

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 repeal certain Acts and instruments and provisions of Acts and instruments (Schedule 4), and
- (d) 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.

Clauses 3 and 5 are machinery provisions that give effect to the Schedules to the proposed Act containing amendments and savings, transitional and other provisions.

Clause 4 gives effect to the Schedule of repeals.

Clause 6 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Clause 7 provides for the repeal of sections 3 and 4 of, and Schedules 1–4 to, the proposed Act after all the amendments made by the proposed Act 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.

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts:

- Aboriginal Land Rights Act 1983 No 42
- Agricultural Industry Services Act 1998 No 45
- Australian Museum Trust Act 1975 No 95
- Births, Deaths and Marriages Registration Act 1995 No 62
- Conveyancers Licensing Act 2003 No 3
- Dental Practice Act 2001 No 64
- Fines Act 1996 No 99
- First State Superannuation Act 1992 No 100
- Forestry Act 1916 No 55
- Forestry and National Park Estate Act 1998 No 163
- Guardianship Act 1987 No 257
- Licensing and Registration (Uniform Procedures) Act 2002 No 28
- Liquor Act 2007 No 90
- Local Government Associations Incorporation Act 1974 No 20
- Medical Practice Act 1992 No 94
- National Parks and Wildlife Act 1974 No 80
- Native Vegetation Act 2003 No 103
- Nature Conservation Trust Act 2001 No 10
- Occupational Health and Safety Act 2000 No 40
- Ombudsman Act 1974 No 68
- Pharmacy Practice Act 2006 No 59
- Police Act 1990 No 47

Explanatory note page 3

Statute Law (Miscellaneous Provisions) Bill 2008

Explanatory note

- Poultry Meat Industry Act 1986 No 101
- Probate and Administration Act 1898 No 13
- Property, Stock and Business Agents Act 2002 No 66
- Protection of the Environment Operations Act 1997 No 156

Registered Clubs Amendment Act 2006 No 103
Road Transport Legislation Amendment (Car Hoons) Act 2008 No 4
Soil Conservation Act 1938 No 10
State Authorities Non-contributory Superannuation Act 1987 No 212
State Authorities Superannuation Act 1987 No 211
State Property Authority Act 2006 No 40
State Records Act 1998 No 17
Subordinate Legislation Act 1989 No 146
Superannuation Act 1916 No 28
Sydney Water Catchment Management Act 1998 No 171
Threatened Species Conservation Act 1995 No 101
Valuation of Land Act 1916 No 2
Waste Avoidance and Resource Recovery Act 2001 No 58
Wesley College Incorporation Act 1910
Zoological Parks Board Act 1973 No 34

The amendments to each Act are explained in detail in the explanatory note relating to the Act 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 Amendments consequential on enactment of Legal Profession Act 2004

Schedule 3 amends certain Acts for the purpose of effecting statute law revision, consequent on the enactment of the Legal Profession Act 2004.

The nature of the amendments contained in Schedule 3 is explained in detail in the explanatory note at the beginning of the Schedule and in the explanatory note relating to the Act concerned set out in the Schedule.

Schedule 4 Repeals

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

Parts 1 and 2 of the Schedule repeal Acts and statutory instruments that are redundant.

Part 3 of the Schedule repeals Acts or provisions of Acts or instruments that contain only commenced amendments to other Acts or instruments, or uncommenced amending provisions that cannot be commenced because the Act or instrument that they amend has been repealed or has been amended in such a way that they are unincorporable.

Section 30 (2) of the Interpretation Act 1987 ensures that the repeal of an Act does not affect the operation of any savings, transitional or validation provision contained in the Act, and that the repeal of an amending Act does not affect any amendment made by the Act.

The Acts or instruments that were amended by the Acts being repealed are available electronically at www.legislation.nsw.gov.au.

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 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.

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