

# Statute Law (Miscellaneous Provisions) Act 2011 No 27

[2011-27]



New South Wales

## Status Information

### Currency of version

Historical version for 9 July 2011 to 23 September 2011 (accessed 3 May 2024 at 9:39)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987](#) [No 15](#) once the amendments have taken effect.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Statute Law (Miscellaneous Provisions) Act 2011 No 27



New South Wales

An Act to repeal certain Acts and instruments and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings.

## 1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2011*.

## 2 Commencement

- (1) This Act commences on 8 July 2011 or the date of assent to this Act, whichever is the later.
- (2) However, the amendments made by the Schedules to this Act commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).

## 3 Explanatory notes

The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.

## Schedule 1 Minor amendments

### 1.1-1.3

(Repealed)

### 1.4 Election Funding, Expenditure and Disclosures Act 1981 No 78

#### Section 97E Public funding of eligible parties for administrative expenditure

Omit “elected at the State election” from section 97E (2) (b).

Insert instead “elected at a State election (including at a joint sitting to fill a vacancy in

the Legislative Council)".

#### **Transitional**

The amendment to section 97E extends to payments from the Administration Fund in respect of expenditure incurred during the 2010 calendar year.

#### **Explanatory note**

The Act provides that annual payments for administrative expenditure are to be made from an Administration Fund to political parties with parliamentary representatives (***elected members***) based on the number of their elected members at the time an annual amount becomes payable. The amendment makes it clear that the number of elected members includes members at that time who were elected at a joint sitting of members of Parliament to fill a casual vacancy in the Legislative Council.

### **1.5-1.9**

(Repealed)

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

### **Schedule 2 Public offices**

Omit the matter relating to Member of the Consumer, Trader and Tenancy Tribunal from Part 1 of the Schedule.

Insert instead:

Full-time member of the Consumer, Trader and Tenancy Tribunal (other than the Deputy Chairperson (Registry and Administration))

Part-time member of the Consumer, Trader and Tenancy Tribunal (other than the Deputy Chairperson (Registry and Administration))

#### **Explanatory note**

The proposed amendment to the [Statutory and Other Offices Remuneration Act 1975](#) allows the Statutory and Other Offices Remuneration Tribunal to determine the remuneration of part-time members of the Consumer, Trader and Tenancy Tribunal. The amendment is consequential on an amendment to the [Consumer, Trader and Tenancy Tribunal Act 2001](#) that provides for the remuneration of part-time members of the Tribunal to be determined in the same manner as for full-time members (that is, in accordance with the [Statutory and Other Offices Remuneration Act 1975](#)).

### **1.11-1.14**

(Repealed)

## **Schedule 2 Amendments by way of statute law revision**

### **2.1-2.17**

(Repealed)

## 2.18 Health Care Complaints Act 1993 No 105

### Section 7 (1) (a)

Omit “section 10AM”. Insert instead “section 100”.

#### Explanatory note

The proposed amendment updates a cross-reference.

## 2.19–2.31

(Repealed)

## 2.32 Mining Act 1992 No 29

### [1] Sections 218B (3) and 235F (3)

Omit “the appropriate lodgment fee” wherever occurring.

Insert instead “the application fee prescribed by the regulations”.

### [2] (Repealed)

#### Explanatory note

The [Mining Amendment Act 2008](#) amended the [Mining Act 1992](#) to provide that fees under that Act are to be prescribed by regulation instead of being determined by the Minister. Item [1] of the proposed amendments updates uncommenced provisions of the [Mining Act 1992](#) as a consequence of that change.

Item [2] of the proposed amendments makes a consequential amendment to omit a definition that is no longer used in the [Mining Act 1992](#).

## 2.33–2.65

(Repealed)

## Schedules 3, 4 (Repealed)

## Schedule 5 General savings, transitional and other provisions

### 1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1, 2 or 3 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1, 2 or 3 amendment concerned, taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).

- (2) In this clause:

**amending provision** means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by:

- (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or
- (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

**Explanatory note**

This clause ensures that certain amendments, including amendments correcting errors in technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter), will be taken to have commenced on the date the amendments to which they relate commenced.

**2 Effect of amendment or repeal on acts done or decisions made**

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act or an instrument, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

**Explanatory note**

This clause ensures that the amendment or repeal of a provision will not, unless expressly provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

**3 Effect of amendment on instruments**

Except where expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

**Explanatory note**

This clause ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

**4 Revocation of repeal**

Section 29A of the [Interpretation Act 1987](#) applies to the repeal of Acts or instruments by this Act.

**Explanatory note**

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or

instrument or the provision of any Act or instrument repealed by this Act. The Act or instrument or provision of an Act or instrument the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

## **5 Regulations**

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### **Explanatory note**

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the proposed Act.