

[Act 1995 No 99]



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 1995

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 replace gender-specific language with gender-neutral language (Schedule 3), and
- (d) to transfer certain savings and transitional and other provisions of on-going effect from some amending Acts into the relevant Principal Acts, so as to permit the repeal of the otherwise obsolete amending Acts (Schedule 4), and

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

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

Outline of provisions

Clauses 1–5 are machinery provisions specifying the name (also called the short title) of the proposed Act, providing for its commencement and giving effect to the Schedules to 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.

Schedules

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts:

Australian Jockey Club Act 1873
Biological Control Act 1985 No 199
Catchment Management Act 1989 No 235
Clean Air Act 1961 No 69
Commercial Arbitration Act 1984 No 160
Dangerous Goods Act 1975 No 68
Environmental Offences and Penalties Act 1989 No 151
Freedom of Information Act 1989 No 5
Independent Commission Against Corruption Act 1988 No 35
Interpretation Act 1987 No 15
Justices Act 1902 No 27
Maritime Services Act 1935 No 47
Marketing of Primary Products Act 1983 No 176

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Mental Health Act 1990 No 9

Motor Accidents Act 1988 No 102

Ombudsman Act 1974 No 68

Protection of the Environment Administration Act 1991 No 60

Radiation Control Act 1990 No 13

Roman Catholic Church Trust Property Act 1936 No 24

Rural Lands Protection Act 1989 No 197

Soccer Football Pools Act 1975 No 45

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

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 removing that language until it has all been replaced.

Schedule 4 Amendments transferring provisions

Schedule 4 transfers into their parent Acts 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 those 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 Acts and Acts that are no longer of practical utility.

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.