

Statute Law (Miscellaneous Provisions) Act 2019 No 1

[2019-1]



New South Wales

Status Information

Currency of version

Historical version for 2 July 2019 to 1 August 2019 (accessed 28 April 2024 at 21:20)

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 2019 No 1



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 2019*.

2 Commencement

- (1) This Act commences 14 days after the date of assent to this Act, except as provided by this section.
- (2) The amendments made by Schedules 1 and 2 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 in relation to an amendment, the amendment commences in accordance with subsection (1).
- (3) The amendments made by Schedule 3 commence on 1 August 2019.

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Schedule 1 (Repealed)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—miscellaneous amendments

2.1-2.17

(Repealed)

2.18 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 2

Omit the matter relating to the *Charitable Fundraising Act 1991*. Insert instead:

Charitable Fundraising Act 1991, section 25I

Commencement

The amendment to the *Law Enforcement (Powers and Responsibilities) Act 2002* commences on the commencement of Schedule 1 [26] to the *Charitable Fundraising Amendment Act 2018*.

Explanatory note

The proposed amendment updates a cross-reference.

2.19-2.45

(Repealed)

Schedule 3 Repeals

1 Repeal of redundant Act, instruments and provisions

The following Act and instruments are repealed:

Act or instrument	Provisions repealed
<i>Universities Governing Bodies Act 2011 No 51</i>	Whole Act
<i>Universities Governing Bodies (Charles Sturt University) Order 2012</i>	Whole Order
<i>Universities Governing Bodies (Macquarie University) Order 2012</i>	Whole Order
<i>Universities Governing Bodies (Southern Cross University) Order 2015</i>	Whole Order
<i>Universities Governing Bodies (University of New England) Order 2016</i>	Whole Order
<i>Universities Governing Bodies (University of New South Wales) Order 2012</i>	Whole Order
<i>Universities Governing Bodies (University of Newcastle) Order 2012</i>	Whole Order
<i>Universities Governing Bodies (University of Sydney) Order 2016</i>	Whole Order

Universities Governing Bodies (University of Technology, Sydney) Order 2012 Whole Order

Universities Governing Bodies (University of Wollongong) Order 2012 Whole Order

Universities Governing Bodies (Western Sydney University) Order 2019 Whole Order

2 Repeal of amending provisions that have commenced

The following provisions of Acts or instruments are repealed:

Act or instrument	Provisions repealed
<i>Government Telecommunications Act 2018</i> No 67	Schedule 1, Part 3
<i>Snowy Hydro Legacy Fund Act 2018</i> No 38	Section 16
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	Schedule 6
<i>Western City and Aerotropolis Authority Act 2018</i> No 53	Section 27

3 Repeal and transfer of provisions

- (1) **Repeal of certain provisions of *Crimes (Administration of Sentences) Regulation 2014***
 Clauses 4 and 5 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* are repealed.
- (2) **Amendment of *Crimes (Administration of Sentences) Act 1999* No 93** Transfer clauses 4 and 5 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* after clause 129 of Schedule 5 to the *Crimes (Administration of Sentences) Act 1999*, as clauses 129A and 129B, with the following modifications to those clauses:
 - (a) omit “of the Act” wherever occurring in clauses 129A and 129B (1) and (2) (b),
 - (b) omit “the Act or this Regulation” from clause 129B (3) and insert instead “this Act or any regulations made under this Act”.
- (3) Insert at the end of clause 129A:
 - (2) Subclause (1) re-enacts clause 4 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) Insert at the end of clause 129B:

- (4) Subclauses (1)–(3) re-enact clause 5 of Schedule 6 to the *Crimes (Administration of Sentences) Regulation 2014* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Explanatory note

Clause 3 repeals certain transitional provisions of the *Crimes (Administration of Sentences) Regulation 2014* and transfers the substance of those provisions into the *Crimes (Administration of Sentences) Act 1999*.

Schedule 4 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 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 an amendment made by the proposed Act to a repealing or amending provision of an Act or instrument will (if the repealing or amending provision commences before the amendment made by the proposed Act) be taken to have commenced on the date the repealing or amending provision commences.

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 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 relating to incidental matters arising out of the proposed Act.