

**LOCAL GOVERNMENT (REGULATION OF FLATS)
AMENDMENT ACT, 1983, No. 174**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 174, 1983.

An Act to amend the Local Government (Regulation of Flats) Act, 1955, so as to extend the time within which applications may be made under that Act and to provide for the repeal of that Act on a day to be fixed; and for other purposes. [Assented to, 31st December, 1983.]

Local Government (Regulation of Flats) Amendment.

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 "Local Government (Regulation of Flats) Amendment Act, 1983".

Principal Act.

2. The Local Government (Regulation of Flats) Act, 1955, is referred to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 50, 1955.

4. The Principal Act is amended by omitting from section 2 (1) (a) the matter "1st January, 1984" and by inserting instead the matter "1st January, 1989".

Repeals.

5. (1) On a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day occurring on or after the date of publication of the proclamation), each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

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(2) The Governor may, before the day appointed in a proclamation made and published under subsection (1), revoke the proclamation by a further proclamation published in the Gazette.

(3) One or more than one proclamation may be made and published under subsection (1) or (2).

Savings and transitional provisions.

6. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 5.)

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1955, No. 50 ..	Local Government (Regulation of Flats) Act, 1955.	The whole Act.
1961, No. 11 ..	Local Government (Amendment) Act, 1961 ..	Section 4.
1963, No. 28 ..	Local Government (Regulation of Flats) Amendment Act, 1963.	The whole Act.
1968, No. 16 ..	Local Government (Regulation of Flats) Amendment Act, 1968.	The whole Act.
1971, No. 78 ..	Local Government (Appeals) Amendment Act, 1971.	Section 8.
1973, No. 76 ..	Local Government (Regulation of Flats) Amendment Act, 1973.	The whole Act.
1979, No. 30 ..	Local Government (Regulation of Flats) Amendment Act, 1979.	The whole Act.
1979, No. 205 ..	Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979.	So much of Part 1 of Schedule 2 as amends Act No. 50, 1955.

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SCHEDULE 2.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, "the appointed day" means the day on which the Principal Act is repealed.

Applications.

2. (1) Where, immediately before the appointed day, an application made under section 2 of the Principal Act has not been finally determined, the application shall, subject to this clause, be determined as if the Principal Act had not been repealed.

(2) For the purposes of subclause (1), an application has been finally determined where—

- (a) approval of the application has been granted;
- (b) approval of the application has been refused and no appeal has been lodged in respect of the application within the time allowed for appeals; or
- (c) approval of the application has been refused and any appeal lodged in respect of the application has been finally disposed of.

Approvals.

3. (1) Any alterations or alterations and additions authorised by an approval granted, whether before or after the appointed day, in respect of an application made under the Principal Act may be carried out as if the Principal Act had not been repealed.

(2) The provisions of section 5 of the Principal Act shall be deemed to continue to apply to an approval granted, whether before or after the appointed day, in respect of an application made under that Act notwithstanding the repeal of that Act.

Regulations.

4. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the appointed day or a day occurring after the appointed day.

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SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or a public authority) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the foregoing clauses of this Schedule.
