

# Statute Law (Miscellaneous Provisions) Act (No 2) 2013 No 111

[2013-111]



New South Wales

## Status Information

### Currency of version

Historical version for 4 January 2014 to 10 January 2014 (accessed 28 April 2024 at 17:24)

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

### Provisions in force

The provisions displayed in this version of the legislation have all 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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## Contents

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Commencement .....	3
3 Explanatory notes .....	3
<b>Schedules 1, 2 (Repealed)</b> .....	3
<b>Schedule 3 Amendments by way of statute law revision</b> .....	3
<b>Schedule 4 (Repealed)</b> .....	4
<b>Schedule 5 General savings, transitional and other provisions</b> .....	4

# Statute Law (Miscellaneous Provisions) Act (No 2) 2013 No 111



New South Wales

An Act to repeal an Act 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 (No 2) 2013*.

## 2 Commencement

- (1) This Act commences on 3 January 2014.
- (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.

## Schedules 1, 2 (Repealed)

## Schedule 3 Amendments by way of statute law revision

### 3.1-3.26

(Repealed)

### 3.27 *Standard Instrument (Local Environmental Plans) Order 2006*

#### [1] *Standard Instrument, Land Use Table, Direction 5*

Insert “Small bars;” in alphabetical order.

**[2] Standard Instrument, clause 5.3 (3), Direction**

Omit “(a1)”. Insert instead “(aa)”.

**[3] Standard Instrument, clause 5.13 (3) (d) and (g)**

Omit “indigenous” wherever occurring. Insert instead “native”.

**[4] Standard Instrument, clause 5.13 (3) (g)**

Omit “colours”. Insert instead “colours,”.

**[5] Standard Instrument, Dictionary, definition of “hospital”**

Omit “take-away” from paragraph (d). Insert instead “take away”.

**[6] Standard Instrument, Dictionary, definition of “restaurant or cafe”**

Omit “takeaway”. Insert instead “take away”.

**[7] Standard Instrument, Dictionary, definition of “sewerage system”**

Omit “or place” where secondly occurring in paragraph (e).

**[8] Standard Instrument, Dictionary, definition of “wharf or boating facilities”**

Omit “boating) that are not port facilities”.

Insert instead “boating that are not port facilities)”.

**Explanatory note**

Item [1] of the proposed amendments updates a list of development types following amendments made by the [Liquor Amendment \(Small Bars\) Act 2013](#).

Item [2] updates a direction.

Item [3] makes use of defined terminology consistent.

Item [4] inserts missing punctuation.

Items [5], [6], [7] and [8] correct typographical errors.

**3.28-3.34**

(Repealed)

**Schedule 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, 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.