



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2022

Explanatory note

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

Overview of Bill

The objects of this Bill are to—

- (a) make minor amendments to the *Public Works and Procurement Act 1912*, the *Subordinate Legislation Act 1989* and the *Western Sydney University Act 1997*, and
- (b) postpone the date on which certain regulations are automatically repealed by the *Subordinate Legislation Act 1989*, and
- (c) amend certain other Acts and instruments for the purpose of effecting statute law revision (Schedule 2), and
- (d) make other provisions of a consequential or ancillary nature (Schedule 3).

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 on the date of assent to the proposed Act.

Schedule 1 Minor amendments

Schedule 1.1 amends the *Public Works and Procurement Act 1912* to enable the Minister and the Constructing Authority under that Act to delegate functions to persons employed in a government agency or other persons authorised by the regulations.

Schedule 1.2[1] updates a reference to an Act.

Schedule 1.2[2] amends the *Subordinate Legislation Act 1989* to postpone, until 1 September 2023, the date on which certain regulations are automatically repealed by the *Subordinate Legislation Act 1989*. As the automatic repeal of each regulation has been postponed at least 5 times, it cannot be further postponed by order under the *Subordinate Legislation Act 1989*, section 11.

The regulations are currently due to be repealed on 1 September 2022 but they continue to be required. Their repeal is proposed to be further postponed for the following reasons—

- (a) A Bill is being prepared as part of the Government's response to *Report No 59—Review of the Heritage Act 1977* by the Legislative Council's Standing Committee on Social Issues. If enacted, the Bill will make substantive amendments to the Act under which the *Heritage Regulation 2012* is made. It is therefore considered premature to remake the Regulation.
- (b) The *Animal Welfare Bill 2022* has been released for public consultation. If enacted, the Bill will repeal and replace the Act under which the *Prevention of Cruelty to Animals Regulation 2012* is made. It is therefore considered premature to remake the Regulation.
- (c) The *Public Interest Disclosures Act 2022*, when commenced, will repeal and replace the Act under which the *Public Interest Disclosures Regulation 2011* is made. It is therefore considered premature to remake the Regulation.

The amendment also re-enacts an existing postponement of the automatic repeal of the *Poisons and Therapeutic Goods Regulation 2008*.

Schedule 1.3 amends the *Western Sydney University Act 1997* to provide for a member of the Board of Trustees of Western Sydney University to preside at meetings of a committee constituted by the Board, instead of the Deputy Chancellor as is currently the case.

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

Schedules 2.1, 2.4, 2.27 and 2.33 correct typographical errors in the following—

- (a) *Bankstown Local Environmental Plan 2015*,
- (b) the *Children (Detention Centres) Act 1987*,
- (c) the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*,
- (d) *Waverley Local Environmental Plan 2012*.

Schedules 2.2, 2.6[2] and 2.7 remove duplicate punctuation from the following—

- (a) *Camden Local Environmental Plan 2010*,
- (b) the *Children's Guardian Act 2019*,
- (c) the *Crimes (Administration of Sentences) Act 1999*.

Schedule 2.3 corrects a reference to an internal provision in the *Casino Control Regulation 2019*.

Schedule 2.5 relocates a misplaced provision in the *Children (Detention Centres) Regulation 2015*.

Schedules 2.6[1], 2.10, 2.16, 2.24, 2.30 and 2.32[1] correct numbering errors in the following—

- (a) the *Children's Guardian Act 2019*,
- (b) the *Gas Supply Act 1996*,
- (c) the *Liquor Act 2007*,
- (d) the *Pipelines Act 1967*,
- (e) *State Environmental Planning Policy (Housing) 2021*,
- (f) the *Water Industry Competition (General) Regulation 2021*.

Schedules 2.8, 2.20, 2.21, 2.25 and 2.28 omit redundant words from the following—

- (a) the *Electricity Supply Act 1995*,
- (b) the *Local Land Services Regulation 2014*,
- (c) the *Moratorium Act 1932*,
- (d) *Queanbeyan Local Environmental Plan 1998*,
- (e) *Shoalhaven Local Environmental Plan 2014*.

Schedules 2.9, 2.17 and 2.29[2] insert missing words in the following—

- (a) the *Fair Trading Act 1987*,
- (b) the *Liquor Regulation 2018*,
- (c) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Schedule 2.11 omits an incomplete section from the *Centennial Park and Moore Park Trust Act 1983*, proposed to be inserted by the *Greater Sydney Parklands Trust Act 2022*.

Schedule 2.12 removes unnecessary references to the *Home Building Act 1989* in the *Home Building Act 1989* and uses language consistent with the Act to refer to work declared by the regulations.

Schedule 2.13 amends the *Infrastructure NSW Act 2011* to update references from “Premier’s” to “Minister’s” consequent on recent administrative changes.

Schedules 2.14, 2.22 and 2.32[2] correct cross-references in the following—

- (a) the *Independent Commission Against Corruption Regulation 2017*,
- (b) the *National Parks and Wildlife Act 1974*,
- (c) the *Water Industry Competition (General) Regulation 2021*.

Schedule 2.15 omits a redundant cross-reference from the *Land Tax Management Act 1956*.

Schedule 2.18 inserts column headings in a table in *Liverpool Local Environmental Plan 2008*.

Schedule 2.19 corrects a reference to the *Modern Slavery Amendment Act 2021*.

Schedule 2.23[1] and 2.26 insert missing punctuation in—

- (a) *North Sydney Local Environmental Plan 2013*, and
- (b) the *Radiation Control Act 1990*.

Schedule 2.23[2] corrects a spelling error in *North Sydney Local Environmental Plan 2013*.

Schedule 2.29[1] corrects terminology in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Schedule 2.29[3] correct a reference to an Act in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Schedule 2.31[1] updates a reference to the *Local Government (General) Regulation 2021*.

Schedule 2.31[2] updates references from “clause” to “section”, consistent with the terms used in the *Local Government (General) Regulation 2021*.

Schedule 2.34 updates references to a presidential member in the *Workplace Injury Management and Workers Compensation Act 1998* to align with the definition contained in the *Personal Injury Commission Act 2020*.

Schedule 3 General savings, transitional and other provisions

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 commences.

Proposed section 2 ensures the amendment or repeal of a provision will not, unless expressly provided, vitiate an act done or decision made under the provision as in force before the amendment or repeal.

Proposed section 3 ensures that, unless expressly provided, an instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

Proposed section 4 enables the Governor, by proclamation, to revoke the repeal of any 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 5 enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.