

Statute Law (Miscellaneous Provisions) Act 2014 No 33

[2014-33]



New South Wales

Status Information

Currency of version

Historical version for 5 July 2014 to 14 July 2014 (accessed 24 November 2024 at 13:01)

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 2014 No 33



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 2014*.

2 Commencement

(1) This Act commences on 4 July 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.

Schedule 1 (Repealed)

Schedule 2 Amendments by way of statute law revision

2.1-2.35

(Repealed)

2.36 Standard Instrument (Local Environmental Plans) Order 2006

[1] Standard Instrument, clause 1.7, note

Omit “Infrastructure”. Insert instead “Environment”.

[2] Standard Instrument, clause 1.9 (2)

Omit the following:

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

Insert instead “*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Schedule 6)”.

[3] Standard Instrument, clause 2.4 (2)

Omit “Before granting development consent”.

Insert instead “In deciding whether to grant development consent”.

[4] Standard Instrument, clause 3.2, note

Omit the note.

[5] Standard Instrument, clause 5.9 (9)

Insert “Zone” before “E2”, “E3” and “E4”.

[6] Standard Instrument, Schedule 3, Part 2

Omit “Division 3 of Part 3 of” from the matter relating to General conditions.

Insert instead “Schedule 6 to”.

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

Omit “(or any of the following facilities associated with a wharf or boating that are not port facilities)”.

Insert instead “or any of the following facilities associated with a wharf or boating that are not port facilities”.

Commencement

The amendments to the *Standard Instrument (Local Environmental Plans) Order 2006* commence on 14 July 2014.

Explanatory note

Item [1] of the proposed amendments updates a reference to a Department.

Item [2] removes references to repealed instruments.

Item [3] clarifies an expression.

Item [4] omits a redundant note.

Item [5] inserts a missing word.

Item [6] updates a cross-reference as a consequence of amendments made by the *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013*.

Item [7] removes unnecessary punctuation.

2.37-2.46

(Repealed)

Schedule 3 Consequential and other amendments relating to enactment of **Government Sector Employment Act 2013**

Explanatory note

This Schedule includes the amendments contained in the *Government Sector Employment Legislation Amendment Bill 2013* (the **GSELA Bill**) that:

- (a) update terminology with respect to Public Service agencies, head of agencies and employees as a consequence of the *Government Sector Employment Act 2013* (the **GSE Act**), and
- (b) align employment arrangements for certain statutory officers who were previously subject to Part 3.1 of the *Public Sector Employment and Management Act 2002* with the new employment arrangements under the GSE Act for senior executives in the Public Service, and
- (c) make miscellaneous amendments to the GSE Act and other Acts.

This Schedule does not include the principal amendments contained in the GSELA Bill that align employment arrangements for senior executives in the NSW Police Force, the Health Service and the Transport Service with the new employment arrangements for senior executives in the Public Service under the GSE Act.

This Schedule includes the following variations to the amendments in the GSELA Bill that are included in this Schedule:

- (a) the Registrar for the purposes of the *Community Housing Providers National Law (NSW)* will continue to be appointed as a statutory officer instead of becoming a Public Service employee (see Schedule 3.2 [4] and [7]),
- (b) the GSE Act is amended to make it clear that a person appointed by the Public Service Commissioner or the Secretary of the Department of Premier and Cabinet for the purposes of conducting an inquiry relating to administration or management of a government sector agency does so on behalf of, and under the direction of, the Commissioner or the Secretary (see Schedule 3.9 [39]-[44]),
- (c) the Chief Executive of the Sydney Catchment Authority will continue to be appointed as a statutory officer instead of becoming a Public Service employee (see Schedule 3.30 [1] and [5]).

Certain amendments to the *Internal Audit Bureau Act 1992* and the *Treasury Corporation Act 1983* will commence on a day to be appointed by proclamation (see Schedule 3.15 [1] and 3.33 [1]).

3.1-3.14

(Repealed)

3.15 Internal Audit Bureau Act 1992 No 20

[1] Section 5 Functions of the Bureau

Omit section 5 (3) including the note. Insert instead:

- (3) The Bureau may employ staff. The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to staff employed by the Bureau.

[2]-[5] (Repealed)

Commencement

Schedule 3.15 [1] commences on a day to be appointed by proclamation.

3.16-3.32

(Repealed)

3.33 Treasury Corporation Act 1983 No 75

[1] Section 4 Treasury Corporation

Omit section 4 (10) including the note. Insert instead:

- (10) The Corporation may employ staff. The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the staff employed by the Corporation.

[2], [3] (Repealed)

Commencement

Schedule 3.33 [1] commences on a day to be appointed by proclamation.

3.34-3.36

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 provisions of Acts, 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 any provision of an Act. The Act 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.