

Statute Law (Miscellaneous Provisions) Bill 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 and instruments (Schedule 1), and
- (b) to amend certain other Acts and instruments for the purpose of effecting statute law revision (Schedules 2–4), and
- (c) to repeal certain Acts and instruments and provisions of Acts (Schedule 5), and
- (d) 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.

Clause 3 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Clause 4 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 and instruments:

Adoption Act 2000 No 75

Adoption Amendment Act 2008 No 103

Annual Reports (Departments) Regulation 2005

Annual Reports (Statutory Bodies) Regulation 2005

Australian Museum Trust Act 1975 No 95

Coastal Protection Act 1979 No 13

Community Land Management Act 1989 No 202

Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2

Crimes (Domestic and Personal Violence) Act 2007 No 80

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

District Court Act 1973 No 9

Electricity Supply Act 1995 No 94

Environmental Planning and Assessment Act 1979 No 203

Environmental Planning and Assessment Amendment Act 2008 No 36

Fire Brigades Act 1989 No 192

Firearms Act 1996 No 46

Gas Supply Act 1996 No 38
Holiday Parks (Long-term Casual Occupation) Act 2002 No 88
Holiday Parks (Long-term Casual Occupation) Regulation 2003
Innovation Council Act 1996 No 77
Land Acquisition (Just Terms Compensation) Act 1991 No 22
Law Enforcement (Controlled Operations) Act 1997 No 136
Library Act 1939 No 40
Local Courts Act 1982 No 164
Mental Health Act 2007 No 8
Mental Health (Forensic Provisions) Act 1990 No 10
Mining Amendment Act 2008 No 19
Museum of Applied Arts and Sciences Act 1945 No 31
Pesticides Act 1999 No 80
Police Act 1990 No 47
Privacy and Personal Information Protection Act 1998 No 133
Protection of the Environment Operations Act 1997 No 156
Real Property Act 1900 No 25
Registered Clubs Act 1976 No 31
Residential Parks Act 1998 No 142
Residential Tenancies Act 1987 No 26
State Property Authority Act 2006 No 40
Strata Schemes Management Act 1996 No 138
Subordinate Legislation Act 1989 No 146
Supreme Court Act 1970 No 52
Sydney Opera House Trust Act 1961 No 9
Threatened Species Conservation Act 1995 No 101
Water Act 1912 No 44
Water Management Act 2000 No 92

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 1.

Where necessary, provisions of a savings or transitional nature relating to amendments have also been 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 enactment of Legal Profession Act 2004

Schedule 3 amends certain Acts for the purpose of effecting statute law revision, consequent on the enactment of the *Legal Profession Act 2004*.

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

Schedule 4 On-line notification of the making of statutory instruments

Schedule 4 amends certain Acts in relation to the official notification of the making of certain statutory instruments on the NSW legislation website that is maintained by the Parliamentary Counsel.

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 Repeals

Schedule 5 repeals a number of Acts and statutory instruments and provisions of Acts.

Clause 1 of the Schedule repeals Acts and a statutory instrument that are redundant.

Clause 2 of the Schedule repeals redundant provisions of Acts.

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

Clause 4 of the Schedule repeals State environmental planning policies that contain only amendments and ancillary provisions.

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 at 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 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.