

Statute Law (Miscellaneous Provisions) Bill (No 2) 2001

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 statutory rules for the purpose of effecting statute law revision (Schedule 2) and facilitating the implementation of SGML as a markup language for legislation (Schedule 3), and
- (c) to transfer certain savings and transitional 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 and regulations (Schedule 5), and
- (e) to make other provisions of a consequential, saving, transitional 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 3–5 are machinery provisions that give effect to the Schedules to the proposed Act containing amendments, repeals and savings, transitional and other provisions.

Clause 6 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:

Administrative Decisions Legislation Amendment Act 1997 No 77

Adoption Act 2000 No 75

Building and Construction Industry Long Service Payments Act 1986 No 19

Children and Young Persons (Care and Protection) Act 1998 No 157

Coal Ownership (Restitution) Act 1990 No 19

Community Land Management Act 1989 No 202

Companion Animals Act 1998 No 87

Co-operatives Act 1992 No 18

Defamation Act 1974 No 18

Employment Agents Act 1996 No 18

Fines Act 1996 No 99

Geographical Names Act 1966 No 13

Guardianship Act 1987 No 257

Health Administration Act 1982 No 135

Home Building Act 1989 No 147

Independent Pricing and Regulatory Tribunal Act 1992 No 39

Law and Justice Foundation Act 2000 No 97

Legal Profession Act 1987 No 109

Local Government Act 1993 No 30

Mining Act 1992 No 29

Motor Accidents Compensation Act 1999 No 41

Occupational Health and Safety Act 2000 No 40

Petroleum (Onshore) Act 1991 No 84
Protected Disclosures Act 1994 No 92
Stock (Chemical Residues) Act 1975 No 26
Tow Truck Industry Act 1998 No 111
Travel Agents Act 1986 No 5
Valuers Registration Act 1975 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 statutory rules for the purpose of effecting statute law revision. A number of other amendments are made relating to formal drafting matters and minor corrections.

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

Schedule 3 Amendments to facilitate the implementation of SGML as a markup language for legislation

The Parliamentary Counsel's Office, which is responsible for the compilation and maintenance of the New South Wales legislation database, is developing a new drafting and database system. The new system is based on SGML (Standard Generalised Markup Language) and will improve the portability and accessibility of legislative data. Some features of legislation, particularly older Acts, are incompatible with the proposed system.

Schedule 3 amends Acts to overcome these problems for the purpose of facilitating the implementation of SGML.

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 Schedule 5 to the proposed Act) of those Acts.

Schedule 5 Repeals

Schedule 5 repeals a number of Acts and regulations. The Schedule repeals amending Acts enacted at least 2 years ago that contain no substantive provisions that need to be retained. The Schedule also repeals more recent amending Acts where the relevant Principal Act has been reprinted. Certain other amending Acts, the ongoing provisions of which are transferred (by Schedule 4) to the relevant Principal Act, are also repealed.

The Acts that were amended by the Acts being repealed are up-to-date on the legislation database maintained by the Parliamentary Counsel's Office and are available electronically.

The Schedule also repeals Acts and regulations that are no longer of practical utility (such as the *Letona Co-operative (Financial Assistance) Act 1993* and the *First State Superannuation Transitional Regulation 1994*) and those that have expired (such as the *Security Industry (Olympic and Paralympic Games) Act 1999* and the *Olympic Arrangements Regulation 2000*).

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 purpose of each provision is explained in detail in the explanatory note relating to the

provision concerned set out in Schedule 6.