

## Overview of Bill

The objects of this Bill are:

- (a) to make minor amendments to various Acts and Regulations (Schedule 1), and
- (b) to amend certain other Acts and instruments for the purpose of effecting statute law revision (Schedule 2), and
- (c) to amend various Acts to enable the repeal of legislation by Schedule 4 (including by transferring into them provisions of the legislation to be repealed that are of possible ongoing effect) (Schedule 3), and
- (d) to repeal certain Acts and instruments and provisions of Acts and instruments (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. **Clause 3** makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

### **Schedule 1 Minor amendments**

**Schedule 1** makes amendments to the following Acts and Regulations:

*Adoption Act 2000 No 75*

*Associations Incorporation Act 2009 No 7*

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

*Election Funding, Expenditure and Disclosures Act 1981 No 78*

*Fire Brigades Act 1989 No 192*

*Holiday Parks (Long-term Casual Occupation) Act 2002 No 88*

*Police Act 1990 No 47*

*Police Integrity Commission Act 1996 No 28*

*Residential Tenancies Act 2010 No 42*

*Residential Tenancies Regulation 2010*

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

*Swimming Pools Act 1992 No 49*

*Water Management Act 2000 No 92*

*Water Management (General) Regulation 2004*

*Water Management (Water Supply Authorities) Regulation 2004*

*Wild Dog Destruction Act 1921 No 17*

The amendments to each Act and Regulation are explained in detail in the explanatory note relating to the Act or Regulation concerned 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.

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### **Schedule 3 Amendments transferring provisions, and other amendments consequential on repeals**

**Schedule 3** contains amendments that enable, or are consequential on, the repeal of Acts and instruments by Schedule 4. The amendments include the transfer, into various Acts, of provisions of Acts and instruments repealed by clause 4 of Schedule 4.

Section 30A of the *Interpretation Act 1987* ensures that the transfer of a provision of an Act to another Act does not affect the operation (if any) or meaning of the

provision.

#### **Schedule 4 Repeals**

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

Clause 1 repeals redundant Acts and instruments and redundant provisions of Acts. These include the repeal of the *Sports Drug Testing Act 1995* (which has been superseded by Commonwealth legislation and is repealed at the request of the portfolio concerned).

Clause 2 repeals Acts and instruments and provisions of Acts and instruments that contain only commenced amendments to other Acts and instruments.

Clause 3 repeals uncommenced provisions that cannot be commenced either because they amend Acts, instruments or provisions that have since been repealed, or for other reasons. These will include provisions of the *Superannuation Legislation Amendment (Family Law) Act 2003* (at the request of the portfolio concerned).

Clause 4 repeals Acts and instruments whose repeal is enabled by the transfer of provisions of those Acts and instruments by Schedule 3.

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* extends this provision to the repeal of an environmental planning instrument.

The Acts or instruments that were amended by the Acts being repealed are available electronically on the NSW legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

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#### **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 that, in conjunction with section 29A of the *Interpretation Act 1987*, enables the Governor, by proclamation, to revoke the repeal of any Act or instrument or provision of an Act or instrument repealed by the proposed Act and restore its operation.

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