

Statute Law (Miscellaneous Provisions) Act 2016 No 27

[2016-27]



New South Wales

Status Information

Currency of version

Historical version for 9 July 2016 to 28 June 2017 (accessed 27 April 2024 at 21:24)

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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Statute Law (Miscellaneous Provisions) Act 2016 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 2016*.

2 Commencement

- (1) This Act commences on 8 July 2016, except as provided by this section.
- (2) The amendments made by Schedule 1 to this Act commence on the day or days specified in that Schedule in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).
- (3) Clause 2 (a) of Schedule 4 commences on a day to be appointed by proclamation.
- (4) Schedule 5 commences on a day to be appointed by proclamation.
- (5) Schedule 6 commences on the date of assent to this Act.

3 Explanatory notes

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

Schedules 1-3 (Repealed)

Schedule 4 Repeals

1 (Repealed)

2 Repeals of Act and instrument enabled by amendments in Schedule 1

The following Act and instrument are repealed:

(a) [Home Care Service Act 1988 No 6](#),

(b) (Repealed)

Explanatory note

The repeal of the [Home Care Service Act 1988](#) is enabled by the dissolution of the Home Care Service (constituted under that Act) by proposed amendments to the [National Disability Insurance Scheme \(NSW Enabling\) Act 2013](#) in Schedule 1. Proposed amendments to other Acts and an instrument that are consequent on the repeal of the [Home Care Service Act 1988](#) are set out in Schedule 5.

The repeal of the [Community Services \(Complaints, Reviews and Monitoring\) Regulation 2004](#) is enabled by the proposed amendments to the [Community Services \(Complaints, Reviews and Monitoring\) Act 1993](#) in Schedule 1, which insert the remaining operative provisions of the Regulation into that Act.

3-5 (Repealed)

Schedule 5 Amendments consequent on repeal of [Home Care Service Act 1988](#)

Explanatory note

The proposed amendments in this Schedule are consequent on the repeal of the [Home Care Service Act 1988](#) by Schedule 4. The repeal is enabled by the dissolution of the Home Care Service of New South Wales (constituted under that Act) by proposed amendments to the [National Disability Insurance Scheme \(NSW Enabling\) Act 2013](#) in Schedule 1.

5.1 [Community Services \(Complaints, Reviews and Monitoring\) Act 1993 No 2](#)

[1] Section 4 Definitions

Omit paragraph (g) of the definition of **community welfare legislation** in section 4 (1).

[2] Section 4 (1), definition of “relevant Minister”

Omit paragraph (c).

[3] Section 4 (1), definition of “service provider”

Omit paragraph (e).

5.2 [Duties Act 1997 No 123](#)

Section 65 Exemptions from duty

Omit section 65 (16) (b).

5.3 [First State Superannuation Act 1992 No 100](#)

Schedule 1 Employers

Omit “Home Care Service of New South Wales”.

5.4 Government Guarantees Act 1934 No 57

Section 3 Authority for Treasurer to guarantee overdraft accounts etc

Omit clause 3 (5K).

5.5 Government Sector Employment Act 2013 No 40

Schedule 1 Public Service agencies

Omit the matter relating to the Home Care Service Staff Agency from Part 2.

5.6 Payroll Tax Act 2007 No 21

Schedule 2 NSW specific provisions

Omit clause 9.

5.7 Privacy Code of Practice (General) 2003

Clause 17 Interpretation

Omit “, the Home Care Service Staff Agency” from paragraph (a) of the definition of **community care agency** in clause 17 (1).

5.8 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Home Care Service of New South Wales”.

5.9 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Omit “Home Care Service of New South Wales” from Part 1.

5.10 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Omit “Home Care Service of New South Wales” from Part 1.

5.11 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “Home Care Service of New South Wales” from Part 1.

Schedule 6 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 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 of any Act or instrument, or any provision of any Act or instrument, by the proposed 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.