

[Act 2001 No 112]



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill (No 2) 2001**

### **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 statutory rules for the purpose of effecting statute law revision (Schedule 2) and facilitating the implementation of SGML as a markup language for legislation (Schedule 3), and
  - (c) to transfer certain savings and transitional provisions of ongoing effect from some amending Acts into the relevant Principal Act, so as to permit the repeal of otherwise obsolete amending Acts (Schedule 4), and
  - (d) to repeal certain Acts and regulations (Schedule 5), and
  - (e) to make other provisions of a consequential, saving, transitional or ancillary nature (Schedule 6).
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## 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 to the proposed 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:

*Administrative Decisions Legislation Amendment Act 1997 No 77*

*Adoption Act 2000 No 75*

*Building and Construction Industry Long Service Payments Act 1986 No 19*

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

*Coal Ownership (Restitution) Act 1990 No 19*

*Community Land Management Act 1989 No 202*

*Companion Animals Act 1998 No 87*

*Co-operatives Act 1992 No 18*

*Defamation Act 1974 No 18*

*Employment Agents Act 1996 No 18*

*Fines Act 1996 No 99*

*Geographical Names Act 1966 No 13*

*Guardianship Act 1987 No 257*

*Health Administration Act 1982 No 135*

*Home Building Act 1989 No 147*

*Independent Pricing and Regulatory Tribunal Act 1992 No 39*

*Law and Justice Foundation Act 2000 No 97*

*Legal Profession Act 1987 No 109*

*Local Government Act 1993 No 30*

*Mining Act 1992 No 29*

*Motor Accidents Compensation Act 1999 No 41*

*Occupational Health and Safety Act 2000 No 40*

*Petroleum (Onshore) Act 1991 No 84*

*Protected Disclosures Act 1994 No 92*

*Stock (Chemical Residues) Act 1975 No 26*

*Tow Truck Industry Act 1998 No 111*

*Travel Agents Act 1986 No 5*

*Valuers Registration Act 1975 No 92*

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 statutory rules for the purpose of effecting statute law revision. A number of other amendments are made relating to formal drafting matters and minor corrections.

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 to facilitate the implementation of SGML as a markup language for legislation**

The Parliamentary Counsel's Office, which is responsible for the compilation and maintenance of the New South Wales legislation database, is developing a new drafting and database system. The new system is based on SGML (Standard Generalised Markup Language) and will improve the portability and accessibility of legislative data. Some features of legislation, particularly older Acts, are incompatible with the proposed system.

**Schedule 3** amends Acts to overcome these problems for the purpose of facilitating the implementation of SGML.

## **Schedule 4 Amendments transferring provisions**

**Schedule 4** transfers into the relevant Principal Act a number of savings, transitional and other provisions of ongoing effect contained in certain amending Acts, the other provisions of which have been incorporated into reprints or electronic versions of the Acts being amended or are spent. The removal of these provisions from the amending Acts permits the repeal (by Schedule 5 to the proposed Act) of those Acts.

## **Schedule 5 Repeals**

**Schedule 5** repeals a number of Acts and regulations. The Schedule repeals amending Acts enacted at least 2 years ago that contain no substantive provisions that need to be retained. The Schedule also repeals more recent amending Acts where the relevant Principal Act has been reprinted. Certain other amending Acts, the ongoing provisions of which are transferred (by Schedule 4) to the relevant Principal Act, are also repealed.

The Acts that were amended by the Acts being repealed are up-to-date on the legislation database maintained by the Parliamentary Counsel's Office and are available electronically.

The Schedule also repeals Acts and regulations that are no longer of practical utility (such as the *Letona Co-operative (Financial Assistance) Act 1993* and the *First State Superannuation Transitional Regulation 1994*) and those that have expired (such as the *Security Industry (Olympic and Paralympic Games) Act 1999* and the *Olympic Arrangements Regulation 2000*).

## **Schedule 6 General savings, transitional and other provisions**

**Schedule 6** 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 6.