

Passed by both Houses



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2024

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council
2024*

Clerk of the Parliaments



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2024

Act No _____, 2024

An Act to amend certain Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2024*.

2 Commencement

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

3 Explanatory notes

The matter appearing under the heading “Explanatory note” in the schedules of this Act does not form part of this Act.

Schedule 1 Minor amendments

1.1 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023 No 53

Schedule 4 Amendment of other legislation

Insert before Schedule 4.4[1]—

[1AA] Section 202 Special entertainment precinct

Omit section 202(2)(a).

Explanatory note

The proposed amendment amends the definition of *special entertainment precinct* to remove an inconsistency with the *Liquor Act 2007*, clarifying the application of the law to the management of disturbance complaints for amplified music.

1.2 Biodiversity Conservation Act 2016 No 63

[1] Sections 2.8(1)(a)(vi), 6.1, definition of “planning approval”, paragraph (b) and 7.19(b)

Omit “Part 5.1 of that Act” wherever occurring. Insert instead “that Act, Division 5.2”.

[2] Sections 7.1, definition of “Planning Agency Head”, 8.1, definition of “planning authority”, paragraph (e) and 8.24(1)(b)

Omit “Department of Planning and Environment” wherever occurring.

Insert instead “Department of Planning, Housing and Infrastructure”.

[3] Sections 7.14(1) and 8.4(1)

Omit “Part 5.1 of the *Environmental Planning and Assessment Act 1979*” wherever occurring.

Insert instead “the *Environmental Planning and Assessment Act 1979*, Division 5.2”.

[4] Section 8.4 Effect of biodiversity certification

Omit “Part 5.1 of the Planning Act” from section 8.4(1).

Insert instead “the Planning Act, Division 5.2”.

Explanatory note

Items [1], [3] and [4] of the proposed amendments update references to certain renumbered provisions of the *Environmental Planning and Assessment Act 1979*.

Item [2] replaces references to the Secretary of the Department of Planning and Environment with references to the Secretary of the Department of Planning, Housing and Infrastructure.

1.3 Biodiversity Conservation Regulation 2017

[1] Clause 2.3 Approaching marine mammals

Omit clause 2.3(7), definition of *law enforcement agency*, paragraph (e). Insert instead—

- (e) the Department of Climate Change, Energy, the Environment and Water.

[2] Clauses 3.1(6) and 14.3(f)

Omit “Department of Planning and Environment” wherever occurring.

Insert instead “Department of Planning, Housing and Infrastructure”.

Explanatory note

Item [1] of the proposed amendments replaces a reference to the Department of Planning, Industry and Environment with a reference to the Department of Climate Change, Energy, the Environment and Water.

Item [2] replaces references to the Department of Planning and Environment with references to the Department of Planning, Housing and Infrastructure.

1.4 Biosecurity Act 2015 No 24

[1] Sections 46(1), 47(1), 58(8)(a), 64(1), 65(1), 75(6)(a), 127(1) and (3), 335(3) and 396(3)

Omit “the website of the Department” wherever occurring.

Insert instead “a NSW Government website used by the Department”.

[2] Sections 110(6)(a) and 396(1)

Omit “the Department’s website” wherever occurring.

Insert instead “a NSW Government website used by the Department”.

[3] Schedule 3 Prohibited dealings

Omit the matter relating to *Chinemys reevesii* in clause 2 under the heading **Reptilia**.

Insert in appropriate order—

Mauremys reevesii

Chinese pond turtle/Chinese three-keeled turtle

Explanatory note

Items [1] and [2] replace references to the Department’s website with references to a NSW Government website used by the department.

Item [3] corrects a reference to a specific breed of turtle listed in the Act, Schedule 3 in relation to prohibited dealings with non-indigenous animals.

1.5 Biosecurity (National Livestock Identification System) Regulation 2017

Clause 58 General provisions relating to orders

Omit “on the Department’s website” from clause 58(3).

Insert instead “on a NSW Government website used by the Department”.

Explanatory note

The proposed amendment replaces a reference to the Department’s website with a reference to a NSW Government website used by the department to allow orders under the *Biosecurity (National Livestock Identification System) Regulation 2017* to be published on an appropriate NSW Government website.

1.6 Biosecurity Regulation 2017

Clause 76 Manner in which notification is to be given

Omit “the website of the Department” wherever occurring.

Insert instead “a NSW Government website used by the Department”.

Explanatory note

The proposed amendment replaces a reference to the Department’s website with a reference to a NSW Government website used by the department to allow certain notifications under the *Biosecurity Regulation 2017* to be published on an appropriate NSW Government website.

1.7 Births, Deaths and Marriages Registration Act 1995 No 62

Section 10 Execution of documents

Omit “facsimile” wherever occurring. Insert instead “copy”.

Explanatory note

The proposed amendment updates terminology in the *Births, Deaths and Marriages Registration Act 1995* to ensure a consistent approach to technology is used across NSW legislation.

1.8 Births, Deaths and Marriages Registration Regulation 2017

Clause 16A Execution of documents—the Act, s 10(1)

Omit “facsimile” from clause 16A(1). Insert instead “copy”.

Explanatory note

The proposed amendment updates terminology in the *Births, Deaths and Marriages Registration Regulation 2017* to ensure a consistent approach to technology is used across NSW legislation.

1.9 Climate Change (Net Zero Future) Act 2023 No 48

Section 20 Publication of Commission reports

Omit “Subsections (2) and (3) do not” from section 20(5).

Insert instead “Subsection (3) does not”.

Explanatory note

The proposed amendment clarifies that annual reports under the *Climate Change (Net Zero Future) Act 2023*, section 21 need to be tabled in both Houses of Parliament by the Minister within 28 days after receiving the report from the Net Zero Commission.

1.10 Coastal Management Act 2016 No 20

[1] Section 4 Definitions

Omit section 4(1), definition of *Department*. Insert instead—

Department means the Department of Climate Change, Energy, the Environment and Water.

[2] Section 21 Coastal management manual

Omit section 21(6)(a). Insert instead—

(a) on a NSW Government website used by the Department, and

[3] Section 21(6)(b)

Omit “and the Office of Environment and Heritage”.

Explanatory note

Item [1] of the proposed amendments replaces a reference to the Department of Planning and Environment with a reference to the Department of Climate Change, Energy, the Environment and Water.

Items [2] and [3] remove redundant references to the Office of Environment and Heritage.

1.11 Energy and Utilities Administration Act 1987 No 103

Section 3 Definitions

Omit section 3(1), definition of *Department*. Insert instead—

Department means the Department of Climate Change, Energy, the Environment and Water.

Explanatory note

The proposed amendment replaces a reference to the Department of Planning and Environment with a reference to the Department of Climate Change, Energy, the Environment and Water.

1.12 Fisheries Management Act 1994 No 38

[1] Sections 9(2)(b), 17C(3)(b), 37(4), 281A(1), (3) and (4) and 284(2)(a)

Omit “the Department’s website” wherever occurring.

Insert instead “a NSW Government website used by the Department”.

[2] Sections 34S(5), 40Z(4), 97(2), 127I(5), 154(6) and 163(7A)(a)

Omit “the website of the Department” wherever occurring.

Insert instead “a NSW Government website used by the Department”.

[3] Section 220MA Publication of final determination

Omit “the internet site of the Department” from section 220MA(4)(a).

Insert instead “a NSW Government website used by the Department”.

[4] Section 220W Maps of critical habitat

Omit “Department of Planning and Environment” from section 220W(3)(a).

Insert instead “Department of Climate Change, Energy, the Environment and Water”.

[5] Section 221ZU Definitions

Omit “Regional NSW” from section 221ZU(1), definition of *Fisheries Agency Head*.

Insert instead “the Department”.

Explanatory note

Items [1]–[3] replace references to Regional NSW’s website with references to a NSW Government website used by the department.

Item [4] replaces a reference to the Secretary of the Department of Planning and Environment with a reference to the Secretary of the Department of Climate Change, Energy, the Environment and Water.

Item [5] of the proposed amendments replaces references to Regional NSW with references to the department.

1.13 Food Act 2003 No 43

[1] Section 37 Powers of authorised officers

Insert “, including through the use of audio or audio-visual recordings or other electronic means,” after “or answer questions” in section 37(1)(o).

[2] Section 37(1)(q)

Insert “, including through the use of audio or audio-visual recordings or other electronic means,” after “may be necessary”.

[3] Section 110 Definitions

Omit “Department of Planning and Environment” from the definition of *relevant body*.

Insert instead “Department of Climate Change, Energy, the Environment and Water”.

Explanatory note

Item [1] of the proposed amendments allows an authorised officer to use audio or audio-visual recordings and other electronic means when requiring a person to provide information or answer questions.

Item [2] allows an authorised officer to make inquiries and investigate offences using audio or audio-visual recordings and other electronic means.

Item [3] updates the definition of **relevant body** following machinery of government changes.

1.14 Food Regulation 2015

[1] Clause 4 Enforcement agencies

Omit “Chief Executive of the Office of Environment and Heritage” from clause 4(4).

Insert instead “Secretary of the Department of Climate Change, Energy, the Environment and Water”.

[2] Clause 14 Charges for inspections of non-licensed food business

Omit “Chief Executive of the Office of Environment and Heritage” from section 14(5)(b).

Insert instead “Secretary of the Department of Climate Change, Energy, the Environment and Water”.

Explanatory note

Items [1] and [2] update references following machinery of government changes.

1.15 Gas Supply Act 1996 No 38

[1] Section 4 Definitions

Omit “at the end of this Act” from section 4(1). Insert instead “in Schedule 3”.

[2] Dictionary, heading

Omit the heading. Insert instead—

Schedule 3 Dictionary

[3] Dictionary

Omit “Planning and Environment” from the definition of **Department**.

Insert instead “Climate Change, Energy, the Environment and Water”.

Explanatory note

Item [2] of the proposed amendments amends the heading to the dictionary to insert a schedule number. Item [1] makes a consequential amendment.

Item [3] updates the definition of **Department** following a machinery of government change.

1.16 Geographical Names Act 1966 No 13

[1] Section 3 Geographical Names Board

Omit section 3(10)(b)(ii). Insert instead—

- (ii) resigns from office by written instrument addressed to the Governor,

[2] Section 3(10)(b)(iv)

Omit “him or her either personally or in the ordinary course of post” from the subparagraph.

Insert instead “the appointed member”.

Explanatory note

Item [1] of the proposed amendments modernises reference to the process of resignation for a member of the Geographical Names Board. The new provision still requires notice of resignation to be in writing to the Governor.

Item [2] removes the requirement that an appointed member of the Geographical Names Board be given notice of a meeting of the board only personally or in the ordinary course of post.

Item [3] provides that the Geographical Names Board is not required to publish notice of a proposal to assign a geographical name to a place, or alter a recorded name or geographical name, if there is no newspaper circulating in, or in the neighbourhood of, the place, or the board otherwise does not consider it practicable to publish a notice in the newspaper in, or in the neighbourhood of, the place.

1.17 Heritage Act 1977 No 136

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

Department means the Department of Climate Change, Energy, the Environment and Water.

[2] Sections 23(4), 36(1)(e), 121(5)(c) and 151(2)(b) and (3)

Omit “of Planning and Environment” wherever occurring.

Explanatory note

Item [1] of the proposed amendments inserts a definition of *Department* following machinery of government changes. Item [2] makes consequential amendments.

1.18 Interpretation Act 1987 No 15

[1] Section 30D

Insert after section 30C—

30D Time of repeal of Acts and instruments

If an Act or instrument, or a provision of an Act or instrument, is repealed on a day, the Act or instrument, or provision, is repealed at the beginning of the day.

[2] Schedule 4 Dictionary

Insert in alphabetical order—

business day means a day that is not—

- (a) a Saturday or Sunday, or
- (b) a public holiday or bank holiday throughout the State.

public holiday means a day appointed under the *Public Holidays Act 2010* or another Act as a public holiday.

Explanatory note

Item [1] of the proposed amendments provides that provisions may be transferred from an Act or instrument to another Act or instrument, without affecting the operation or meaning of the provision, if the Act or instrument the provision is transferred to states that the *Interpretation Act 1987*, section 30A applies.

Item [2] provides that the repeal of an Act or instrument, or a provision, takes effect at the beginning of the day on which the Act, instrument or provision is repealed.

Item [3] inserts definitions for *business day* and *public holiday* to ensure that the defined terms are consistently interpreted in all legislative instruments.

1.19 Marine Estate Management Act 2014 No 72

[1] Section 15 Approval of draft marine estate management strategy

Insert after section 15(2)—

- (3) An order under subsection (1) must include a copy of the marine estate management strategy to which the order relates.

[2] Section 16 Publication of marine estate management strategy

Omit “website of Regional NSW.”

Insert instead “relevant NSW Government website”.

[3] Section 17 Amendment, replacement or revocation of strategy

Omit section 17(3) and (4). Insert instead—

- (3) The relevant Ministers may, by order published in the Gazette, revoke a marine estate management strategy, wholly or in part.
- (4) The revocation of the marine estate management strategy takes effect on—
- (a) the day the order is published in the Gazette, or
- (b) if a later date is specified in the order—the date specified.

[4] Section 55 Development within marine parks and aquatic reserves—application of EPA Act

Omit “(within the meaning of Part 5 of the *Environmental Planning and Assessment Act 1979*)” wherever occurring in section 55(2) and (3).

[5] Section 55(2)(b) and (3)(b)

Omit “Division 3 of that Part” wherever occurring.

Insert instead “the *Environmental Planning and Assessment Act 1979*, Division 5.1, Subdivision 3”.

[6] Section 55(5)

Omit “section 79B (8), (9), (10) and (11) of the *Environmental Planning and Assessment Act 1979*”.

Insert instead “the *Environmental Planning and Assessment Act 1979*, section 4.13(8), (9), (10) and (11)”.

[7] Section 55(6)

Omit “section 30 (3) of the *Environmental Planning and Assessment Act 1979*”.

Insert instead “the *Environmental Planning and Assessment Act 1979*, section 3.18(3)”.

[8] Section 55(7)

Insert after section 55(6)—

- (7) In this section—
activity has the same meaning as in the *Environmental Planning and Assessment Act 1979*, Division 5.1.

[9] Section 56 Development affecting marine parks and aquatic reserves—application of EPA Act

Omit “Part 5 of the *Environmental Planning and Assessment Act 1979*” from section 56(3).

Insert instead “the *Environmental Planning and Assessment Act 1979*, Division 5.1”.

Explanatory note

Item [1] of the proposed amendments provides that an order published in the Gazette approving a draft marine estate management strategy must include a copy of the strategy.

Item [2] updates a reference to the website from which a marine estate management strategy may be accessed by stakeholders.

Item [3] provides that a marine estate management strategy may be revoked by Ministerial order published in the Gazette and that the revocation will take effect from the date the order is published, or a later date specified in the order.

Items [4]–[9] correct references to provisions of the *Environmental Planning and Assessment Act 1979*.

1.20 National Parks and Wildlife Act 1974 No 80

Section 5 Definitions

Omit “Planning and Environment” from section 5(1), definition of *Department*.

Insert instead “Climate Change, Energy, the Environment and Water”.

Explanatory note

The proposed amendment updates the definition of *Department* following machinery of government changes.

1.21 Pipelines Act 1967 No 90

Section 3 Definitions

Omit “Planning and Environment” from section 3(1), definition of *Department*.

Insert instead “Climate Change, Energy, the Environment and Water”.

Explanatory note

The proposed amendment updates the definition of *Department* following machinery of government changes.

1.22 Snowy Hydro Legacy Fund Act 2018 No 38

Sections 3(1), definition of “nominated regional infrastructure project”, 5, 6(1) and 12

Omit “Deputy Premier” wherever occurring.

Insert instead “Minister for Regional New South Wales”.

Explanatory note

The proposed amendment replaces references to the Deputy Premier with the Minister for Regional New South Wales to reflect changes in Ministerial responsibilities.

1.23 State Insurance and Care Governance Regulation 2021

Section 4E Register of directed service providers—the Act, s 26G(2)

Omit “Review” from section 4E(4).

Explanatory note

The proposed amendment corrects an error in a reference to the Civil and Administrative Tribunal.

1.24 Subordinate Legislation Act 1989 No 146

[1] Section 10 Staged repeal of statutory rules

Insert after section 10(3)(b)—

(c) the *Road Rules 2014* made under the *Road Transport Act 2013*.

[2] Schedule 5 Further postponement of repeal of statutory rules

Omit clause 2.

[3] Schedule 5, clause 3(a), (d)–(g) and (i)

Omit the paragraphs.

[4] Schedule 5, clause 3A

Insert after clause 3—

3A Postponement of repeal of Prevention of Cruelty to Animals Regulation 2012

The *Prevention of Cruelty to Animals Regulation 2012* remains in force until 1 February 2025, unless sooner repealed.

[5] Schedule 5, clause 4

Omit the clause. Insert instead—

4 Postponement of repeal of statutory rules until 1 September 2025

The following statutory rules remain in force until 1 September 2025, unless sooner repealed—

- (a) *Boarding Houses Regulation 2013*,
- (b) *Child Protection (Working with Children) Regulation 2013*,
- (c) *Crimes (Administration of Sentences) Regulation 2014*,
- (d) *Electricity Supply (General) Regulation 2014*,
- (e) *Electricity Supply (Safety and Network Management) Regulation 2014*,
- (f) *Government Sector Employment Regulation 2014*,
- (g) *Heritage Regulation 2012*,
- (h) *Local Land Services Regulation 2014*,
- (i) *Lord Howe Island Regulation 2014*,
- (j) *Protection from Harmful Radiation Regulation 2013*,
- (k) *Veterinary Practice Regulation 2013*.

Explanatory note

Item [1] of the proposed amendments provides that the *Road Rules 2014* made under the *Road Transport Act 2013* are no longer automatically repealed under the *Subordinate Legislation Act 1989*, section 10.

Items [2]–[4] postpone, until 1 September 2025, the date on which several regulations are automatically repealed by the *Subordinate Legislation Act 1989*. As the automatic repeal of each regulation has been postponed at least 5 times, the repeal cannot be further postponed by order under the *Subordinate Legislation Act 1989*, section 11.

The regulations are currently due to be repealed on 1 September 2024 but continue to be required. The repeal is proposed to be further postponed for the following reasons—

- (a) The Department of Customer Service and the Department of Communities and Justice conducted a statutory review of the *Boarding Houses Act 2012* in 2020. It is considered premature to remake the *Boarding Houses Regulation 2013* before legislative amendments arising from the statutory review are made.
- (b) The *Radiation Control Amendment Act 2023* was assented to on 24 October 2023 following a statutory review of the *Radiation Control Act 1990*, which was renamed as the *Protection from Harmful Radiation Act 1990*. As a review of the *Protection from Harmful Radiation Regulation 2013* is currently being undertaken, it is considered premature to remake the regulation.
- (c) Reviews of the Acts under which the following regulations are made are currently being undertaken and it is considered premature to remake the regulations—
 - (i) *Crimes (Administration of Sentences) Regulation 2014*,

- (ii) *Electricity Supply (General) Regulation 2014*,
 - (iii) *Electricity Supply (Safety and Network Management) Regulation 2014*,
 - (iv) *Government Sector Employment Regulation 2014*,
 - (v) *Heritage Regulation 2012*,
 - (vi) *Lord Howe Island Regulation 2014*,
 - (vii) *Prevention of Cruelty to Animals Regulation 2012*,
 - (viii) *Veterinary Practice Regulation 2013*.
- (d) The remake of the *Local Land Services Regulation 2014* is underway and a postponement of the repeal is required to complete the remake.
- Item [4] also re-enacts an existing postponement of the automatic repeal of the *Child Protection (Working with Children) Regulation 2013*.

1.25 Water Management Act 2000 No 92

[1] Section 221 Definitions

Omit the definitions of *landholder's water entitlement* and *ratepayer*.

[2] Section 326A Compliance audits

Omit section 326A(4)(d). Insert instead—

- (d) persons who are qualified to be compliance auditors.

[3] Schedule 10 Conversion of former entitlements to access licences and approvals

Omit “141” from clause 32. Insert instead “140”.

Explanatory note

Item [1] omits definitions that are no longer required following amendments made by the *Water Management Amendment Act 2010*.

Item [2] clarifies that the regulations may provide for the persons qualified to be a compliance auditor. Under the *Water Management Act 2000*, section 326A, the Minister for Water may direct that a compliance audit be undertaken by the holder of an access licence or approval or by a compliance auditor, or both.

Item [3] corrects a cross-reference.

1.26 Water Management Amendment Act 2010 No 133

Schedule 2 Other amendments to Water Management Act 2000 No 92

Omit Schedule 2[58]. Insert instead—

[58] Section 222

Insert “, trustees on behalf of the trust” after “the private water trust”.

Explanatory note

The proposed amendment corrects a typographical error in an uncommenced amendment.

Schedule 2 Amendments by way of statute law revision—miscellaneous amendments

2.1 Childcare and Economic Opportunity Fund Act 2022 No 54

Section 3 Definitions

Omit “section 16” from the definition of *Fund*. Insert instead “section 15”.

Explanatory note

The proposed amendment corrects a typographical error in a section number.

2.2 Environmental Planning and Assessment Amendment (Vibrancy Reforms) Act 2024 No 28

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Omit “at the end of” from Schedule 1[2]. Insert instead “in”.

Explanatory note

The proposed amendment corrects an instruction in relation to the location of an inserted provision.

2.3 Government Sector Finance Act 2018 No 55

Section 10.3A Administration of government grants

Omit “19 September 2022” from section 10.3A(3), note.

Insert instead “18 March 2024”.

Explanatory note

The proposed amendment reflects that the key principles in approving or declining a relevant grant are contained in the Grants Administration Guide published in the Gazette on 18 March 2024.

2.4 Independent Commission Against Corruption Act 1988 No 35

Section 114 Disclosures prejudicing investigations

Re-number section 114(3)(d)(a)–(c) as section 114(3)(d)(i)–(iii).

Explanatory note

The proposed amendment corrects typographical errors in subparagraph numbering.

2.5 Land and Environment Court Act 1979 No 204

Section 17 Class 1—environmental planning and protection appeals

Re-number the second occurrence of section 17(m) as section 17(n).

Explanatory note

The proposed amendment corrects a typographical error in subsection numbering.

2.6 Legal Profession Uniform Law Application Act 2014 No 16

Section 21A NSW Admission Board Rules

Re-number section 21A(1)(c1)(a) and (b) as section 21A(1)(c1)(i) and (ii).

Explanatory note

The proposed amendment corrects typographical errors in subparagraph numbering.

2.7 Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015

Rule 34, heading

Omit “with other”. Insert instead “other”.

Explanatory note

The proposed amendment omits a repeated word.

2.8 Licensing and Registration (Uniform Procedures) Act 2002 No 28

[1] Schedule 1 Licences to which Part 2 of Act applies

Omit the matter relating to the *National Parks and Wildlife Act 1974*, including the heading.

[2] Schedule 4 Amendment of other Acts and statutory rules

Omit Schedule 4.9.

Explanatory note

Item [2] of the proposed amendments repeals a subschedule that was to insert a new section into the *National Parks and Wildlife Act 1974*. The part in which the section was to be inserted has been repealed. Item [1] makes a consequential amendment.

2.9 Local Government Act 1993 No 30

Section 704 Delineation of local government boundaries by reference to maps

Omit “central plan register established under the *Survey Co-ordination Act 1949*” wherever occurring in section 704(1)(b) and (2)(b).

Insert instead “register of public surveys established under the *Surveying and Spatial Information Act 2002*”.

Explanatory note

The proposed amendment updates references to the central plan register under the repealed *Survey Co-ordination Act 1949* with references to the register of public surveys under the *Surveying and Spatial Information Act 2002*.

2.10 Marine Pollution Regulation 2024

Section 12 Cargo record book

Omit “MAROL” from section 12(1). Insert instead “MARPOL”.

Explanatory note

The proposed amendment corrects a typographical error.

2.11 National Energy Retail Law (Adoption) Act 2012 No 37

Schedule 1 New South Wales changes and additions to National Energy Retail Law

Omit “3A” wherever occurring in Schedule 1[11]. Insert instead “3AZ”.

Explanatory note

The proposed amendment corrects section numbering.

2.12 Property and Stock Agents Regulation 2022

Section 12 Professional indemnity insurance—the Act, s 22

Omit “othewise” from section 12(7)(b). Insert instead “otherwise”.

Explanatory note

The proposed amendment corrects a typographical error.

2.13 Protection of the Environment Operations Act 1997 No 156

Section 144AC Use of approved GPS tracking device required by EPA for waste transportation vehicles

Renumber section 144AC(2), penalty, paragraphs (b) and (a) as section 144AC(2), penalty, paragraphs (a) and (b), respectively.

Explanatory note

The proposed amendment corrects typographical errors in paragraph numbering.

2.14 Water Industry Competition Act 2006 No 104

Section 7K Variation of approval

Omit “its the opinion” from section 7K(9). Insert instead “its opinion”.

Explanatory note

The proposed amendment corrects a typographical error.

Schedule 3 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 or 2 amendment concerned, taken to have effect as from the commencement of the amending provision, whether or not the amending provision has been repealed.
- (2) In this section—
amending provision means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by—
 - (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or
 - (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
 - (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

Explanatory note

This section ensures that an amendment made by the proposed Act to a repealing or amending provision of an Act or instrument will, if the repealing or amending provision commences before the amendment made by the proposed Act, be taken to have commenced on the date the repealing or amending provision commences.

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

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

- (a) amends a provision of an Act or an instrument, or
 - (b) repeals and re-enacts, with or without modification, a provision of an Act or an instrument,
- an act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as amended or repealed.

Explanatory note

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

3 Effect of amendment on instruments

Except where expressly provided to the contrary, an 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.

Explanatory note

This section ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

4 Revocation of repeal

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

Explanatory note

The effect of this section is to enable the Governor, by proclamation, to revoke the repeal of an Act or instrument, or a provision of an Act or instrument, by the proposed Act. The Act or instrument, or provision, the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) A 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 a 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 to—
 - (a) affect, in a manner prejudicial to a 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) impose liabilities on a person, other than the State or an authority of the State, in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

This section enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.