



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to make minor amendments to various Acts and statutory instruments (Schedule 1), and
- (b) to amend certain other Acts and instruments for the purpose of effecting statute law revision (Schedules 2 and 3), and
- (c) to repeal certain Acts and instruments and provisions of Acts and to make consequential and minor ancillary amendments to Acts (Schedule 4), and
- (d) to make other provisions of a consequential or ancillary nature (Schedule 5).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts and statutory instruments:

Adoption Act 2000 No 75

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13

Commission for Children and Young People Act 1998 No 146

Community Relations Commission and Principles of Multiculturalism Act 2000
No 77

Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2

Community Welfare Act 1987 No 52

Conveyancing Act 1919 No 6

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

Co-operative Housing and Starr-Bowkett Societies Regulation 2005

Co-operatives Act 1992 No 18

Co-operatives Regulation 2005

Environmental Planning and Assessment Act 1979 No 203

Fines Act 1996 No 99

Gas Supply Act 1996 No 38

Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Heritage Act 1977 No 136

Independent Commission Against Corruption Act 1988 No 35

Independent Pricing and Regulatory Tribunal Act 1992 No 39

Institute of Sport Act 1995 No 52

Law Enforcement and National Security (Assumed Identities) Act 2010 No 73

Law Enforcement (Controlled Operations) Act 1997 No 136

Licensing and Registration (Uniform Procedures) Act 2002 No 28

Mining Act 1992 No 29

Mining Regulation 2010

Motor Vehicles Taxation Act 1988 No 111

Plant Diseases Act 1924 No 38

Public Sector Employment and Management Act 2002 No 43

Residential Tenancies Act 2010 No 42

Retirement Villages Act 1999 No 81

Road Transport (Driver Licensing) Act 1998 No 99

Strata Schemes (Freehold Development) Act 1973 No 68

Strata Schemes (Leasehold Development) Act 1986 No 219

Subordinate Legislation Act 1989 No 146

The amendments to each Act and statutory instrument are explained in detail in the explanatory note relating to the Act or statutory instrument concerned set out in Schedule 1.

Schedule 2 Amendments by way of statute law revision

Schedule 2 amends certain Acts and instruments for the purpose of effecting statute law revision.

The amendments to each Act and instrument are explained in detail in the explanatory note relating to the Act or instrument concerned set out in Schedule 2.

Schedule 3 On-line notification of the making of statutory instruments

Schedule 3 amends certain Acts and a statutory instrument in relation to the official notification of the making of certain statutory instruments on the NSW legislation website that is maintained by the Parliamentary Counsel.

The nature of the amendments contained in Schedule 3 is explained in detail in the explanatory note at the end of the Schedule.

Schedule 4 Repeals

Part 1 of Schedule 4 repeals a number of Acts and statutory instruments and provisions of Acts.

Clause 1 repeals redundant Acts and statutory instruments and spent provisions of an Act.

Clause 2 repeals Acts and provisions of Acts that contain amending provisions that have commenced.

Clause 3 repeals Acts and provisions of Acts that amend Acts or instruments that have since been repealed or superseded.

Clause 4 repeals Acts as a consequence of the transfer of their provisions into another Act by Part 2 of the Schedule.

Clause 5 repeals the *Residential Parks Amendment (Statutory Review) Act 2005* at the request of the relevant portfolio. The Act contains only formal provisions, and uncommenced amendments that have been superseded by proposed national reforms.

Section 30 (2) of the *Interpretation Act 1987* ensures that the repeal of an Act or statutory rule does not affect the operation of any savings, transitional or validation provision contained in the Act or statutory rule, and that the repeal of an amending Act does not affect any amendment made by the Act.

The Acts or instruments that were amended by the Acts being repealed are available electronically on the NSW legislation website at www.legislation.nsw.gov.au.

Part 2 of Schedule 4 consolidates provisions (of possible ongoing effect) that deal with a similar subject matter and that are currently contained in a number of separate Acts by transferring them into the *National Parks and Wildlife Act 1974*. The transfer of these provisions enables the repeal of those Acts by clause 4 of the Schedule.

Section 30A of the of the *Interpretation Act 1987* ensures that the transfer of a provision of an Act to another Act does not affect the operation (if any) or meaning of the provision.

Part 3 of Schedule 4 transfers into the *Interpretation Act 1987* a provision previously contained in Statute Law (Miscellaneous Provisions) Acts that enabled the restoration of Acts and instruments repealed by those Acts, and extends the operation of the provision to repeals by any future Act or instrument that provides for its application.

Schedule 5 General savings, transitional and other provisions

Schedule 5 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in the Schedule.