

[Act 1996 No 121]



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

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 regulations (Schedule 1), and
- (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 2), and
- (c) to replace gender-specific language with gender-neutral language (Schedule 3), and
- (d) to make minor amendments consequential on the enactment of the *Industrial Relations Act 1996* (Schedule 4), and
- (e) to transfer certain savings and transitional provisions of on-going effect from some amending Acts into the relevant Principal Act, so as to permit the repeal of otherwise obsolete amending Acts (Schedule 5), and

* Amended in committee—see table at end of volume.

- (f) to repeal certain Acts (Schedule 6), and
- (g) to make other provisions of a consequential or ancillary nature (Schedule 7).

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

Clause 6 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 regulations:

Casino Control Act 1992 No 15
Drug Misuse and Trafficking Act 1985 No 226
Electricity Supply Act 1995 No 94
Energy Services Corporations Act 1995 No 95
Freedom of Information Act 1989 No 5
Greyhound Racing Control Board Act 1985 No 119
Interpretation Act 1987 No 15
Irrigation Corporations Act 1994 No 41
Landlord and Tenant (Rental Bonds) Act 1977 No 44
Local Government Act 1993 No 30
Local Government (Consequential Provisions) Act 1993 No 32
National Parks and Wildlife Act 1974 No 80
Noxious Weeds Act 1993 No 11
Poisons and Therapeutic Goods Act 1966 No 31
Poisons and Therapeutic Goods Regulation 1994
Police Regulation (Superannuation) Act 1906 No 28
Public Authorities (Financial Arrangements) Act 1987 No 33
Public Authorities (Financial Arrangements) Regulation 1995

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Royal Blind Society of New South Wales Act 1901 No 56

State Authorities Non-contributory Superannuation Act 1987 No 212

State Authorities Superannuation Act 1987 No 211

Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Subordinate Legislation Act 1989 No 146

Superannuation Act 1916 No 28

Superannuation Administration Act 1996 No 39

Threatened Species Conservation Act 1995 No 101

Water Act 1912 No 44

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 other Acts for the purpose of effecting statute law revision. A number of other amendments are made relating to formal drafting matters and minor corrections. Several of the amendments update references to statutory bodies and statutory offices.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 2.

Schedule 3 Amendments replacing gender-specific language

Schedule 3 substitutes gender-neutral language for the gender-specific language in various Acts. A policy of using gender-neutral language in New South Wales legislation was formally announced by the Governor in his speech for the opening of Parliament on 16 August 1983 and has been strictly applied ever since. However, gender-specific language remains in many of the statutes currently in force that were enacted before the policy was implemented. It is intended that the statute law revision program will continue the process of removal of that language until it has all been replaced.

Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act 1996

Schedule 4 makes amendments to certain Acts that are consequential on the enactment of the *Industrial Relations Act 1996*.

The *Industrial Relations Act 1996* revised the law concerning industrial relations and repealed the *Industrial Relations Act 1991* (which in turn had repealed the *Industrial Arbitration Act 1940*, the *Trade Union Act 1881* and the *Truck Act 1900*). The object of the Schedule is to make minor amendments of a statute law revision nature so that changes made by the *Industrial Relations Act 1996* are reflected in other New South Wales legislation.

The Schedule replaces references to repealed provisions of the *Industrial Relations Act 1991*, the *Industrial Arbitration Act 1940* and the other repealed Acts with the appropriate references to the *Industrial Relations Act 1996*. (References to the repealed Acts are affected by clause 40 of Schedule 4 to the *Industrial Relations Act 1996*, which provides for the construction of those references.)

The Schedule also amends references to judicial bodies, and other organisations, that were made redundant by the repeal of the repealed Acts. The following table indicates some of the changes:

Old term	New term
Industrial Court	Industrial Relations Commission in Court Session
Industrial Commission	Industrial Relations Commission
Conciliation Committee	Industrial Committee
award or agreement	State industrial instrument
industrial agreement or enterprise agreement	enterprise agreement
industrial union of employees or employers	industrial organisation of employees or employers

The Schedule also makes minor amendments of a statute law revision nature to the *Industrial Relations Act 1996* and repeals an uncommenced amending provision of that Act.

Schedule 5 Amendment transferring provisions

Schedule 5 transfers into their parent Act a number of savings, transitional and other provisions of on-going effect contained in certain amending Acts, the other provisions of which have been incorporated in reprints or are spent. The removal of these provisions from the amending Acts permits the repeal (by Schedule 6 to the proposed Act) of those Acts.

Schedule 6 Repeals

Schedule 6 repeals a number of Acts. Since the *Statute Law (Miscellaneous Provisions) Act 1985*, the number of Acts in force has been gradually reduced by repealing amending Acts once the amendments contained in the Acts have been incorporated in a reprint. The Schedule continues this process. It also repeals certain other amending Acts, the on-going provisions of which are transferred (by Schedule 5) to their parent Act and repeals several Acts which are no longer of practical utility.

Schedule 7 General savings, transitional and other provisions

Schedule 7 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in Schedule 7.