

# Statute Law (Miscellaneous Provisions) Act (No 2) 2019 No 14

[2019-14]



New South Wales

## Status Information

### Currency of version

Historical version for 6 December 2019 to 1 January 2020 (accessed 4 May 2024 at 19:14)

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Note**

Amending Acts and 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 (No 2) 2019 No 14



New South Wales

An Act to amend certain 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) 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 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 in relation to an amendment, the amendment commences 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

### 1.1-1.20

(Repealed)

### 1.21 *Surveying and Spatial Information Act 2002 No 83*

#### Section 3 Definitions

Omit the definitions of ***Australian Height Datum*** and ***Geocentric Datum of Australia*** from section 3(1).

Insert instead, respectively—

**Australian Height Datum** means the datum surface prescribed by the regulations for the purposes of this definition.

**Geocentric Datum of Australia** means the datum surface prescribed by the regulations for the purposes of this definition.

#### Commencement

The amendment to the [Surveying and Spatial Information Act 2002](#) commences on 1 January 2020.

#### Explanatory note

The proposed amendment enables the datum surfaces on which the definitions of **Australian Height Datum** and **Geocentric Datum of Australia** rely to be prescribed by the regulations to enable those definitions to be readily updated to maintain consistency with national standards as determined from time to time.

## 1.22 Surveying and Spatial Information Regulation 2017

### Clauses 5A and 5B

Insert after clause 5—

#### 5A Australian Height Datum

For the purposes of the definition of **Australian Height Datum** in section 3(1) of the Act, the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971 is prescribed.

#### 5B Geocentric Datum of Australia

- (1) For the purposes of the definition of **Geocentric Datum of Australia** in section 3(1) of the Act, the datum surface approximating the shape of the earth's surface defined by the reference frame designated under the [National Measurement \(Recognized-Value Standard of Measurement of Position\) Determination 2017](#) of the Commonwealth is prescribed.

#### Note—

The reference frame designated in the [National Measurement \(Recognized-Value Standard of Measurement of Position\) Determination 2017](#) of the Commonwealth is Geocentric Datum of Australia 2020 (GDA2020) at the Reference Epoch of 2020.0.

- (2) In this clause—

**Chief Metrologist** means the Chief Metrologist established under section 18A(1) of the [National Measurement Act 1960](#) of the Commonwealth.

**National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017** means the standard of measurement of that

name maintained by the Chief Metrologist under section 8(1) of the *National Measurement Act 1960* of the Commonwealth.

#### Commencement

The amendment to the *Surveying and Spatial Information Regulation 2017* commences on 1 January 2020.

#### Explanatory note

The proposed amendment is consequential on the proposed amendment to the *Surveying and Spatial Information Act 2002* made in Schedule 1.21, and prescribes the datum surfaces for the purposes of the definitions of **Australian Height Datum** and **Geocentric Datum of Australia** in that Act to ensure those definitions are consistent with current national standards.

## 1.23-1.28

(Repealed)

## Schedule 2 (Repealed)

## Schedule 3 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.