

FIRST PRINT

**MISCELLANEOUS ACTS (RESIDENTIAL FLAT BUILDINGS) REPEAL AND AMENDMENT BILL 1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Local Government (Residential Flat Buildings) Amendment Bill 1986.

The object of this Bill is to repeal the Local Government (Regulation of Flats) Act 1940, to amend the Heritage Act 1977, the Local Government (Regulation of Flats) Amendment Act 1983 and the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 and to enact certain savings and transitional provisions as a consequence of the enactment of the proposed Local Government (Residential Flat Buildings) Amendment Act 1986.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the day to be appointed by the Governor-in-Council under section 2 (2) of the proposed Local Government (Residential Flat Buildings) Amendment Act 1986.

Clause 3 provides for the repeal of the Local Government (Regulation of Flats) Act 1940.

Clause 4 is a formal provision which gives effect to the Schedule of amendments.

Clause 5 is a formal provision which gives effect to the Schedule of savings and transitional provisions.

Schedule 1 provides for the amendment of certain Acts. Those Acts and the effect of the amendments are as follows:

Various provisions of the Heritage Act 1977 are amended to remove references to the Local Government (Regulation of Flats) Act 1955.

Section 5 of the Local Government (Regulation of Flats) Amendment Act 1983 is substituted so as to provide for the repeal, on the day to be appointed by the Governor-in-Council under section 2 (2) of the proposed Local Government (Residential Flat Buildings) Amendment Act 1986, rather than on a day separately appointed and notified, of the enactments specified in Schedule 1 to the Local Government (Regulation of Flats) Amendment Act 1983. That Act is also amended—

- (a) to provide that an application under the Local Government (Regulation of Flats) Act 1955 which has not been finally determined as at the date of repeal of that Act shall be determined in accordance with the law in force at the time of final determination rather than at the time at which the application was made; and
- (b) to make further provision with respect to the carrying out of alterations and additions to flats in accordance with an approval granted to an application made before the date of repeal of the Local Government (Regulation of Flats) Act 1955.

Schedule 3 to the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 is amended by omitting clauses 10 and 11 which continued in operation, consequent on the repeal of certain provisions of the Local Government Act 1919, certain instruments of the kind now to be repealed by section 5 of the proposed Local Government (Residential Flat Buildings) Amendment Act 1986.

Schedule 2 contains savings and transitional provisions consequent on the enactment of the proposed Act.

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# MISCELLANEOUS ACTS (RESIDENTIAL FLAT BUILDINGS) REPEAL AND AMENDMENT BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Repeal of Act No. 16, 1940
4. Amendments
5. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS

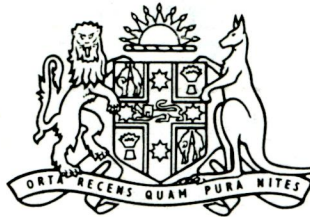
SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

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**MISCELLANEOUS ACTS (RESIDENTIAL FLAT  
BUILDINGS) REPEAL AND AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

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**A BILL FOR**

An Act to repeal the Local Government (Regulation of Flats) Act 1940 and amend certain other Acts, consequent on the enactment of the Local Government (Residential Flat Buildings) Amendment Act 1986, and to enact savings and transitional provisions consequent on that enactment.

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*Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment 1986*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**5 Short title**

1. This Act may be cited as the "Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Local Government (Residential Flat Buildings) Amendment Act 1986.

**Repeal of Act No. 16, 1940**

15 3. The Local Government (Regulation of Flats) Act 1940 is repealed.

**Amendments**

4. Each Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

**Savings and transitional provisions**

20 5. Schedule 2 has effect.

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 SCHEDULE 1

(Sec. 4)

## AMENDMENTS

**Heritage Act 1977 No. 136—**

25 (1) Section 4 (1), definition of "consent authority"—

Omit "the Local Government (Regulation of Flats) Act, 1955,".

(2) (a) Section 56 (g)—

After "Act," insert "or".

*Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment 1986*

SCHEDULE 1—*continued*  
 AMENDMENTS—*continued*

(b) Section 56 (h)—

Omit the paragraph.

(3) Section 66—

Omit “, the Local Government (Regulation of Flats) Act, 1955,”.

**5 Local Government (Regulation of Flats) Amendment Act 1983 No. 174—**

(1) Section 5—

Omit the section, insert instead:

**Repeals**

10           5. On the day appointed and notified under section 2 (2) of the Local Government (Residential Flat Buildings) Amendment Act 1986, each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

(2) (a) Schedule 2, clause 2—

Omit the clause.

15           (b) Schedule 2, clause 3 (1)—

After “Principal Act” where secondly occurring, insert “and the provisions of the Local Government Act 1919, to which Schedule 1 to the Local Government (Residential Flat Buildings) Amendment Act 1986 applies,”.

**Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No. 205—**

20           Schedule 3, clauses 10 and 11—

Omit the clauses.

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SCHEDULE 2

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

25           **Continuation of certain amendment**

1. The amendment made by section 3 of the Local Government (Regulation of Flats) Act 1940 shall continue in force notwithstanding the repeal of that Act.

*Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment 1986*

SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

**Effect of certain inconsistencies with Heritage Act 1977**

2. To the extent of any inconsistency between Subdivision 2 of Division 3 of Part IV of the Heritage Act 1977 and a provision of the Local Government (Regulation of Flats) Act 1955 the operation of which is, for any purpose, preserved or continued by or under
- 5 the Local Government (Regulation of Flats) Amendment Act 1983, that Subdivision shall prevail.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



**MISCELLANEOUS ACTS (RESIDENTIAL FLAT  
BUILDINGS) REPEAL AND AMENDMENT ACT 1986**  
**No. 132**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Repeal of Act No. 16, 1940
4. Amendments
5. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

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**MISCELLANEOUS ACTS (RESIDENTIAL FLAT BUILDINGS)  
REPEAL AND AMENDMENT ACT 1986 No. 132**

NEW SOUTH WALES



**Act No. 132, 1986**

An Act to repeal the Local Government (Regulation of Flats) Act 1940 and amend certain other Acts, consequent on the enactment of the Local Government (Residential Flat Buildings) Amendment Act 1986, and to enact savings and transitional provisions consequent on that enactment. [Assented to, 4 December 1986]

*Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment 1986*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Local Government (Residential Flat Buildings) Amendment Act 1986.

**Repeal of Act No. 16, 1940**

3. The Local Government (Regulation of Flats) Act 1940 is repealed.

**Amendments**

4. Each Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

**Savings and transitional provisions**

5. Schedule 2 has effect.

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SCHEDULE 1

(Sec. 4)

AMENDMENTS

**Heritage Act 1977 No. 136—**

(1) Section 4 (1), definition of "consent authority"—

Omit "the Local Government (Regulation of Flats) Act, 1955,".

(2) (a) Section 56 (g)—

After "Act;", insert "or".

*Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment 1986*

SCHEDULE 1—*continued*  
 AMENDMENTS—*continued*

(b) Section 56 (h)—

Omit the paragraph.

(3) Section 66—

Omit “, the Local Government (Regulation of Flats) Act, 1955,”.

**Local Government (Regulation of Flats) Amendment Act 1983 No. 174—**

(1) Section 5—

Omit the section, insert instead:

**Repeals**

5. On the day appointed and notified under section 2 (2) of the Local Government (Residential Flat Buildings) Amendment Act 1986, each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

(2) (a) Schedule 2, clause 2—

Omit the clause.

(b) Schedule 2, clause 3 (1)—

After “Principal Act” where secondly occurring, insert “and the provisions of the Local Government Act 1919, to which Schedule 1 to the Local Government (Residential Flat Buildings) Amendment Act 1986 applies,”.

**Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No. 205—**

Schedule 3, clauses 10 and 11—

Omit the clauses.

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SCHEDULE 2

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

**Continuation of certain amendment**

1. The amendment made by section 3 of the Local Government (Regulation of Flats) Act 1940 shall continue in force notwithstanding the repeal of that Act.

*Miscellaneous Acts (Residential Flat Buildings) Repeal and Amendment 1986*

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SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

**Effect of certain inconsistencies with Heritage Act 1977**

2. To the extent of any inconsistency between Subdivision 2 of Division 3 of Part IV of the Heritage Act 1977 and a provision of the Local Government (Regulation of Flats) Act 1955 the operation of which is, for any purpose, preserved or continued by or under the Local Government (Regulation of Flats) Amendment Act 1983, that Subdivision shall prevail.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



