



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2023

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows—

- (a) to make minor amendments to legislation (Schedule 1),
- (b) to make general statute law revision amendments to legislation (Schedule 2),
- (c) to make statute law revision amendments to legislation consequential on the commencement of the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018* (Schedule 3),
- (d) to make statute law revision amendments to legislation consequential on machinery of government changes (Schedule 4),
- (e) to repeal certain legislation (Schedule 5),
- (f) to make savings and transitional provisions and other provisions of a consequential or ancillary nature in relation to the matters in the other schedules to the proposed Act (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.

Schedule 1 Minor amendments

Animal Research Act 1985 No 123

The proposed amendment replaces a reference to the Minister for Primary Industries with the Minister administering the *Biosecurity Act 2015* so that future changes to the names of Ministries will not affect the operation of the Act.

Biosecurity Act 2015 No 24

The proposed amendment removes a redundant section dealing with descriptions of land in notices and other instruments given or made under the *Biosecurity Act 2015*.

Casino Control Act 1992 No 15

Item [1] aligns the wording used to describe agreements with the wording used in other provisions of the Act to describe the agreements.

Item [2] corrects an incorrect reference to a casino operator that should be a reference to the NSW Independent Casino Commission.

Items [3], [8] and [15] correct punctuation.

Item [4] corrects an incorrect reference to a licensee that should be a reference to a casino operator.

Items [5], [7], [9]–[13], [16] and [18] correct spelling and grammatical errors.

Items [6], [14] and [17] correct the numbering of provisions.

Children (Education and Care Services National Law Application) Act 2010 No 104

The proposed amendment specifies the laws of New South Wales that are child protection laws for the purposes of the Education and Care Services National Law.

Coastal Management Act 2016 No 20

The proposed amendments implement recommendations from the statutory review of the *Coastal Management Act 2016*.

Items [1] and [3] update references to certain provisions of the *Environmental Planning and Assessment Act 1979* that have been renumbered.

Item [2] corrects a reference to state of the environment reports, which are now named environment reports under the *Local Government Act 1993*.

Items [4]–[23] update references to former local government areas that have been amalgamated and renamed.

Item [24] removes a spent transitional provision that abolished the NSW Coastal Panel.

Combat Sports Act 2013 No 96

Items [1]–[3] enable the Combat Sports Authority of New South Wales (the *Authority*) to exempt certain applicants for registration under the *Combat Sports Act 2013* from being required to give information in support of the application if the Authority already holds the information.

Item [4] extends protection from personal liability to Public Service employees involved in the administration of the *Combat Sports Act 2013*.

Community Land Development Act 2021 No 6

The proposed amendment requires a sealed copy of a court order to be lodged electronically if it is lodged with a plan that is lodged electronically.

Conveyancing Act 1919 No 6

Items [1] and [2] require an office copy of a court order to also be lodged electronically if it is lodged with a plan that is lodged electronically.

Items [3] and [4] remove an exception for a trader's bill of sale, which is now redundant because of the repeal of the *Security Interests in Goods Act 2005* under which bills of sale were registered in the General Register of Deeds. Security interests in personal property are now registered under the Personal Property Securities Register established by the *Personal Property Securities Act 2009* of the Commonwealth.

Item [6] replaces references to the e-plan system to provide for the possibility of other electronic plan lodgment systems. **Item [5]** makes a consequential amendment.

Fisheries Management Act 1994 No 38

The proposed amendments update references to Ministers.

Forestry Act 2012 No 96

The proposed amendment provides that an obsolete reference to the Minister for Lands in a section of the *Forestry Act 1916*, as continued in force by a transitional provision of the *Forestry Act 2012*, is taken to be a reference to the Minister administering the *Crown Land Management Act 2016*.

Heritage Act 1977 No 136

The proposed amendment enables the regulations to specify when the Heritage Council is able to ask an applicant for a permit for more information about the application. It also enables the regulations to provide that, if the Heritage Council has asked an applicant to give more information, the passage of the 21-day period in which a determination must be made may be suspended for a prescribed period.

Interpretation Act 1987 No 15

Item [1] clarifies what is meant by a reference in legislation to the Minister administering a particular Act.

Item [2] inserts a standard definition of *personally insolvent* to prevent the need for this term to be fully spelt out in other legislation.

Liquor Act 2007 No 9

The proposed amendment clarifies that multiple demerit offences occurring at a licensed premises may be treated as a single demerit offence for the purposes of the demerit points scheme if the acts or circumstances giving rise to the offences occurred or existed in the same 24-hour period. It is not relevant that the penalty notice amounts for the offences may have been paid on the same day.

Medicines, Poisons and Therapeutic Goods Act 2022 No 73

The proposed amendment clarifies that the wholesale supply of Schedule 2, 3, 4 and 8 substances and other prescribed therapeutic goods between pharmacists should occur only to satisfy an order of an individual customer.

Ozone Protection Act 1989 No 208

The proposed amendment updates references to Ministers.

Protection of the Environment Operations Act 1997 No 156

The proposed amendment updates references to Ministers.

Road Transport Act 2013 No 18

Items [1]–[3] update terminology in the *Road Transport Act 2013* to ensure the consistent use of terminology within certain sections of the Act.

Items [4] and [5] remove a duplicate process of authorisation for persons to exercise functions under the *Road Transport Act 2013*.

Item [6] permits an authorised officer to give certain directions to a driver of a heavy vehicle or heavy combination.

Royal Botanic Gardens and Domain Trust Act 1980 No 19

The proposed amendment permits the Executive Director of the Royal Botanic Gardens and Domain to be referred to as the Chief Executive of the Royal Botanic Gardens and Domain.

Scrap Metal Industry Act 2016 No 42

The proposed amendment clarifies that, if an approval is required by law to use premises as a scrap metal yard, evidence that the approval has been obtained must be given to the Commissioner of Police as part of the scrap metal yard's registration information.

Surveying and Spatial Information Act 2002 No 83

The proposed amendment transfers, from the *Surveying and Spatial Information Regulation 2017* to the *Surveying and Spatial Information Act 2002*, a power for the Surveyor-General to exempt registered surveyors from certain requirements imposed by the regulations.

Surveying and Spatial Information Regulation 2017

The proposed amendment is consequential on the proposed amendment to the *Surveying and Spatial Information Regulation 2017*.

Workers Compensation Act 1987 No 70

The proposed amendment inserts savings and transitional provisions consequent on the repeal by Schedule 5 of the *Associated General Contractors Insurance Company Limited Act 1980* and the *Bishopsgate Insurance Australia Limited Act 1983*.

Schedule 2 Statute law revision amendments

Schedule 2 makes a number of statute law revision amendments, including amendments to—

- (a) correct cross-references, grammar, spelling and punctuation, and
- (b) update references to renamed portfolios and positions, and
- (c) remove a reference to a body that has been dissolved.

Schedule 3 Government sector finance consequential amendments

Schedule 3 makes amendments consequential on the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018*, which—

- (a) repealed the *Annual Reports (Departments) Act 1985* and the *Annual Reports (Statutory Bodies) Act 1984* so that the requirement to prepare annual reporting information was now left to the *Government Sector Finance Act 2018*, and
- (b) renamed the *Public Finance and Audit Act 1983* as the *Government Sector Audit Act 1983*.

Schedule 4 Amendments relating to machinery of government changes

Schedule 4 amends legislation consequential on changes made by the *Administrative Arrangements (58th Parliament) Order 2023* and various other administrative arrangements orders.

Schedule 5 Repeals

Schedule 5 repeals redundant Acts.

The *Associated General Contractors Insurance Company Limited Act 1980* and the *Bishopsgate Insurance Australia Limited Act 1983* are spent and have no ongoing effect.

The *Workers Compensation Amendment Act 2015* contains a single uncommenced provision to insert proposed regulation-making powers in the *Workers Compensation Act 1987*. The proposed regulation-making powers are now redundant as a broader regulation-making power has been included in the *Workers Compensation Act 1987*, section 32A(2).

Schedule 6 General savings, transitional and other provisions

Schedule 6 includes savings and transitional provisions and other provisions of a consequential or ancillary nature in relation to the matters in the other schedules to the proposed Act.

Proposed section 1 ensures that an amendment made by the proposed Act to a repealing or amending provision of an Act or instrument will, if the repealing or amending provision commences before the amendment made by the proposed Act, be taken to have commenced on the date the repealing or amending provision commenced.

Proposed section 2 enables the Governor, by proclamation, to revoke the repeal of an Act or instrument, or a provision of an Act or instrument, by the proposed Act. The Act or instrument, or provision, the subject of the revocation of repeal, is taken not to be, and never to have been, repealed.

Proposed section 3 enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.