

**[3] Schedule 4, new clauses 1 and 8**

Omit “this Act” and “This Act” wherever occurring.

Insert instead “this Schedule” and “This Schedule”, respectively.

**[4] Schedule 4, new clause 1 (1)**

Insert in alphabetical order:

*former Act* means the *HomeFund Restructuring Act 1993* (as in force immediately prior to its repeal).

**[5] Schedule 4, new clause 1 (1)**

Omit the definition of *New South Wales Land and Housing Corporation*.

- [6] **Schedule 4, new clause 1 (1), definition of “restructuring scheme”**  
Omit “section 6 and Schedule 1”.  
Insert instead “clause 2 and in Schedule 1 to the former Act”.
- [7] **Schedule 4, new clauses 2 (1) and 6 (3) (a)**  
Insert “to the former Act” after “Schedule 1” wherever occurring.
- [8] **Schedule 4, new clause 2 (2)**  
Omit “of the *Housing Act 2001*”.
- [9] **Schedule 4, new clauses 3 and 5**  
Omit “New South Wales Land and Housing Corporation” wherever occurring.  
Insert instead “Corporation”.
- [10] **Schedule 4, new clause 5 (2)**  
Omit “the *Housing Act 2001*, including its functions under section 9 (2) of that Act, as if the restructuring scheme were a scheme managed under that Act”.  
Insert instead “this Act, including its functions under section 9 (2)”.
- [11] **Schedule 4, new clause 6 (2)**  
Omit “Subsection”. Insert instead “Subclause”.
- [12] **Schedule 4, new clause 6 (3)**  
Omit “section”. Insert instead “clause”.
- [13] **Schedule 4, new clause 7**  
Omit “section 15 (1)” and “Section 15 (1)”.  
Insert instead “clause 6 (1)” and “Clause 6 (1)”, respectively.
- [14] **Schedule 4, new clause 7**  
Omit the note.
- [15] **Schedule 4, clause 11**  
Insert after clause 10 (as inserted by item [2]):
- 11 Transferred provisions to which Interpretation Act 1987 applies**  
Clauses 1–10 re-enact (with minor modifications) sections 3, 6–9, 15–17, 18 (1) and 19 of the *HomeFund Restructuring Act 1993* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- 3.4 Insurance Protection Tax Act 2001 No 40**
- [1] **Section 3 Definitions**  
Omit the definitions of *premium*, *registered insurer* and *year*.

[2] **Schedule 1**

Insert at the end of the Act:

## **Schedule 1 Savings, transitional and other provisions**

### **Part 1 General**

#### **1 Regulations**

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

### **Part 2 Provisions consequent on enactment of Regulatory Reform and Other Legislative Repeals Act 2015**

#### **2 Repeal of obsolete provisions relating to imposition and abolition of tax**

An amendment made to this Act by the *Regulatory Reform and Other Legislative Repeals Act 2015* does not affect any liability to pay tax imposed by this Act that arose before 1 July 2011 and this Act, as in force before that amendment, continues to have effect in respect of any such liability.

#### **3 Application of section 30 of Interpretation Act 1987**

Nothing in this Part affects the application of section 30 of the *Interpretation Act 1987*.

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

[1] **Schedule 2 Revocation of reservation or dedication of certain land**

Insert after Part 7:

### **Part 8 Revocations under the National Parks and Wildlife (Adjustment of Areas) Act 2005**

#### **20 Definition**

In this Part:

*former Act* means the *National Parks and Wildlife (Adjustment of Areas) Act 2005*, as in force immediately before its repeal.

**[2] Schedule 2, Part 8**

Transfer sections 3–5 of the *National Parks and Wildlife (Adjustment of Areas) Act 2005* (which is repealed by section 3 of this Act) to Part 8 (as inserted by item [1]), as clauses 21–23.

**[3] Schedule 2, new clauses 21 and 23 (2) and (3)**

Omit “the *National Parks and Wildlife Act 1974*” wherever occurring.

Insert instead “this Act”.

**[4] Schedule 2, new clause 21**

Insert “to the former Act” after “Schedule 1 or 2”.

**[5] Schedule 2, new clause 21, note**

Insert at the end of the clause:

**Note.** The land described in Schedule 1 to the *National Parks and Wildlife (Adjustment of Areas) Act 2005* was formerly part of Botany Bay National Park. The lands described in Schedule 2 to that Act were formerly part of Kosciuszko National Park, Lake Innes Nature Reserve and South East Forest National Park.

**[6] Schedule 2, new clauses 22 and 23 (1) and (4)**

Omit “this Act” wherever occurring. Insert instead “the former Act”.

**[7] Schedule 2, new clause 22**

Insert “to the former Act” after “Schedule 1”.

**[8] Schedule 2, new clause 23 (1), (2) (a) and (4)**

Insert “to the former Act” after “Schedule 2” wherever occurring.

**[9] Schedule 2, new clause 23 (1) and (5)**

Omit “administering Part 11 of the *National Parks and Wildlife Act 1974*” wherever occurring.

**[10] Schedule 2, new clause 23 (1)**

Omit “that Part”. Insert instead “Part 11 of this Act”.

**[11] Schedule 2, new clause 23 (3)**

Omit “subsection”. Insert instead “subclause”.

**[12] Schedule 2, new clause 23 (3)**

Omit “that Act” wherever occurring. Insert instead “this Act”.

**[13] Schedule 2, new clause 23 (5)**

Omit “section”. Insert instead “clause”.

**[14] Schedule 2, new clause 23 (5)**

Omit “with the *National Parks and Wildlife Act 1974*”. Insert instead “with this Act”.

**[15] Schedule 2, clause 24**

Insert after clause 23 (as inserted by item [2]):

**24 Transferred provisions to which Interpretation Act 1987 applies**

Clauses 21–23 re-enact (with minor modifications) sections 3–5 of the former Act and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.6 Supreme Court Act 1970 No 52**

**[1] Fourth Schedule, heading**

Omit “**and transitional**”. Insert instead “, **transitional and other**”.

**[2] Fourth Schedule**

Insert at the end of the Schedule, with appropriate Part and clause numbering:

**Part Provisions consequent on repeal of Transfer of Records Act 1923 by Regulatory Reform and Other Legislative Repeals Act 2015**

**Instruments to be registered in office of Registrar-General instead of Supreme Court**

- (1) On and from 1 October 1925, all instruments of any nature that are required by any Act to be registered, enrolled, recorded, filed or deposited in the Court, and that do not relate exclusively to the business of the Court or any suit or proceeding in the Court, are required to be registered, enrolled, recorded, filed or deposited in the office of the Registrar-General in the same manner and form as is required by that Act.
- (2) All such registrations, enrolments, records, filings and deposits are in all respects valid and have the same effect respectively to all intents and purposes as if they had been made, done, had, taken or performed in the Court and the *Transfer of Records Act 1923* had not been passed.
- (3) In this clause, **Court** includes the office of the Master in Equity or any other officer of the Court.
- (4) Subclauses (1)–(3) re-enact (with minor modifications) section 2 (3) and (5) of the *Transfer of Records Act 1923* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

## **Schedule 4    General savings, transitional and other provisions**

### **1    Effect of amendment on instruments**

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

### **2    Revocation of repeal**

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

### **3    Regulations**

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

[Second reading speech made in—  
Legislative Assembly on 21 October 2015  
Legislative Council on 28 October 2015]