

Statute Law (Miscellaneous Provisions) Act 2020 No 30

[2020-30]



New South Wales

Status Information

Currency of version

Historical version for 23 January 2021 to 1 March 2021 (accessed 24 November 2024 at 19:55)

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](#).

File last modified 23 January 2021

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Statute Law (Miscellaneous Provisions) Act 2020 No 30



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 2020*.

2 Commencement

- (1) This Act commences on the date of assent, 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 the relevant Schedule in relation to the amendment concerned.
- (3) However, if a commencement day is not specified in Schedule 1 or 2 in relation to an amendment in the Schedule concerned, the amendment commences on 11 December 2020.
- (4) The amendments made by Schedule 4 commence on 22 January 2021.

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1-1.5

(Repealed)

1.6 Building and Construction Industry Security of Payment Act 1999

No 46

[1] Section 11 Due date for payment

Insert “(other than an exempt residential construction contract)” after “construction contract” in section 11(1A).

[2] (Repealed)

Commencement

Item [1] of the proposed amendments to the *Building and Construction Industry Security of Payment Act 1999* commences on 1 March 2021.

Explanatory note

Item [1] of the proposed amendments makes it clear that the requirement for a progress payment under a construction contract, which is required to be paid by a principal to a head contractor no later than 15 business days after a payment claim is made, does not apply to an exempt residential construction contract.

Item [2] enables the regulations to apply, adopt or incorporate any publication as in force at a particular time or as in force from time to time. This allows for updates to the Continuing Professional Development Guidelines for Adjudicators (CPD Guidelines) and ensures that continuing professional development requirements, as informed by the CPD Guidelines, remain relevant for adjudicators.

1.7-1.51

(Repealed)

Schedules 2-5 (Repealed)

Schedule 6 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

Unless 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

Unless 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.