

[Act 2002 No 53]



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2002

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 for the purpose of effecting statute law revision (Schedule 2), and
 - (c) to repeal certain Acts and provisions of Acts and certain statutory rules (Schedule 3), and
 - (d) to make other provisions of a consequential or ancillary nature (Schedule 4).
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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:

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

Christ Church Cathedral, Newcastle, Cemetery Act 1966 No 20

Conveyancing Act 1919 No 6

Crown Lands Act 1989 No 6

Dental Practice Act 2001 No 64

Energy Services Corporations Act 1995 No 95

Environmental Planning and Assessment Act 1979 No 203

Environmental Trust Act 1998 No 82

Fair Trading Act 1987 No 68

Freight Rail Corporation (Sale) Act 2001 No 35

Land Tax Management Act 1956 No 26

Landlord and Tenant (Amendment) Act 1948 No 25

Liquor Act 1982 No 147

Marine Parks Act 1997 No 64

Mines Inspection Act 1901 No 75

Mining Act 1992 No 29

Motor Accidents Compensation Act 1999 No 41

Motor Dealers Act 1974 No 52

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Motor Vehicle Repairs Act 1980 No 71

National Parks and Wildlife Act 1974 No 80

Pesticides Act 1999 No 80

Protection of the Environment Operations Act 1997 No 156

Public Authorities (Financial Arrangements) Act 1987 No 33

Real Property Act 1900 No 25

Strata Schemes Management Act 1996 No 138

Sydney Opera House Trust Act 1961 No 9

Sydney Water Catchment Management Act 1998 No 171

Workers Compensation Act 1987 No 70

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 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 Repeals

Schedule 3 repeals a number of Acts and provisions of Acts. The Schedule repeals amending Acts enacted in 2000 or earlier 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. The Schedule also repeals amending provisions of certain Principal Acts.

In any case, the Acts that were amended by the Acts or provisions 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 that are no longer of practical utility, such as the *Women's Legal Status Act 1918*. That Act was enacted, in the words of its long title, "to provide that women shall not by reason of sex be deemed to be under any disqualification to hold certain positions or to practise certain professions; for that purpose to amend the *Constitution Act 1902*, the *Parliamentary Electorates and Elections Act 1912*, the *Sydney Corporation Act 1902*, the Acts relating to Local Government, justices, magistrates, and legal practitioners, and certain other Acts". While the Act is of historical interest, it has been superseded by subsequent legislation.

The Schedule also repeals certain uncommenced Acts and uncommenced provisions of Acts that, for various reasons, can never be commenced (because, for example, they amend Acts, statutory rules or provisions that have been repealed or that have been amended in such a way as to render the uncommenced amendment ineffective, or because they make provision for transitional arrangements covering a period that has expired).

The Schedule also repeals fourteen spent statutory rules.

Schedule 4 General savings, transitional and other provisions

Schedule 4 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 4.