

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 various other Acts and instruments for the purpose of effecting statute law revision (Schedule 2), and
- (c) to amend various Acts and an instrument as a consequence of the repeal of certain other Acts by Schedule 4 (Schedule 3), and
- (d) to repeal various Acts and provisions of Acts (Schedule 4), and
- (e) 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.

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.

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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 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.

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts:

Banks and Bank Holidays Act 1912 No 43

Building Professionals Act 2005 No 115

Business Names Act 2002 No 97

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

Clean Coal Administration Act 2008 No 50

Commission for Children and Young People Act 1998 No 146

Constitution Act 1902 No 32

Co-operatives Act 1992 No 18

Environmental Planning and Assessment Act 1979 No 203

Environmental Planning and Assessment Amendment Act 2008 No 36

Food Act 2003 No 43

Interpretation Act 1987 No 15

Justices of the Peace Act 2002 No 27

Local Government Act 1993 No 30

Marine Parks Act 1997 No 64

Motor Vehicle Repairs Act 1980 No 71

National Parks and Wildlife Act 1974 No 80

Noxious Weeds Act 1993 No 11

Pesticides Act 1999 No 80

Police Regulation (Superannuation) Act 1906 No 28

Public Sector Employment and Management Act 2002 No 43

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

State Authorities Non-contributory Superannuation Act 1987 No 212

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Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Superannuation Act 1916 No 28

World Youth Day Act 2006 No 106

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 various 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 repeals

Schedule 3 amends various Acts and an instrument as a consequence of the repeal of certain other Acts by Schedule 4.

The nature of the amendments contained in Schedule 3 is explained in detail in the explanatory note relating to the Act or instrument concerned set out in the Schedule.

Schedule 4 Repeals

Schedule 4 repeals a number of Acts and provisions of Acts.

Part 1 of the Schedule repeals Acts that are redundant.

Part 2 of the Schedule repeals redundant provisions of Acts.

Part 3 of the Schedule repeals Acts or provisions of Acts that contain only commenced amendments to other Acts or instruments.

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.

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 Schedule includes a provision allowing

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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 by the 2007 statute law revision Act.

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