

## **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 (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 transfer certain savings, transitional and other provisions of ongoing effect from some amending Acts into the relevant Principal Act, so as to permit the repeal of otherwise obsolete amending Acts (Schedule 4), and
- (d) to repeal certain Acts (Schedule 5), and
- (e) to make other provisions of a consequential or ancillary nature (Schedule 6).

### **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.

**Clauses 3 and 5** are machinery provisions that give effect to the Schedules to the proposed Act containing amendments and savings, transitional and other provisions.

**Clause 4** gives effect to the Schedule of repeals.

**Clause 6** makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

**Clause 7** provides for the repeal of sections 3 and 4 of, and Schedules 1–5 to, the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced, those provisions will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending provision does not affect the amendments made by that provision.

### **Schedule 1 Minor amendments**

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

*Contaminated Land Management Act 1997* No 140

*Conveyancing Act 1919* No 6

*Criminal Assets Recovery Act 1990* No 23

*Crown Lands Act 1989* No 6

*Crown Lands (Continued Tenures) Act 1989* No 7

*Crown Lands (Continued Tenures) Regulation 2006*

*Fair Trading Act 1987* No 68

*Fines Act 1996* No 99

*Firearms Act 1996* No 46

*Freedom of Information Regulation 2005*

*Government and Related Employees Appeal Tribunal Act 1980* No 39

*Growth Centres (Development Corporations) Act 1974* No 49

*Home Building Act 1989* No 147

*Hunter Water Act 1991* No 53

*Local Government Act 1993* No 30

*Parliamentary Electorates and Elections Amendment Act 2006* No 68

*Police Integrity Commission Act 1996* No 28

*Real Property Act 1900* No 25

*Residential Parks Act 1998* No 142

*Security Industry Act 1997* No 157

*Stock Diseases Act 1923* No 34

*Stock Diseases Regulation 2004*

*Succession Act 2006* No 80

*Western Lands Act 1901* No 70

The amendments to each Act or instrument are explained in detail in the explanatory note relating to the Act or 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 Amendments consequential on publication of Planning for Bush Fire Protection**

**Schedule 3** amends certain environmental planning instruments for the purpose of effecting statute law revision, consequent on the preparation in December 2006 of a new edition of *Planning for Bush Fire Protection* by the NSW Rural Fire Service in co-operation with the Department of Planning.

### **Schedule 4 Amendments transferring provisions**

**Schedule 4** transfers into the relevant Principal Act a number of savings, transitional and other provisions of ongoing effect contained in certain amending Acts, the other provisions of which have been incorporated into reprints or electronic versions of the Acts being amended or are spent. The removal of these provisions from the amending Acts permits the repeal (by Part 4 of Schedule 5 to the proposed Act) of those Acts.

### **Schedule 5 Repeals**

**Schedule 5** repeals a number of Acts.

Part 1 of the Schedule repeals Acts that are redundant.

Part 2 of the Schedule repeals Acts that contain only amendments, or amendments and repeals, that have commenced.

Part 3 of the Schedule repeals Acts that contain only amendments, or amendments and repeals, that have commenced, and savings, transitional or other provisions, that are redundant.

Part 4 of the Schedule repeals Acts that contain only amendments that have commenced and savings, transitional or other provisions the operation of which is preserved by amendments proposed to be made by Schedule 4 to the Bill.

Section 30 (2) of the *Interpretation Act 1987* ensures that the repeal of an Act does not affect the operation of any savings, transitional or validation provision contained in the Act, 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 at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### **Schedule 6 General savings, transitional and other provisions**

**Schedule 6** contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1. The Schedule includes a new provision allowing the Governor, by proclamation, to revoke the repeal of any Act or instrument or the provision of any Act or instrument repealed by the proposed Act. The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in the Schedule.