



New South Wales

Better Regulation, Fair Trading and Other Legislation Amendment Act 2024 No 25

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New South Wales

Better Regulation, Fair Trading and Other Legislation Amendment Act 2024 No 25

Act No 25, 2024

An Act to amend various Acts and regulations administered by the Minister for Better Regulation and Fair Trading; and for other purposes. [Assented to 31 May 2024]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Better Regulation, Fair Trading and Other Legislation Amendment Act 2024*.

2 Commencement

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

Schedule 1 Amendments relating to websites

1.1 Biofuels Act 2007 No 23

Section 10 Registration of primary wholesalers, volume fuel retailers and other operators of service stations

Omit section 10(2). Insert instead—

- (2) The Secretary must make publicly available, on a NSW Government website or by other appropriate electronic means, a register containing the names and contact details of persons who are registered as volume fuel retailers.

1.2 Charitable Fundraising Act 1991 No 69

[1] Section 25S Notice of decision and reasons for decision

Omit section 25S(2). Insert instead—

- (2) The Secretary must make publicly available, on a NSW Government website or by other appropriate electronic means—
 - (a) notice of a decision to accept an undertaking, and
 - (b) the reasons for the decision.

[2] Section 25V Withdrawal or variation of undertaking

Omit section 25V(3). Insert instead—

- (3) The Secretary must make notice of the withdrawal or variation of an undertaking publicly available on a NSW Government website or by other appropriate electronic means.

1.3 Community Gaming Act 2018 No 60

[1] Section 38 Notice of decision and reasons for decision

Omit section 38(2). Insert instead—

- (2) The Secretary must make publicly available, on a NSW Government website or by other appropriate electronic means—
 - (a) notice of a decision to accept an undertaking, and
 - (b) the reasons for the decision.

[2] Section 41 Withdrawal or variation of undertaking

Omit section 41(3). Insert instead—

- (3) The Secretary must make notice of the withdrawal or variation of an undertaking publicly available on a NSW Government website or by other appropriate electronic means.

1.4 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

Sections 66(3)(b), 68(5)(b) and 69(5)(b)

Omit “that, in the opinion of the Registrar, is appropriate” wherever occurring.

Insert instead “, or by other electronic means, appropriate in the Registrar’s opinion”.

1.5 Fair Trading Act 1987 No 68

Section 86B Register of undertakings

Omit “available, free of charge, on a NSW Government website” from section 86B(3).

Insert instead “publicly available, free of charge, on a NSW Government website or by other appropriate electronic means”.

1.6 Funeral Funds Act 1979 No 106

Section 49I Access to annual returns

Insert “or by other appropriate electronic means” after “website” in section 49I(2).

1.7 Pawnbrokers and Second-hand Dealers Act 1996 No 13

Section 4A Exemptions

Omit “Secretary is to publish details of exemptions granted under this section on a publicly accessible website” from section 4A(3).

Insert instead “Secretary must make details of the exemption publicly available on a NSW Government website or by other appropriate electronic means”.

Schedule 2 Amendments updating references to technology

2.1 Biofuels Act 2007 No 23

[1] Schedule 2 Constitution and procedure of Expert Panel

Insert “or other electronic means” after “telephone” in clause 13, heading.

[2] Schedule 2, clause 13(2)

Omit “telephone, closed-circuit television or other means,”.

Insert instead “telephone or other electronic means,”.

2.2 Conveyancers Licensing Regulation 2021

[1] Section 18 Electronic records

Omit “on a computer disk or magnetic tape, or by other electronic means,” from section 18(4)(f).

Insert instead “by electronic means”.

[2] Section 18(4)(g)

Omit “or disk”.

2.3 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Section 201 Rules

Omit “printed”.

[2] Schedule 1 General interpretative provisions

Omit clause 13(1), definitions of *document* and *printed*.

2.4 Fair Trading Act 1987 No 68

[1] Section 19 Powers of entry

Omit “, videotape” from section 19(3)(e).

[2] Section 80 Evidence as to publication

Omit “, post office box number or newspaper office reply number” from section 80(1)(b).

Insert instead “or post office box number”.

[3] Section 83 Evidence of standards etc

Omit “printed”.

2.5 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

[1] Schedule 1 Terms that are taken to be in every occupation agreement

Omit “or over the telephone” from clause 31(2).

Insert instead “, over the telephone or by other electronic means”.

[2] Schedule 1, clause 42(2)(c)

Omit “or faxed”.

[3] Schedule 1, clause 42(2)(e)

Insert at the end of clause 42(2)(d)—

, or

- (e) emailed to an email address specified by the park owner or the park manager for the service of documents of that kind.

2.6 Pawnbrokers and Second-hand Dealers Act 1996 No 13

Section 17 Production of records

Omit “on to computer diskette or reduced to some other portable form” from section 17(5)(b).

Insert instead “electronically or reduced to a portable form”.

2.7 Residential Tenancies Act 2010 No 42

[1] Section 3 Definitions

Omit section 3(1), definition of *record*.

[2] Schedule 1 Membership and procedure of Rental Bond Board

Omit “etc” from clause 13, heading.

Insert instead “or other electronic means”.

[3] Schedule 1, clause 13(2)

Omit “telephone, closed-circuit television or other means,”.

Insert instead “telephone or other electronic means,”.

Schedule 3 Amendments relating to business days

3.1 Conveyancers Licensing Act 2003 No 3

Section 3 Definitions

Omit the definition of *business day*. 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.

3.2 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Schedule 1 General interpretative provisions

Omit clause 13(1), definition of *business day*. 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.

[2] Schedule 1, clause 35(3)

Omit “in the place in which the thing is to be or may be done, the thing may be done on the next business day in the place”.

Insert instead “, the thing may be done on the next business day”.

3.3 Motor Dealers and Repairers Act 2013 No 107

Section 4 Definitions

Omit section 4(1), definition of *business day*. 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.

3.4 Property and Stock Agents Act 2002 No 66

Section 3 Definitions

Omit section 3(1), definition of *business day*. 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.

3.5 Residential Tenancies Act 2010 No 42

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

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.

[2] Section 162 Deposit of rental bonds

Omit “working days” wherever occurring in section 162(3) and (4).

Insert instead “business days”.

3.6 Residential Tenancies Regulation 2019

[1] Clause 3 Definitions

Omit clause 3(1), definition of *business day*.

[2] Schedule 1 Standard Form Agreement

Omit “working days” wherever occurring in Schedule 1, matter relating to **Rental bond**, note.

Insert instead “business days”.

3.7 Retirement Villages Act 1999 No 81

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

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.

[2] Section 201 Service of documents

Omit “working day” from section 201(3). Insert instead “business day”.

3.8 Retirement Villages Regulation 2017

[1] Schedule 3A Rules of Conduct for Operators of Retirement Villages

Omit clause 3(1), definition of *working day*.

[2] Schedule 3A, clauses 11(3), 23 and 27(3)(a)

Omit “working days” wherever occurring in clause 11(3), 23 and 27(3)(a).

Insert instead “business days”.

3.9 Tow Truck Industry Regulation 2020

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

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.

[2] Clause 44 Definitions

Omit the definition of *business day*.

Schedule 4 Amendments relating to public notice requirements

4.1 Funeral Funds Act 1979 No 106

Section 32 Schemes for transfer or amalgamation

Omit section 32(3)(b). Insert instead—

- (b) give notice of the application in a way directed by the Secretary,

4.2 Property and Stock Agents Act 2002 No 66

Section 176 Advertisements

Omit section 176(2). Insert instead—

- (2) The Secretary must make the notice publicly available—
 - (a) on a NSW Government website, or
 - (b) by other electronic means appropriate to bring the notice to the attention of persons likely to be affected by the notice.

4.3 Storage Liens Act 1935 No 19

[1] Section 4 Charges covered by lien

Omit “, and for notice and advertisement of sale,” from section 4(c).

[2] Section 6 Power to sell goods

Omit section 6(5) and (5A). Insert instead—

- (5) The storer may sell the goods if the charges are not paid on or before the day mentioned in the notice.

Schedule 5 Amendments relating to electronic record keeping and sharing

5.1 Agricultural Tenancies Act 1990 No 64

Section 13 Accounts

Omit “inspect at all reasonable times, after giving reasonable notice,” from section 13(b).

Insert instead “receive, on request and within a reasonable period, a copy of”.

5.2 Associations Incorporation Act 2009 No 7

[1] Section 29 Register of committee members

Insert after section 29(2)—

(2A) The register may be kept in physical or electronic form.

[2] Section 29(3)

Omit “The register”. Insert instead “If the register is kept in physical form, the register”.

[3] Section 29(5)

Omit the subsection.

[4] Section 31 Disclosure of interests

Omit “at all reasonable hours” from section 31(3).

[5] Section 31(4)

Omit the subsection. Insert instead—

(4) The book must be kept—

(a) if the register of committee members is kept in physical form—in physical form at the same location as the register, or

(b) if the register of committee members is kept in electronic form—in electronic form.

5.3 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Section 112 Notice of meeting

Omit section 112(3).

[2] Section 112(5)

Omit “, or a special general meeting, or to display notice of an annual general meeting”.

Insert instead “or a special general meeting”.

[3] Section 116 Minutes

Omit section 116(2). Insert instead—

(2) If a member requests a copy of the minutes of a meeting of the members, the society must give the person a copy within 21 days of the request, free of charge.

Maximum penalty—20 penalty units.

[4] Section 120 Inspection

Omit section 120(1) and (2). Insert instead—

- (1) A society must make the following publicly available, free of charge, in hard copy at the society's registered office or on a website maintained by the society—
 - (a) the rules of the society,
 - (b) the last accounts of the society and the auditor's report on the accounts,
 - (c) the last directors' report under section 134.

[5] Section 139 Nomination of auditors

Omit section 139(4). Insert instead—

- (4) If the society receives notice of nomination of a person or firm as auditor, the society must give a copy of the notice of nomination to—
 - (a) the person or firm nominated, and
 - (b) each auditor of the society.Maximum penalty—20 penalty units.
- (5) The copy of the notice of nomination must be given—
 - (a) not less than 7 days before the meeting or adjourned meeting at which the person or firm is proposed to be appointed, or
 - (b) when notice of the meeting or adjourned meeting is given.

[6] Section 140 Removal and resignation of auditors

Omit “displayed by the society in a conspicuous place at the registered office and each other office of the society until the day of the meeting at which the resolution is to be considered” from section 140(3).

Insert instead “given to members at or before the meeting at which the special resolution will be considered”.

[7] Section 140(4) and (4A)

Omit section 140(4). Insert instead—

- (4) The society must comply with a request from the auditor that the representations be read out at the meeting.
Maximum penalty—20 penalty units.
- (4A) Subsection (4) does not affect any right of—
 - (a) the auditor to be heard orally at the meeting, or
 - (b) if the auditor is a firm—a member of the firm to be heard orally at the meeting on the firm's behalf.

5.4 Funeral Funds Act 1979 No 106

[1] Section 27 Documents to be available for inspection by contributors etc

Omit “shall, at all reasonable hours when its office is open for business, produce for inspection by any contributor or person having a pecuniary interest in the fund”.

Insert instead “must make the following publicly available, free of charge, in hard copy at the fund's registered office or on a website maintained by the fund”.

[2] Section 88

Omit the section. Insert instead—

88 Inspection of documents

- (1) The Secretary may make a return or document lodged with the Secretary under section 24 publicly available on a NSW Government website or by other appropriate electronic means.
- (2) A person with an interest in a return or document that has not been made publicly available may request a copy of the return or document from the Secretary.
- (3) On payment by the person of any fee prescribed by the regulations, the Secretary must give the person a copy of the return or document.

5.5 Funeral Funds Regulation 2016

[1] Schedule 4 Fees

Omit the matter relating to Part 1, item 10.

[2] Schedule 4, Part 1, item 11

Omit “88 (b)”. Insert instead “88(3)”.

[3] Schedule 4, Part 1, item 11

Omit “, certified to be a true copy”.

Schedule 6 Amendments relating to service of documents

6.1 Agricultural Tenancies Act 1990 No 64

Section 28

Omit the section. Insert instead—

28 Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an individual—by personal delivery to the person,
 - (b) by leaving the document at the residential or business address of the person last known to the person serving the document,
 - (c) by post to the address specified by the person for the service of documents of that kind,
 - (d) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (e) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (f) by email to an email address specified by the person for the service of documents of that kind,
 - (g) by other electronic means to an address or location specified by the person for the service of documents of that kind,
 - (h) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this section—
serve includes give or send.

6.2 Associations Incorporation Act 2009 No 7

[1] Sections 11(6), 61A(3), 74(4), 76(5) and 80(4)

Omit the subsections.

[2] Section 101 Service of documents

Omit section 101(1). Insert instead—

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an association—
 - (i) by personal delivery to the address specified by the association for the service of documents of that kind, or
 - (ii) by personal delivery to the association's public officer or to 2 committee members of the association, or

- (iii) by post to the official address or another office of the association or by leaving it at the office with a person apparently over the age of 16 years,
- (b) for an individual—by personal delivery to the person,
- (c) by post to the address specified by the person for the service of documents of that kind,
- (d) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
- (e) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
- (f) by email to an email address specified by the person for the service of documents of that kind,
- (g) by other electronic means to an address or location specified by the person for the service of documents of that kind,
- (h) by another method authorised by the regulations for the service of documents of that kind,
- (i) by another method as the Secretary may direct.

6.3 Biofuels Act 2007 No 23

[1] Section 31A

Insert after section 31—

31A Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,
 - (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this section—
serve includes give or send.

[2] Schedule 2 Constitution and procedure of Expert Panel

Omit “personally, by post or by email to an email address provided by the member for that purpose” from clause 5(1)(e).

6.4 Charitable Fundraising Act 1991 No 69

Section 54 Service of documents

Insert after section 54(1)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind,

6.5 Coal Mine Subsidence Compensation Act 2017 No 37

[1] Section 58 Service of documents

Insert after section 58(1)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind,

[2] Section 58(2)(c1)

Insert after section 58(2)(c)—

- (c1) by other electronic means to an address or location specified by the Chief Executive or the Secretary for the service of documents of that kind,

6.6 Community Gaming Act 2018 No 60

Section 48 Service of documents

Insert after section 48(1)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind,

6.7 Conveyancers Licensing Act 2003 No 3

[1] Section 167 Service of notices and directions

Insert after section 167(2)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind, or

[2] Section 167(3)(d1)

Insert after section 167(3)(d)—

- (d1) by other electronic means to an address or location specified by the corporation for the service of documents of that kind, or

6.8 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Section 112 Notice of meeting

Omit “personally or by post” wherever occurring in section 112(1)(a) and (b).

[2] Section 115 Special resolutions

Omit “personally or by post” from section 115(3).

[3] Section 153 Application for registration of merger or transfer of engagements between societies of the same type

Omit “so that it will, in the ordinary course of post, reach each member who is entitled to vote on the special resolution not later than” from section 153(4).

Insert instead “at least”.

[4] Schedule 1 General interpretative provisions

Omit clauses 36 and 37. Insert instead—

36 Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,
 - (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this clause affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this clause—
serve includes give or send.

6.9 Fair Trading Act 1987 No 68

[1] Section 88 Service of notices etc

Insert after section 88(1)(a)(v)—

- (va) by other electronic means to an address or location specified by the person for the service of notices or directions of that kind, or

[2] Section 88(1)(b)(iva)

Insert after section 88(1)(b)(iv)—

- (iva) by other electronic means to an address or location specified by the body corporate for the service of notices or directions of that kind, or

6.10 Funeral Funds Act 1979 No 106

[1] Section 25A Annual report to be provided to contributors

Omit section 25A(2).

[2] Section 87

Omit the section. Insert instead—

87 Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,
 - (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this section—
serve includes give or send.

6.11 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

[1] Section 23 Receipts for occupation fees and charges

Omit “post” from section 23(2). Insert instead “give”.

[2] Section 47 Service of documents

Insert after section 47(1)(c1)—

- (c2) by other electronic means to an address or location specified by the occupant for the service of documents of that kind, or

[3] Section 47(2)(c2)

Insert after section 47(2)(c1)—

- (c2) by other electronic means to an address or location specified by the park owner or park manager for the service of documents of that kind, or

[4] Section 47(3)

Insert after section 47(2)—

- (3) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.

[5] Section 47(5)

Insert after section 47(4)—

- (5) In this section—
serve includes give or send.

6.12 Motor Dealers and Repairers Act 2013 No 107

Section 185 Service of documents

Insert after section 185(1)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind,

6.13 Paintball Act 2018 No 44

Section 72 Service of documents

Insert after section 72(1)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind,

6.14 Pawnbrokers and Second-hand Dealers Act 1996 No 13

[1] Section 31A Notice as to proceeds of sale

Omit “send by post to the last known address of” from section 31A(1).

Insert instead “give”.

[2] Section 42A

Insert after section 42—

42A Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
- (a) for an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,

- (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this section—
serve includes give or send.

[3] Section 43 Regulations

Omit section 43(1)(h).

6.15 Property and Stock Agents Act 2002 No 66

[1] Section 36 Review of commission and fees

Omit “personally or by post” from section 36(1).

[2] Section 183 Accounts examiner to report on accounts

Omit “by post” from section 183(2).

[3] Section 225 Service of notices

Insert after section 225(2)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of notices or directions of that kind, or

[4] Section 225(3)(d1)

Insert after section 225(3)(d)—

- (d1) by other electronic means to an address or location specified by the corporation for the service of notices or directions of that kind, or

6.16 Residential (Land Lease) Communities Act 2013 No 97

[1] Section 184 Service of notices and documents

Insert “sent” before “to an email address” in section 184(1)(e).

[2] Section 184(1)(e1)

Insert after section 184(1)(e)—

- (e1) if the person has agreed to notices or documents being given by other electronic means—sent to an electronic address or location provided by the person, or

[3] Section 184(2)(c)

Omit “subsection (1)(e)”. Insert instead “subsection (1)(e) or (e1)”.

[4] Section 184(2)(c)

Omit “by email”.

6.17 Residential Tenancies Act 2010 No 42

[1] Section 36 Rent receipts

Omit “post it to the residential premises or send it by email to an email address specified by the tenant for the service of documents of that kind” from section 36(2).

Insert instead “give the receipt to the tenant”.

[2] Section 223 Service of notices and other documents

Insert after section 223(1)(a)(v)—

- (va) sending it by other electronic means to an address or location specified by the person for the service of documents of that kind, or

[3] Section 223(1)(b)(iia)

Insert after section 223(1)(b)(ii)—

- (iia) sending it by other electronic means to an address or location specified by the corporation for the service of documents of that kind, or

[4] Section 223(1)(c)(iia)

Insert after section 223(1)(c)(ii)—

- (iia) sending it by other electronic means to an address or location specified by the agency for the service of documents of that kind, or

[5] Schedule 1 Membership and procedure of Rental Bond Board

Omit “personally or by post” from clause 5(1)(e).

6.18 Retirement Villages Act 1999 No 81

[1] Section 20 Copies of certain documents to be available

Omit “(or, if requested to do so, send by post)” from section 20(3).

[2] Section 20(3)

Omit “or send”.

[3] Section 201 Service of documents

Insert after section 201(1)(b1)—

- (b2) by other electronic means to an address or location specified by the resident for the service of documents of that kind, or

[4] Section 201(2)(b2)

Insert after section 201(2)(b1)—

- (b2) by other electronic means to an address or location specified by the operator for the service of documents of that kind, or

6.19 Storage Liens Act 1935 No 19

[1] Sections 5(3), 6(3) and 7(2)

Omit the subsections.

[2] Section 7 Notices

Omit “but such provisions have” from section 7(1).

Insert instead “but section 5, 6 or 10A has”.

[3] Section 7(1)

Omit “that such provisions have”. Insert instead “that the section has”.

[4] Section 10A

Insert after section 10—

10A Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,
 - (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this section—
serve includes give or send.

6.20 Tow Truck Industry Act 1998 No 111

Section 102 Service of documents

Insert after section 102(1)(e)—

- (e1) by other electronic means to an address or location specified by the person for the service of documents of that kind,

6.21 Uncollected Goods Act 1995 No 68

Section 27

Omit the section. Insert instead—

27 Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on a person may be served by the following methods—
 - (a) for an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) for an individual who has not specified an address for service by post—by post to the residential or business address of the person last known to the person serving the document,
 - (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,
 - (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.
- (3) In this section—
serve includes give or send.

Schedule 7 Miscellaneous amendments

7.1 Associations Incorporation Act 2009 No 7

[1] Section 6 Application for registration

Omit section 6(4). Insert instead—

- (4) An association's proposed official address must be an address within New South Wales, other than a post office box, at which documents can be served on the association by post.

[2] Section 13 Notification of change of official address

Omit section 13(3). Insert instead—

- (3) The new address must be an address within New South Wales, other than a post office box, at which documents can be served on the association by post.

[3] Section 29 Register of committee members

Omit "date of birth and residential address," from section 29(2)(a).

[4] Section 34 Public officer

Omit "and date of birth" from section 34(6)(a).

[5] Section 34(6)(b) and (7)

Omit the provisions.

[6] Section 38 Voting generally

Omit "postal or electronic" from section 38(1)(b).

Insert instead "postal, electronic or combined".

[7] Section 38(2)

Omit "postal or electronic".

[8] Section 39 Voting on special resolutions

Omit "postal or electronic" from section 39(1)(b).

Insert instead "postal, electronic or combined".

[9] Section 39(3)

Omit "postal or electronic".

[10] Section 72 Application for cancellation

Omit section 72(4).

[11] Section 77 Distribution of assets

Omit "winding up" wherever occurring in section 77(2)(a) and (b).

Insert instead "finalisation".

[12] Schedule 1 Matters to be addressed in association's constitution

Omit "Postal and electronic" from clause 11, heading.

Insert instead "Postal, electronic and combined".

[13] Schedule 1, clause 11

Omit “or electronic”. Insert instead “, electronic or combined”.

[14] Schedule 2 Provisions relating to association’s assets, rights and liabilities

Omit “, that is verified by statutory declaration” from clause 3(1).

7.2 Associations Incorporation Regulation 2022

[1] Section 5 Application of Corporations legislation to associations

Omit “postal or electronic” wherever occurring in section 5(c).

Insert instead “postal, electronic or combined”.

[2] Section 11, heading

Omit “postal or electronic”. Insert instead “postal, electronic or combined”.

[3] Section 11

Omit “postal or electronic”. Insert instead “postal, electronic or combined”.

[4] Schedule 2, heading

Omit “postal or electronic”. Insert instead “postal, electronic or combined”.

[5] Schedule 2, section 5A

Insert after section 5—

5A Combined postal and electronic voting

- (1) This section applies to a ballot to be conducted both by postal voting and electronically.
- (2) The returning officer must give each member entitled to vote the items specified in sections 4(2) and 5(3) at least 14 days, or 21 days for a proposed special resolution, before the date fixed for the closing of the ballot.
- (3) If the ballot is a secret ballot, the returning officer must ensure the identity of the member cannot be ascertained from the electronic ballot paper.
- (4) The member may choose to vote by post or electronically.
- (5) If the member chooses to vote by post, section 4(3)–(5) apply.
- (6) If the member chooses to vote electronically, section 5(5) and (6) apply.

[6] Schedule 2, section 7(1)

Insert “or both,” after “electronic voting,”.

[7] Schedule 2, section 7(1)(a)

Omit “conducted by”. Insert instead “involving”.

[8] Schedule 2, section 7(1)(c)(iii)

Insert at the end of section 7(1)(c)(ii)—

- , or
- (iii) for a combined postal and electronic ballot—counting the postal votes that are not rejected and reviewing the information and reports about the electronic ballot.

[9] Schedule 2, section 8(b)

Omit “postal ballot”. Insert instead “ballot involving postal votes”.

[10] Schedule 2, section 8(c)

Omit “an electronic ballot”. Insert instead “a ballot involving electronic votes”.

[11] Schedule 3 Model constitution

Omit “**Postal or electronic**” from clause 35, heading.

Insert instead “**Postal, electronic or combined**”.

[12] Schedule 3, clause 35(1)

Omit “postal or electronic”. Insert instead “postal, electronic or combined”.

7.3 Biofuels Act 2007 No 23

Section 30 Regulations

Insert after section 30(2)—

- (3) A regulation may apply, adopt or incorporate a publication as in force at a particular time or as in force from time to time.

7.4 Biofuels Regulation 2022

[1] Section 4 Definition of “biofuel sustainability standard”—the Act, s 3

Omit “(Version 3.0)” from section 4(a).

[2] Section 4(a)

Omit “in November 2016”.

Insert instead “, as in force from time to time”.

[3] Section 4(b)

Omit the paragraph. Insert instead—

- (b) ISO 13065, *Sustainability criteria for bioenergy*, as in force from time to time.

7.5 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Sections 50(7) and 184(3)

Omit the subsections.

[2] Section 79 Fines payable by members

Omit section 79(3)(b). Insert instead—

- (b) the member has been given a reasonable opportunity to do one of the following, at the member’s choice, for the purpose of showing cause why the fine should not be imposed—
- (i) appear before the board in person, with or without witnesses,
 - (ii) appear before the board by electronic means, with or without witnesses,
 - (iii) send the board a written statement.

[3] Section 204 Entries

Omit “statutory declaration of the secretary”.

Insert instead “the secretary of the body”.

[4] Schedule 1 General interpretative provisions

Omit clause 13(1), definition of *statutory declaration*.

[5] Schedule 1, clause 28(9)

Omit the subclause.

7.6 Funeral Funds Act 1979 No 106

Section 27 Documents to be available for inspection by contributors etc

Omit section 27(e).

7.7 Motor Dealers and Repairers Amendment Act 2023 No 28

[1] Schedule 1 Amendment of Motor Dealers and Repairers Act 2013 No 107

Omit “a judgment or order of a court” from Schedule 1[56], proposed section 169(3)(a1).

Insert instead “a judgment, order or other decision of a court or tribunal”.

[2] Schedule 1[56]

Omit “judgment or order” wherever occurring in proposed section 169(3)(a1)(i) and (ii).

Insert instead “judgment, order or other decision”.

7.8 Property and Stock Agents Act 2002 No 66

Section 192 Disciplinary action

Insert “, either permanently or for a specified period” after “licensee” in section 192(1)(i).

7.9 Tow Truck Industry Act 1998 No 111

Section 34 The Secretary may require further information in relation to application

Omit “, verified by statutory declaration,” from section 34(1)(a).

Schedule 8 Amendments and repeal relating to outdoor space for dining and performance

8.1 Liquor Act 2007 No 90

[1] Part 12

Insert after Part 11—

Part 12 Outdoor dining and performance

164 Purpose

- (1) The purpose of this part is to allow local councils to encourage the temporary use of outdoor space for dining and performance.
- (2) This part operates in addition to the *Roads Act 1993*, Part 9, Division 1, which also provides for the use of roads for food or drink premises.
- (3) However, to the extent of any inconsistency between this part and the *Roads Act 1993*, Part 9, Division 1, this part prevails.

165 Definitions

In this part—

area, for a local council, means the area for which the local council is constituted.

classified road has the same meaning as in the *Roads Act 1993*.

footway has the same meaning as in the *Roads Act 1993*.

local council means a council under the *Local Government Act 1993*.

public open space has the same meaning as in the *Roads Act 1993*.

roads authority has the same meaning as in the *Roads Act 1993*.

Transport for NSW has the same meaning as in the *Transport Administration Act 1988*.

unclassified road has the same meaning as in the *Roads Act 1993*.

166 Local councils may allow use of outdoor space for dining and performance

- (1) A local council may decide, by notice published on the local council's website—
 - (a) to temporarily allow the use of a footway or public open space associated with the following to be used as an outdoor dining area, an extension of foyer space or a performance space—
 - (i) licensed premises or other lawful food and drink premises,
 - (ii) entertainment, arts or cultural venues, or
 - (b) to temporarily allow parking spaces within the local council's area to be used as an outdoor dining area, an extension of foyer space or a performance space, or
 - (c) to temporarily close an unclassified road for which the local council is the roads authority for use as an outdoor dining area, an extension of foyer space or a performance space, or
 - (d) to temporarily close a classified road, with the concurrence of Transport for NSW, for use as an outdoor dining area, an extension of foyer space or a performance space, or

- (e) to temporarily vary a development consent or a development consent condition to allow outdoor performance.
- (2) If a local council allows the use of footways, public open space, roads or other premises for a purpose mentioned in subsection (1), the use is taken to be exempt development for the purposes of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (3) A local council may make a decision referred to in subsection (1) only if the council has—
 - (a) given the Minister at least 7 days notice that the council wants to allow outdoor dining and performance and invited the Minister to respond to the proposal, and
 - (b) given 7 days notice of its intention to make the decision—
 - (i) by publishing a notice about the proposed decision on the council's website, and
 - (ii) to the following persons—
 - (A) if the proposed decision relates to licensed premises—the Authority and the Commissioner of Police,
 - (B) if the proposed decision relates to an unclassified road for which the council is the roads authority—the Commissioner of Police and Transport for NSW,
 - (C) if the proposed decision relates to a classified road—the Commissioner of Police and Transport for NSW, and Transport for NSW has agreed to the road closure.
- (4) A decision referred to in subsection (1)—
 - (a) has effect subject to a provision of an Act, regulation or other instrument that provides for noise attenuation for licensed premises or other premises, and
 - (b) has effect for the *Roads Act 1993*, sections 126 and 127 as if it were an approval granted under that Act, section 125, and
 - (c) has effect despite any provision of the *Roads Act 1993*, the *Transport Administration Act 1988* or another Act, or a regulation or instrument made under an Act, that requires local councils to submit traffic management plans or consult with local traffic committees.

[2] Schedule 1 Savings and transitional provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Better Regulation, Fair Trading and Other Legislation Amendment Act 2024

Application of Part 12

- (1) Anything done or omitted to be done during the relevant period that would have been validly done or omitted to be done had Part 12, as inserted by the *Better Regulation, Fair Trading and Other Legislation Amendment Act 2024*, been in force is taken to have been, and always to have been, validly done or omitted to be done.
- (2) In this clause—
relevant period means the period—

- (a) starting on 11 December 2023, and
- (b) ending on the date of assent to the Better Regulation, Fair Trading and Other Legislation Amendment Act 2024.

8.2 Amendment of Liquor Regulation 2018

Section 132B Outdoor dining and performances

Omit the section.

[Second reading speech made in—
Legislative Assembly on 8 May 2024
Legislative Council on 14 May 2024]