

## **Statute Law (Miscellaneous Provisions) Bill (No 2) 2009**

### **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 2–5), and
- (c) to repeal certain Acts and provisions of Acts (Schedule 6), and
- (d) to make other provisions of a consequential or ancillary nature (Schedule 7).

#### 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** provides for the repeal of the amendments made by the proposed Act after the amendments 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.

**Clause 4** 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:

*Associations Incorporation Act 2009* No 7

*Building Professionals Act 2005* No 115

*Building Professionals Amendment Act 2008* No 37

*Commission for Children and Young People Act 1998* No 146

*Dangerous Goods (Road and Rail Transport) Act 2008* No 95

*Environmental Planning and Assessment Act 1979* No 203

*Environmental Planning and Assessment Amendment Act 2008* No 36

*Fisheries Management Act 1994* No 38

*Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009* No 32

*Interpretation Act 1987* No 15

*Local Government Act 1993* No 30

*Marine Safety Act 1998* No 121

*Protection of the Environment Operations Act 1997* No 156

*Public Finance and Audit Act 1983* No 152

*Rail Safety Act 2008* No 97

*Retirement Villages Amendment Act 2008* No 121

*Road Transport (Safety and Traffic Management) Act 1999* No 20

*Strata Schemes Management Act 1996* No 138

*Travel Agents Act 1986* No 5

*Water Management Act 2000* No 92

The amendments to each Act are explained in detail in the explanatory note relating to the Act 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 publication of making of statutory instruments**

**Schedule 3** amends certain Acts in relation to the official publication of the making of certain statutory instruments on the NSW legislation website that is maintained by the Parliamentary Counsel. Some of the amendments also remove redundant provisions concerning the making of regulations.

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

## **Schedule 4 Amendments consequential on enactment of Local Court Act 2007**

**Schedule 4** amends certain Acts and instruments for the purpose of effecting statute law revision consequent on the enactment of the *Local Court Act 2007*.

The nature of the amendments contained in Schedule 4 is explained in detail in the explanatory note at the beginning of the Schedule.

## **Schedule 5 Amendments updating references to liquor, registered clubs and casino legislation**

**Schedule 5** amends certain Acts and instruments for the purpose of updating references to liquor, registered clubs and casino legislation consequent on the enactment of the *Liquor Act 2007* and the *Casino, Liquor and Gaming Control Authority Act 2007*.

The nature of the amendments contained in Schedule 5 is explained in detail in the explanatory note at the beginning of the Schedule.

## **Schedule 6 Repeals**

**Schedule 6** repeals a number of Acts and provisions of Acts.

Clause 1 of the Schedule repeals Acts that are redundant.

Clause 2 of the Schedule repeals an Act that contains only commenced amendments to another Act.

Clause 3 of the Schedule repeals an Act that contains only commenced amendments to other Acts and a transitional provision, and transfers the transitional provision to another Act.

Clause 4 of the Schedule repeals Acts that contain only commenced amendments to other Acts or instruments, or amendments that cannot be incorporated because they are to Acts that have been amended or repealed.

Clause 5 of the Schedule repeals provisions of Acts that contain only commenced amendments to other Acts or instruments, or amendments that cannot be incorporated because they are to Acts that have been amended or repealed.

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. Section 5 (6) of the *Interpretation Act 1987* provides that the provisions of section 30 that apply to a statutory rule also apply to an environmental planning instrument.

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](http://www.legislation.nsw.gov.au).

### **Schedule 7 General savings, transitional and other provisions**

**Schedule 7** contains savings, transitional and other provisions of general effect. The Schedule includes a 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 or any other of the statute law revision Acts listed.

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