

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 (Schedule 2), and
- (c) to repeal an Act and provisions of Acts and instruments (Schedule 3), and
- (d) to make other provisions of a consequential or ancillary nature (Schedule 4).

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 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.

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Clause 4 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 instruments:

Aboriginal Land Rights Act 1983 No 42

Adoption Act 2000 No 75

Animal Research Act 1985 No 123

Annual Reports (Departments) Act 1985 No 156

Annual Reports (Statutory Bodies) Act 1984 No 87

Associations Incorporation Act 2009 No 7

Australian Museum Trust Act 1975 No 95

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

Commission for Children and Young People Act 1998 No 146

Dairy Industry Act 2000 No 54

Environmental Planning and Assessment Act 1979 No 203

Fines Act 1996 No 99

Fines Regulation 2005

Fisheries Management Act 1994 No 38

Guardianship Act 1987 No 257

Lake Illawarra Authority Act 1987 No 285

Licensing and Registration (Uniform Procedures) Act 2002 No 28

Local Government Act 1993 No 30

Mental Health Act 2007 No 8

Ombudsman Act 1974 No 68

Public Finance and Audit Act 1983 No 152

Public Reserves Management Fund Act 1987 No 179

Real Property Act 1900 No 25

Retirement Villages Act 1999 No 81

Strata Schemes Management Act 1996 No 138

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Subordinate Legislation Act 1989 No 146

Sydney Opera House Trust Act 1961 No 9

Workers Compensation Act 1987 No 70

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.

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 Repeals

Schedule 3 repeals an Act and provisions of Acts and instruments.

Clause 1 of the Schedule repeals an Act and provisions of instruments that are redundant.

Clause 2 of the Schedule repeals provisions of Acts that contain only amendments that have commenced or that are redundant.

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 Act and provisions of Acts and instruments being repealed are available electronically on the NSW legislation website at www.legislation.nsw.gov.au.

Schedule 4 General savings, transitional and other provisions

Schedule 4 contains savings, transitional and other provisions of general effect. 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 or any of the other statute law revision Acts listed.

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