



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2012

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 (Schedule 1), and
- (b) to amend certain other Acts and instruments for the purpose of effecting statute law revision (Schedules 2 and 3), and
- (c) to amend various Acts to enable the repeal of legislation by Schedule 5 (including by transferring into them provisions of the legislation to be repealed that are of possible ongoing effect) (Schedule 4), and
- (d) to repeal certain Acts and instruments and provisions of Acts and instruments, (Schedule 5), and
- (e) 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.

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts:

Aboriginal Land Rights Act 1983 No 42
Animal Diseases (Emergency Outbreaks) Act 1991 No 73
Barangaroo Delivery Authority Act 2009 No 2
Births, Deaths and Marriages Registration Act 1995 No 62
Crimes Act 1900 No 40
Environmental Planning and Assessment Act 1979 No 203
Evidence (Audio and Audio Visual Links) Act 1998 No 105
Exhibited Animals Protection Act 1986 No 123
Explosives Act 2003 No 39
Firearms Act 1996 No 46
Fisheries Management Act 1994 No 38
Health Care Complaints Act 1993 No 105
Health Records and Information Privacy Act 2002 No 71
Health Services Act 1997 No 154
Heritage Act 1977 No 136
Home Building Act 1989 No 147
Interpretation Act 1987 No 15
Liquor Act 2007 No 90
Motor Vehicle Repairs Act 1980 No 71
Motor Vehicles Taxation Act 1988 No 111
National Parks and Wildlife Act 1974 No 80
Petroleum (Onshore) Act 1991 No 84
Plantations and Reafforestation Act 1999 No 97
Public Health (Tobacco) Act 2008 No 94
Residential Tenancies Act 2010 No 42
Subordinate Legislation Act 1989 No 146
Water Management Act 2000 No 92
Water Management Amendment Act 2008 No 73
Work Health and Safety Act 2011 No 10

The amendments to each Act are explained in detail in the explanatory note set out in Schedule 1 that relates to the Act concerned.

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 set out in Schedule 2 that relates to the Act or instrument concerned.

Schedule 3 Amendments to forms consequential on amendment of Oaths Act 1900

Schedule 3 amends certain forms of statutory declarations and affidavits in regulations for the purpose of effecting statute law revision. The amendments are consequential on amendments to the *Oaths Act 1900* relating to the identification of persons making statutory declarations or affidavits.

Schedule 4 Amendments transferring provisions, and other amendments consequential on repeals

Schedule 4 contains amendments that enable, or are consequential on, the repeal of Acts by Schedule 5. The amendments include the transfer, into various Acts, of provisions of Acts repealed by clause 4 of Schedule 5.

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 5 Repeals

Schedule 5 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 and instruments. These include the *Fish Marketing Act 1994*, which is repealed at the request of the portfolio concerned on the basis that the Act has fulfilled its purposes (namely, the dissolution of the Fish Marketing Authority, the sale of its business undertaking and the deregulation of fish marketing in New South Wales).

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

Clause 3 repeals uncommenced provisions that cannot be commenced because they amend Acts, instruments or provisions that have since been repealed.

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

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.

Any Acts or instruments being repealed by the proposed Act will continue to be available electronically on the NSW legislation website 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 that, in conjunction with section 29A of the *Interpretation Act 1987*, enables the Governor to revoke, by proclamation, the repeal of any Act or instrument, or any provision of an Act or instrument, by the proposed Act and restore its operation.

The purpose of each provision is explained in detail in the explanatory note set out in Schedule 6 that relates to the provision concerned.