

[Act 1997 No 55]



New South Wales

## Statute Law (Miscellaneous Provisions) Bill 1997

### 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 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 4), and

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

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- (e) to repeal certain Acts (Schedule 5) and
- (f) to make other provisions of a consequential or ancillary nature (Schedule 6).

## 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.

Bookmakers (Taxation) Act 1917 No 15

Community Land Development Act 1989 No 201

Conveyancing Act 1919 No 6

Director of Public Prosecutions Act 1986 No 207

Eastern Gas Pipeline (Special Provisions) Act 1996 No 126

Encroachment of Buildings Act 1922 No 23

Evidence Act 1995 No 25

Fertilizers Act 1985 No 5

Gas Supply Act 1996 No 38

Industrial Relations Act 1996 No 17

Interpretation Act 1987 No 15

Landlord and Tenant (Rental Bonds) Act 1977 No 44

Law Foundation Act 1979 No 32

Motor Accidents Act 1988 No 102

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National Parks and Wildlife Act 1974 No 80  
Public Authorities (Financial Arrangements) Act 1987 No 33  
Public Authorities (Financial Arrangements) Regulation 1995  
Real Property Act 1900 No 25  
Roads Act 1993 No 33  
Road Transport (Mass, Loading and Access) Regulation 1996  
Roman Catholic Church Communities' Lands Act 1942 No 23  
Roman Catholic Church Trust Property Act 1936 No 24  
Strata Schemes Management Act 1996 No 138  
Strata Titles Act 1973 No 68  
Strata Titles (Leasehold) Act 1986 No 219  
Subordinate Legislation Act 1989 No 146  
Teacher Housing Authority Act 1975 No 27  
Threatened Species Conservation Act 1995 No 101  
Waste Minimisation and Management Act 1995 No 102  
Wilderness Act 1987 No 196

The amendments to each Act and regulation 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.

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 Amendments transferring provisions**

**Schedule 4** 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 5 to the proposed Act) of those Acts.

#### **Schedule 5 Repeals**

**Schedule 5** 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 4) to their parent Act.

#### **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.