[Act 1999 No 31]

New South Wales

Statute Law (Miscellaneous Provisions) Bill 1999

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 purposes of effecting statute law revision (Schedule 2), updating references to Acts (Schedule 3), updating references to courts and magistrates (Schedule 4), facilitating the implementation of SGML as a markup language for legislation (Schedule 5) and replacing gender-specific language in the *Justices Act 1902* with gender-neutral language (Schedule 6), and

(c) to repeal certain Acts (Schedule 7), and

(d) to make savings, transitional and other provisions consequent on the enactment of the proposed Act (Schedule 8).

---

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

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 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:

Anti-Discrimination Act 1977 No 48

Associations Incorporation Act 1984 No 143

City of Sydney Act 1988 No 48

Coal Mines Regulation Act 1982 No 67

Community Land Development Act 1989 No 201

Community Land Management Act 1989 No 202

Constitution Act 1902 No 32

Consumer Claims Act 1998 No 162

Contaminated Land Management Act 1997 No 140

Contracts Review Act 1980 No 16

Credit Act 1984 No 94

Environmental Planning and Assessment Act 1979 No 203

Fair Trading Tribunal Act 1998 No 161

First State Superannuation Act 1992 No 100

Food Production (Safety) Act 1998 No 128

Grain Marketing Act 1991 No 15

Growth Centres (Development Corporations) Act 1974 No 49

Home Building Act 1989 No 147

Impounding Act 1993 No 31

Interpretation Act 1987 No 15

Lake Illawarra Authority Act 1987 No 285

Landlord and Tenant (Rental Bonds) Act 1977 No 44

Marketing of Primary Products Act 1983 No 176

Meat Industry Amendment Act 1998 No 129

Mines Inspection Act 1901 No 75

Mines Legislation Amendment (Mines Safety) Act 1998 No 122

Motor Vehicle Repairs Act 1980 No 71

Murray Valley Citrus Marketing Act 1989 No 155

Parliamentary Electorates and Elections Act 1912 No 41

Pawnbrokers and Second-hand Dealers Act 1996 No 13

Pesticides Act 1978 No 57

Pipelines Act 1967 No 90

Police Offences Act 1901 No 5

Privacy and Personal Information Protection Act 1998 No 133

Property, Stock and Business Agents Act 1941 No 28

Protection of the Environment Administration Amendment (Environmental Education) Act 1998 No 167

Protection of the Environment Operations Act 1997 No 156

Radiation Control Act 1990 No 13

Real Property Act 1900 No 25

Registration of Interests in Goods Act 1986 No 37

Residential Parks Act 1998 No 142

Residential Tribunal Act 1998 No 168

Retail Leases Act 1994 No 46

Rural Fires Act 1997 No 65

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

Strata Schemes (Freehold Development) Act 1973 No 68

Strata Schemes (Leasehold Development) Act 1986 No 219

Strata Schemes Management Act 1996 No 138

Subordinate Legislation Act 1989 No 146

Superannuation Act 1916 No 28

Superannuation Legislation Further Amendment Act 1998 No 144

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 and to make 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 updating references to Acts

Schedule 3 amends certain other Acts for the purpose of updating references to repealed Acts and to Acts the short titles of which have changed.

Schedule 4 Amendments updating references to courts and magistrates

The *Local Courts Act 1982* introduced a range of reforms to the court system in New South Wales, including the abolition of courts of petty sessions and the establishment of Local Courts, which are constituted either by a Magistrate sitting alone or by two or more justices (see section 8 of the Act). Many Acts contain outdated references to courts of petty sessions, police magistrates and stipendiary magistrates.

Schedule 4 updates references in 109 Acts, as follows:

Outdated reference	**New reference**
police magistrate	Magistrate
stipendiary magistrate	Magistrate
a court of petty sessions	a Local Court
in petty sessions	a Local Court
a court of quarter sessions	the District Court
clerk of petty sessions	Clerk of a Local Court

Schedule 5 Amendments to facilitate 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. Those features include embedded contents listings (provisions of old Acts that set out how the Act is divided and that are now covered by more detailed tables of contents), sections without headings, numbered paragraphs without opening text, sections outside Part and Division structures and inside Part structures.

Schedule 5 amends those Acts to overcome those problems, for the purpose of facilitating the implementation of SGML.

Schedule 6 Amendments replacing gender-specific language in the Justices Act 1902

Schedule 6 substitutes gender-neutral language for the gender-specific language in the *Justices Act 1902*. A policy of using gender-neutral language in New South Wales legislation has been strictly applied since 1983. However, gender-specific language remains in a few 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 7 Repeals

Schedule 7 repeals a number of Acts and provisions in Acts. Since the enactment of *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 commenced and have been incorporated in a reprint. The Schedule continues this process, and also repeals amending Acts enacted at least 10 years ago, the provisions of which have not all been included in a reprint but which contain no provisions of substantive effect that need to be retained. 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 the *Juvenile Migrants Act 1926*, which is no longer of practical utility.

Schedule 8 General savings, transitional and other provisions

Schedule 8 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 8.