

Statute Law (Miscellaneous Provisions) Act 2013 No 47

[2013-47]



New South Wales

Status Information

Currency of version

Historical version for 6 July 2013 to 2 September 2013 (accessed 17 July 2024 at 19:24)

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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 2013 No 47



New South Wales

An Act to repeal certain Acts 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 2013*.

2 Commencement

(1) This Act commences on 5 July 2013.

(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

1.1-1.29

(Repealed)

1.30 Subordinate Legislation Act 1989 No 146

[1] (Repealed)

[2] Section 10A (3)

Omit the subsection.

[3] (Repealed)

Explanatory note

The proposed amendments to the *Subordinate Legislation Act 1989* (**the Act**) have the effect of keeping a number of regulations in force for a further period of one year after the date on which they would otherwise be repealed by the Act. However, any of the regulations may be repealed sooner by other legislation.

This is necessary as the regulations have each been postponed on at least 5 occasions and are now due to be repealed by the Act on 1 September 2013.

Each of the regulations continues to be required and the repeal of each of the regulations is to be further postponed until 1 September 2014 for the following reasons:

- (a) The Department of Education and Communities is currently undertaking a review of the *Aboriginal Land Rights Act 1983* that may result in amendments to that Act. It is proposed to await the outcome of that review before remaking the *Aboriginal Land Rights Regulation 2002*.
- (b) The Department of Family and Community Services is undertaking a review of child protection legislation and it is anticipated that consequential amendments to the *Adoption Act 2000* may be required. It is proposed to await the outcome of that review before remaking the *Adoption Regulation 2003*.
- (c) The Ministerial Council on Energy is currently undertaking a national energy market reform program which is expected to result in significant regulatory changes to areas that are dealt with by the *Electricity Supply (General) Regulation 2001* and the *Gas Supply (Natural Gas Retail Competition) Regulation 2001*. It is therefore proposed to await these changes before remaking these regulations.
- (d) The Department of Finance and Services is proposing to undertake a full review of the *Industrial Relations Act 1996* and the *Employment Protection Act 1982* as a consequence of the operation of the *Fair Work Act 2009* of the Commonwealth and the referral of certain matters relating to industrial relations to the Commonwealth. In light of this, it is considered to be premature to remake the *Employment Protection Regulation 2001* and the *Industrial Relations (General) Regulation 2001*.
- (e) The Department of Planning and Infrastructure is currently preparing a new planning bill to repeal and replace the *Environmental Planning and Assessment Act 1979* (and consequently repeal the *Environmental Planning and Assessment Regulation 2000*). It is therefore proposed to postpone the repeal of the *Environmental Planning and Assessment Regulation 2000* under the *Subordinate Legislation Act 1989* pending the replacement regime taking effect.
- (f) Proposed national regulations under the *Occupational Licensing National Law* relating to property occupations are due to be made later in 2013. It is proposed to postpone remaking the *Property, Stock and Business Agents Regulation 2003* until after those national regulations are made.
- (g) The *Road Transport (Safety and Traffic Management) Regulation 1999* is due to be repealed on the commencement of Schedule 1 to the *Road Transport Legislation (Repeal and Amendment) Act 2013*.

The proposed amendments also simplify the structure of the Act by placing these postponements in a new schedule to the Act (rather than in section 10A of the Act, as is currently the case) and by repealing spent provisions.

1.31-1.42

(Repealed)

Schedules 2, 3 (Repealed)

Schedule 4 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 or 2 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 on 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, or provisions 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 by the proposed Act of any Act or instrument or any provision of an Act or instrument. The Act, instrument or provision 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.