



New South Wales

# Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020 No 3

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New South Wales

# **Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020 No 3**

Act No 3, 2020

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An Act to amend various Acts and regulations administered by the Minister for Better Regulation and Innovation and the *Service NSW (One-stop Access to Government Services) Act 2013* to provide for the waiver, reduction, postponement or refund of fees in particular circumstances; to amend the *Service NSW (One-stop Access to Government Services) Act 2013* to extend the functions to which the Act applies; and for related purposes. [Assented to 25 March 2020]

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

**1 Name of Act**

This Act is the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1 Amendment of Acts and regulations administered by the Minister for Better Regulation and Innovation**

### **1.1 Associations Incorporation Act 2009 No 7**

#### **[1] Section 105 Waiver, remittal and postponement of fees**

Omit the section.

#### **[2] Section 107 Regulations**

Insert after section 107(1)(c)—

- (c1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,

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

Insert after Part 4—

## **Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

### **14 Definitions**

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—

- (a) starting on 18 July 2019, and  
(b) ending immediately before the commencement of the amendment Act.

### **15 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
- (a) the person was suffering financial hardship, or  
(b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

### **16 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
- (i) during the relevant period, or  
(ii) because of events that happened during the relevant period, or
- (b) special circumstances—

- (i) that existed during the relevant period, or
- (ii) that exist because of events that happened during the relevant period.

## 1.2 Associations Incorporation Regulation 2016

### Clause 20A

Insert after clause 20—

#### 20A Secretary's power to waive, reduce, postpone or refund fees

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.3 Building and Development Certifiers Act 2018 No 63

### [1] Section 120 Regulations

Omit section 120(2)(e). Insert instead—

- (e) the fees payable under this Act or the regulations,
- (f) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.

### [2] Schedule 1 Savings, transitional and other provisions

Insert after Part 2—

## Part 3 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 17 Definitions

In this Part—

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of this Act.

*repealed Act* means the *Building Professionals Act 2005*.

*repealed regulation* means a regulation in force under the repealed Act.

### 18 Power to waive, reduce, postpone or refund fees applies to events before commencement

- (1) To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—
  - (a) a person who was suffering financial hardship—
    - (i) during the relevant period, or

- (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.
- (2) Also to remove any doubt, the power to waive, reduce, postpone or refund fees under subclause (1) extends to a fee payable or paid under the repealed Act or repealed regulations.

## 1.4 Building and Development Certifiers Regulation 2020

### Clause 67

Omit the clause. Insert instead—

#### 67 Secretary's power to waive, reduce, postpone or refund fees

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.5 Building Professionals Act 2005 No 115

### [1] Section 94 Regulations

Omit section 94(2)(f). Insert instead—

- (f) the waiver, reduction, postponement or refund by the Board of fees payable or paid under this Act or the regulations,

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

Insert after Part 4—

## Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 14 Definitions

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### 15 Waiver, reduction, postponement or refund of fees before commencement

- (1) This clause applies if, during the relevant period, the Board waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person

under this Act or the regulations on the ground the Board was satisfied it was appropriate because—

- (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**16 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Board to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

**1.6 Building Professionals Regulation 2007**

**[1] Clause 21 Fees**

Omit clause 21(3).

**[2] Clause 21A**

Insert after clause 21—

**21A Board's power to waive, reduce, postpone or refund fees**

The Board may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Board is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

**1.7 Community Gaming Act 2018 No 60**

**[1] Section 49 Regulations**

Omit section 49(2)(o). Insert instead—

- (o) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.

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

Insert after Part 2—

## **Part 3 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

### **6 Definitions**

In this Part—

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of this Act.

*repealed Act* means the *Lotteries and Art Unions Act 1901*.

*repealed regulation* means a regulation in force under the repealed Act.

### **7 Power to waive, reduce, postpone or refund fees applies to events before commencement**

- (1) To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—
  - (a) a person who was suffering financial hardship—
    - (i) during the relevant period, or
    - (ii) because of events that happened during the relevant period, or
  - (b) special circumstances—
    - (i) that existed during the relevant period, or
    - (ii) that exist because of events that happened during the relevant period.
- (2) Also to remove any doubt, the power to waive, reduce, postpone or refund fees under subclause (1) extends to a fee payable or paid under the repealed Act or repealed regulations.

## **1.8 Conveyancers Licensing Act 2003 No 3**

### **[1] Section 172 Regulations**

Omit section 172(2)(g). Insert instead—

- (g) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.

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

Insert after Part 4—

## **Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

### **21 Definitions**

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—



- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

## **22 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

## **23 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

# **1.9 Conveyancers Licensing Regulation 2015**

## **Clause 37A**

Insert after clause 37—

### **37A Secretary's power to waive, reduce, postpone or refund fees**

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

# **1.10 Co-operatives (Adoption of National Law) Act 2012 No 29**

## **[1] Section 18 Local regulations**

Insert at the end of section 18(2)(d)—

- and,
- (e) the waiver, reduction, postponement or refund by the Registrar of Co-operatives of fees payable or paid under—
  - (i) this Act, or

- (ii) the *Co-operatives National Law (NSW)*, or
- (iii) the *Co-operatives National Regulations (NSW)*, or
- (iv) the local regulations.

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

Insert after Part 2—

**Part 3 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

**10 Definitions**

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

**11 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Registrar of Co-operatives waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Registrar was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**12 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Registrar of Co-operatives to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

**1.11 Co-operatives (New South Wales) Regulation 2014**

**Clause 13**

Omit the clause. Insert instead—

### 13 Registrar's power to waive, reduce, postpone or refund fees

- (1) The Registrar of Co-operatives may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under relevant legislation if the Registrar is satisfied it is appropriate because —
  - (a) the person who is to pay or has paid the fee is suffering financial hardship, or
  - (b) special circumstances exist.  
**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster
- (2) In this clause—  
**relevant legislation** means the following—
  - (a) the Act,
  - (b) the *Co-operatives National Law (NSW)*,
  - (c) the *Co-operatives National Regulations (NSW)*,
  - (d) this Regulation.

## 1.12 Explosives Act 2003 No 39

### [1] Section 36 Regulations

Insert after section 36(2)(b)—

- (b1) the waiver, reduction, postponement or refund by the regulatory authority of fees payable or paid under this Act or the regulations,

### [2] Schedule 1 Savings, transitional and other provisions

Insert after Part 4—

## Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 11 Definitions

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### 12 Waiver, reduction, postponement or refund of fees before commencement

- (1) This clause applies if, during the relevant period, the regulatory authority waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the regulatory authority was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**13 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the regulatory authority to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

**1.13 Explosives Regulation 2013**

**Clause 114A**

Insert after clause 114—

**114A Regulatory authority's power to waive, reduce, postpone or refund fees**

The regulatory authority may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the regulatory authority is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

**1.14 Fair Trading Legislation Amendment (Reform) Act 2018 No 65**

**Schedule 2 Amendments relating to 1, 3 and 5 year terms and restorations**

Omit Schedule 2.3[2], 2.5[5], 2.8[9], 2.9[6], 2.10[4], 2.12[5], 2.14[7] and 2.15[8].

**1.15 Home Building Act 1989 No 147**

**[1] Section 140 Regulations**

Omit section 140(2)(j). Insert instead—

- (j) fees payable under this Act or the regulations,
- (j1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,

**[2] Schedule 4 Savings and transitional provisions**

Insert after Part 23—

## **Part 24 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

### **153 Definitions**

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### **154 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

### **155 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

## **1.16 Home Building Regulation 2014**

### **Clause 71B**

Insert after clause 71A—

#### **71B Secretary's power to waive, reduce, postpone or refund fees**

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.17 Lotteries and Art Unions Act 1901 No 34

### [1] Section 23 Regulations

Insert after section 23(1)(f)—

- (f1) The waiver, reduction, postponement or refund by the Secretary of the Department of Customer Service of fees payable or paid under this Act or the regulations.

### [2] Schedule 2 Savings and transitional provisions

Insert after Part 4—

## Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 8 Definitions

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### 9 Waiver, reduction, postponement or refund of fees before commencement

- (1) This clause applies if, during the relevant period, the Secretary of the Department of Customer Service waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

### 10 Power to waive, reduce, postpone or refund fees applies to events before commencement

To remove any doubt, the power of the Secretary of the Department of Customer Service to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

## 1.18 Lotteries and Art Unions Regulation 2014

### Clause 153A

Insert after clause 153—

#### 153A Secretary's power to waive, reduce, postpone or refund fees

The Secretary of the Department of Customer Service may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.19 Motor Dealers and Repairers Act 2013 No 107

### [1] Section 186 Regulations

Omit section 186(2)(d). Insert instead—

- (d) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,

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

Insert after Part 4—

## Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 21 Definitions

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### 22 Waiver, reduction, postponement or refund of fees before commencement

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**23 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

## **1.20 Motor Dealers and Repairers Regulation 2014**

### **Clause 9A**

Insert after clause 9—

#### **9A Secretary's power to waive, reduce, postpone or refund fees**

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## **1.21 Paintball Act 2018 No 44**

### **[1] Section 80 Regulations**

Insert after section 80(1)—

- (1A) Without limiting subsection (1), the regulations may provide for—
  - (a) fees payable under this Act or the regulations, and
  - (b) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.

### **[2] Schedule 1 Savings, transitional and other provisions**

Insert after Part 2—

## **Part 3 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

### **7 Definitions**

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.



*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

#### **8 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

#### **9 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

### **1.22 Paintball Regulation 2019**

#### **Clause 13**

Insert after clause 12—

#### **13 Secretary's power to waive, reduce, postpone or refund fees**

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

### **1.23 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

#### **[1] Section 43 Regulations**

Insert after section 43(1)(g)—

- (g1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,

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

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

**Part Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

**Definitions**

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

**Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

**1.24 Pawnbrokers and Second-hand Dealers Regulation 2015**

**Clause 8A**

Insert after clause 8—

**8A Secretary's power to waive, reduce, postpone or refund fees**

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.25 Property and Stock Agents Act 2002 No 66

### [1] Section 230 Regulations

Insert after section 230(2)(g)—

- (g1) fees payable under this Act or the regulations,
- (g2) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.

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

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

## Part Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### Definitions

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### Waiver, reduction, postponement or refund of fees before commencement

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

### Power to waive, reduce, postpone or refund fees applies to events before commencement

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—

- (i) that existed during the relevant period, or
- (ii) that exist because of events that happened during the relevant period.

## 1.26 Property and Stock Agents Regulation 2014

### Clause 56

Insert after clause 55—

#### 56 Secretary's power to waive, reduce, postpone or refund fees

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.27 Tattoo Parlours Act 2012 No 32

### [1] Section 41 Regulations

Omit section 41(2)(e). Insert instead—

- (e) licence and permit fees,
- (e1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,

### [2] Schedule 1 Savings, transitional and other provisions

Insert after Part 4—

## Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 7 Definitions

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### 8 Waiver, reduction, postponement or refund of fees before commencement

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.

- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**9 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—  
(i) during the relevant period, or  
(ii) because of events that happened during the relevant period, or  
(b) special circumstances—  
(i) that existed during the relevant period, or  
(ii) that exist because of events that happened during the relevant period.

## 1.28 Tattoo Parlours Regulation 2013

### Clause 26A

Insert after clause 26—

#### 26A Secretary's power to waive, reduce, postpone or refund fees

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or  
(b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

## 1.29 Tow Truck Industry Act 1998 No 111

### [1] Section 105 Regulations

Omit section 105(2)(q). Insert instead—

- (q) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.

### [2] Schedule 2 Savings and transitional provisions

Insert after Part 7—

## Part 8 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020

### 23 Definitions

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

**24 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

**25 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

### 1.30 Tow Truck Industry Regulation 2008

**Clause 55A**

Insert after clause 55—

**55A Secretary's power to waive, reduce, postpone or refund fees**

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster

### 1.31 Work Health and Safety Act 2011 No 10

**[1] Section 276 Regulation-making powers**

Omit “and prescribe the circumstances and way in which fees can be refunded, waived or reduced” from section 276(3)(g).

**[2] Section 276(3)(g1)**

Insert after section 276(3)(g)—

- (g1) the waiver, reduction, postponement or refund by the regulator of fees payable or paid under this Act or the regulations, or

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

Insert after Part 6—

## **Part 7 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

### **28 Definitions**

In this Part—

*amendment Act* means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

*relevant period* means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

### **29 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the regulator waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the regulator was satisfied it was appropriate because—
  - (a) the person was suffering financial hardship, or
  - (b) special circumstances existed.
- (2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.

### **30 Power to waive, reduce, postpone or refund fees applies to events before commencement**

To remove any doubt, the power of the regulator to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

## **1.32 Work Health and Safety Regulation 2017**

### **Clause 701A**

Insert after clause 701—

**701A Regulator's power to waive, reduce, postpone or refund fees**

The regulator may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the regulator is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

**Example of 'special circumstances'**— circumstances involving a natural disaster or recovery from a natural disaster



## Schedule 2 Amendment of Service NSW (One-stop Access to Government Services) Act 2013 No 39

### [1] Section 4

Omit the section. Insert instead—

#### 4 Functions of CEO

The CEO has the following functions—

- (a) the customer service functions delegated to, or otherwise conferred on, the CEO by or under this Act or another Act,
- (b) any functions conferred or imposed on the CEO by or under this Act or another Act,
- (c) any other functions relating to the delivery of Government services to the people of New South Wales, as directed by the Minister.

### [2] Section 5 Customer service functions

Omit section 5(g). Insert instead—

- (g) any function prescribed by the regulations for the purposes of this section,
- (h) any function that is ancillary to a function referred to in paragraphs (a) to (g).

### [3] Section 5A

Insert after section 5—

#### 5A Fees and payments relating to special circumstances

- (1) This section applies if—
  - (a) a special circumstances declaration is published, and
  - (b) as a result of the declaration—
    - (i) a Government agency, or the head of the agency, on whose behalf the CEO carries out customer service functions gives the CEO written notice that fees to be received, or received, by the CEO on behalf of the agency are to be waived, reduced, postponed or refunded, in whole or part, or
    - (ii) the Minister directs, by written notice given to the CEO, that a relevant payment is to be made to a Government agency on behalf of a person or a class of persons.
- (2) The CEO and members of the staff of Service NSW are, in accordance with the written notice—
  - (a) to waive, reduce, postpone or refund the fees, in whole or part, or
  - (b) make the payment.
- (3) In this section—

**relevant payment** means a payment that is required by or under an Act to be made to a Government agency.

**special circumstances declaration** means—

  - (a) a Natural Disaster Declaration for the purposes of the Natural Disaster Relief and Recovery Arrangements jointly administered by the Commonwealth and the States and Territories, or

- (b) a declaration under section 33 of the *State Emergency and Rescue Management Act 1989* that a state of emergency exists in the whole or part of New South Wales, or
- (c) another declaration prescribed by the regulations.

**[4] Section 6 Updating customer information with other agencies**

Omit “customer service functions to that person for a Government agency” from section 6(1).

Insert instead “a relevant function to that person”.

**[5] Section 6(5)**

Insert after section 6(4)—

- (5) In this section—  
*relevant function* means—
  - (a) a customer service function on behalf of a Government agency, or
  - (b) another function relating to the delivery of Government services under section 4(c).

**[6] Section 7 Delegation of customer service functions to CEO under other Acts or instruments**

Insert after section 7(1)—

- (1A) To remove any doubt, subsection (1) applies to the delegation by a Minister of any of the Minister’s delegable functions under section 9.7(1)(b) or (d) of the *Government Sector Finance Act 2018* that are customer service functions.

**[7] Section 11 Internal records**

Omit “customer service functions”. Insert instead “relevant functions”.

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

Insert at the end of section 11—

- (2) In this section—  
*relevant functions* means—
  - (a) customer service functions, or
  - (b) functions relating to the delivery of Government services under section 4(c).

**[9] Section 12 Agreements authorising agents to act for Service NSW**

Omit “customer service functions” from section 12(1).

Insert instead “relevant functions”.

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

Omit the subsection. Insert instead—

- (2) In this section—  
*approved person* means—
  - (a) a person, or a person who is a member of a class of persons, prescribed by the regulations for the purposes of this section, or

- (b) a council, a county council or a joint organisation within the meaning of the *Local Government Act 1993*.

**relevant functions** means—

- (a) customer service functions, or
- (b) functions relating to the delivery of Government services under section 4(c).

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

Insert after Part 1—

**Part 2 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020**

**2 Definitions**

In this Part—

**amendment Act** means the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

**relevant period** means the period—

- (a) starting on 18 July 2019, and
- (b) ending immediately before the commencement of the amendment Act.

**3 Functions of the CEO**

- (1) This clause applies if, during the relevant period, the CEO or a member of the staff of Service NSW exercised a function referred to in section 4(c) as inserted by the amendment Act.
- (2) The exercise of the function is taken to be as valid as if it had been exercised after the commencement of the amendment Act.

**4 Waiver, reduction, postponement or refund of fees before commencement**

- (1) This clause applies if, during the relevant period, the CEO or a member of the staff of Service NSW took relevant action because—
  - (a) a declaration, that would be a special circumstances declaration within the meaning of section 5A if it were made after the commencement of the amendment Act, had been published, and
  - (b) as a result of the event that resulted in the declaration being made—
    - (i) the person was suffering financial hardship, or
    - (ii) special circumstances existed.
- (2) The relevant action is taken to have been as valid as if it had happened after the commencement of the amendment Act.
- (3) In this clause—

**relevant action**, in relation to Service NSW, means—

  - (a) Service NSW waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under an Act or regulations, or
  - (b) Service NSW made a payment.

**5 Power to waive, reduce, postpone or refund fees and to make payments applies to events before commencement**

To remove any doubt, the power under section 5A to waive, reduce, postpone or refund a fee or to make a payment applies in relation to—

- (a) a person who was suffering financial hardship—
  - (i) during the relevant period, or
  - (ii) because of events that happened during the relevant period, or
- (b) special circumstances—
  - (i) that existed during the relevant period, or
  - (ii) that exist because of events that happened during the relevant period.

[Second reading speech made in—  
Legislative Assembly on 4 March 2020  
Legislative Council on 24 March 2020]