

Passed by both Houses



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2022

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Minor amendments	3
Schedule 2	Amendments by way of statute law revision—miscellaneous amendments	5
Schedule 3	General savings, transitional and other provisions	10

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2022

Act No _____, 2022

*An Act to amend the *Public Works and Procurement Act 1912*, the *Subordinate Legislation Act 1989*, the *Western Sydney University Act 1997* and for the purpose of effecting statute law revision; and to make certain savings.*

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2022*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Minor amendments

1.1 Public Works and Procurement Act 1912 No 45

Section 5B

Insert after section 5A—

5B Delegation by Minister or Constructing Authority

- (1) The Minister may delegate any of the Minister's functions under this Act, other than this power of delegation, to—
 - (a) a government agency, or a government agency employee, or
 - (b) a person, or a class of persons, authorised for the purposes of this subsection by the regulations.
- (2) The Constructing Authority may delegate any of the Constructing Authority's functions under this Act, other than this power of delegation, to—
 - (a) a government agency, or a government agency employee, or
 - (b) a person, or a class of persons, authorised for the purposes of this subsection by the regulations.
- (3) In this section—

government agency has the same meaning as in Part 11.
government agency employee has the same meaning as in Part 11.

1.2 Subordinate Legislation Act 1989 No 146

[1] Schedule 3 Matters not requiring regulatory impact statements

Omit "*Homebush Motor Racing (Sydney 400) Act 2008*".

Insert instead "*Motor Sports Events Act 2022*".

[2] Schedule 5

Omit the Schedule. Insert instead—

Schedule 5 Further postponement of repeal of statutory rules

section 10A(1)

1 Postponement of repeal of Poisons and Therapeutic Goods Regulation 2008

The *Poisons and Therapeutic Goods Regulation 2008* remains in force until 1 September 2024, unless sooner repealed.

2 Postponement of repeal of statutory rules until 1 September 2023

The following statutory rules remain in force until 1 September 2023, unless sooner repealed—

- (a) *Heritage Regulation 2012*,
- (b) *Prevention of Cruelty to Animals Regulation 2012*,
- (c) *Public Interest Disclosures Regulation 2011*.

1.3 Western Sydney University Act 1997 No 116

Schedule 1 Provisions relating to members and procedure of Board

Omit clause 7(2A). Insert instead—

- (2A) At a meeting of a committee constituted by the Board, the following committee member is to preside—
- (a) a member of the Board appointed by the Board, or
 - (b) if no member is appointed or in the absence of the appointed member—
a Board member elected by and from the committee members present.

Schedule 2 Amendments by way of statute law revision— miscellaneous amendments

2.1 Bankstown Local Environmental Plan 2015

Clause 6.15, heading

Omit “ratio—”. Insert instead “ratio”.

2.2 Camden Local Environmental Plan 2010

[1] Land Use Table

Omit “Correctional centres;” from Zone RU1 Primary Production, item 4.

Insert instead “Correctional centres;”.

[2] Land Use Table, Zone RU2 Rural Landscape, item 4

Omit “Crematoria;”. Insert instead “Crematoria;”.

2.3 Casino Control Regulation 2019

Clause 45 Casino precincts—the Act, s 81(4)

Omit “this section” from clause 45(2). Insert instead “this clause”.

2.4 Children (Detention Centres) Act 1987 No 57

Section 53 Conditions of parole generally

Omit “Parts” from section 53(5). Insert instead “Part”.

2.5 Children (Detention Centres) Regulation 2015

Clause 148A Exchange of information with Commissioner of Fines Administration

Relocate the clause to after clause 148AC in Part 12A.

2.6 Children’s Guardian Act 2019 No 25

[1] Section 8G Meaning of “prescribed agency”

Renumber paragraphs (f)–(i) as (e)–(h).

[2] Section 27 Who must give report of reportable allegation or conviction

Omit “employer,,” from section 27(3). Insert instead “employer,”.

2.7 Crimes (Administration of Sentences) Act 1999 No 93

Section 40 Certain unlawful absences not to affect length of sentence

Omit “, and” from section 40(1)(c). Insert instead “, and”.

2.8 Electricity Supply Act 1995 No 94

Schedule 4A Energy security safeguard schemes

Omit “a” from clause 144A(2)(b). Insert instead “a”.

2.9 Fair Trading Act 1987 No 68

Section 47A Disclosure of prejudicial terms relating to supply of goods or services

Omit “supply or goods” from section 47A(3)(d).

Insert instead “supply of goods or services”.

2.10 Gas Supply Act 1996 No 38

[1] Section 50AA Responsibility to pay for removing obstruction of gas works

Re-number section 50AA(3)(b)(a) and (b) as (i) and (ii), respectively.

[2] Section 50AB Responsibility to pay for repairs to gas works

Re-number section 50AB(3)(b)(a) and (b) as (i) and (ii), respectively.

2.11 Greater Sydney Parklands Trust Act 2022 No 9

Schedule 5 Amendment of other legislation

Omit proposed section 18AA from Schedule 5.2[7].

2.12 Home Building Act 1989 No 147

[1] Section 15A Unqualified mechanical services and medical gas work

Omit “work declared to be refrigeration work or air-conditioning work by the regulations under the *Home Building Act 1989*” from section 15A(5)(b).

Insert instead “work declared by the regulations to be refrigeration work or air-conditioning work”.

[2] Section 15A(5)(c)

Omit “within the meaning of the *Home Building Act 1989*”.

2.13 Infrastructure NSW Act 2011 No 23

Sections 18(2), 21(2) and 25(2)

Omit “Premier’s” wherever occurring. Insert instead “Minister’s”.

2.14 Independent Commission Against Corruption Regulation 2017

Appendix NSW Ministerial Code of Conduct

Omit “Part 2, Division 7” from the Schedule to the NSW Ministerial Code of Conduct, clause 16A(2), definition of *property developer*.

Insert instead “Part 3, Division 7”.

2.15 Land Tax Management Act 1956 No 26

Section 10 Land exempted from tax

Omit “, 10G” from section 10(1).

2.16 Liquor Act 2007 No 90

Section 159 Regulations

Re-number section 159(2)(f4) and (f4) as section 159(2)(f4) and (f5), respectively.

2.17 Liquor Regulation 2018

Clause 48D Conditions of pop-up licences

Omit “Authority,” from clause 48D(2)(b). Insert instead “Authority, or”.

2.18 Liverpool Local Environmental Plan 2008

Schedule 5 Environmental heritage

Insert “**Significance**” and “**Item no**” as headings to Part 3, columns 5 and 6, respectively.

2.19 Local Government Act 1993 No 30

Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Omit “**Modern Slavery Amendment Bill 2021**” from the heading to Part 42.

Insert instead “**Modern Slavery Amendment Act 2021**”.

2.20 Local Land Services Regulation 2014

Schedule 1 Elections for members of local boards

Omit “or or” from clause 45. Insert instead “or”.

2.21 Moratorium Act 1932 No 57

Section 14 Consent by mortgagor to exercise of rights, powers, and remedies by mortgagee

Omit “or or” from section 14(4)(a). Insert instead “or”.

2.22 National Parks and Wildlife Act 1974 No 80

Schedule 3 Savings, transitional and other provisions

Omit “section 73(7)” from clause 77(2). Insert instead “section 73B(7)”.

2.23 North Sydney Local Environmental Plan 2013

[1] Land Use Table

Omit “Take away food and drink premises” from Zone B1 Neighbourhood Centre, item 3.

Insert instead “Take away food and drink premises;”.

[2] Schedule 5 Environmental heritage

Omit “Whitely” from Part 1, item I0360. Insert instead “Whiteley”.

2.24 Pipelines Act 1967 No 90

Section 5A Minister may require certain pipelines to be licensed

Renumber section 5A(3)(i) and (ii) as (a) and (b), respectively.

2.25 Queanbeyan Local Environmental Plan 1998

Clause 25 Multi dwelling housing—matters for consideration

Omit “and, and” from clause 25(c). Insert instead “and”.

2.26 Radiation Control Act 1990 No 13

Section 28J Liability of Authority, State and others

Omit “Authority any members” from section 28J(2).

Insert instead “Authority, any members”.

2.27 Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 No 9

Section 51 Compliance cost notices

Omit “lead” from section 51(2)(c). Insert instead “led”.

2.28 Shoalhaven Local Environmental Plan 2014

Schedule 5 Environmental heritage

Omit “including and” from Part 1, Item 9. Insert instead “including”.

2.29 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 2.30AD, heading

Omit the heading. Insert instead—

2.30AD Development standards

[2] Clause 2.30AD(1)(b)

Insert “and” after “premises,”.

[3] Clause 2.30AD(2)

Omit “*Liquor Act 2017*” from the definition of *existing relevant condition*, paragraph (c).

Insert instead “*Liquor Act 2007*”.

2.30 State Environmental Planning Policy (Housing) 2021

Section 45 Interpretation

Omit “(1)”.

2.31 Water Industry Competition Amendment Act 2021 No 26

[1] Schedule 2 Consequential amendments to other legislation

Omit “**Local Government (General) Regulation 2005**” from the heading to Schedule 2.10.

Insert instead “**Local Government (General) Regulation 2021**”.

[2] Schedule 2.10

Omit “Clause” and “clause” wherever occurring.

Insert instead “Section” and “section”, respectively.

2.32 Water Industry Competition (General) Regulation 2021

[1] Schedule 2 Conditions for retail suppliers’ licences

Omit “(1)” from section 9.

[2] Schedule 2, section 14(4)

Omit “section 9(1)(a)(i)”. Insert instead “section 9(a)(i)”.

2.33 Waverley Local Environmental Plan 2012

Clause 6.13 Development of the War Memorial Hospital Campus at Edina Estate, Waverley

Omit “*NatHERS* means” from clause 6.13(6), definition of *NatHERS*.

Insert instead “*NatHERS* means”.

2.34 Workplace Injury Management and Workers Compensation Act 1998 No 86

Section 353 Appeal against decision of Commission constituted by presidential member

Omit “Presidential member” wherever occurring in section 353(1) and (2).

Insert instead “presidential member”.

Schedule 3 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 amendment, taken to have effect as from the commencement of the amending provision, whether or not the amending provision has been repealed.
- (2) In this section—
amending provision means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by—
 - (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of matter instead of the repealed or omitted matter, or
 - (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
 - (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

2 Effect of amendment or repeal on acts done or decisions made

Unless expressly provided to the contrary, if this Act—

- (a) amends a provision of an Act or an instrument, or
- (b) repeals and re-enacts, with or without modification, a provision of an Act or an instrument,

an act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as amended or repealed.

3 Effect of amendment on instruments

Unless expressly provided to the contrary, an instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

4 Revocation of repeal

The *Interpretation Act 1987*, section 29A applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) The provisions may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which the provisions take effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate—
 - (a) to affect, in a way prejudicial to a person, other than the State or an authority of the State, the rights of the person existing before the date of its publication, or

- (b) to impose liabilities on a person, other than the State or an authority of the State, in respect of anything done or omitted to be done before the date of its publication.