

# Statute Law (Miscellaneous Provisions) Act 2024 No 47

[2024-47]



New South Wales

## Status Information

### Currency of version

Current version for 10 August 2024 to date (accessed 16 August 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.

### 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 10 August 2024

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# Statute Law (Miscellaneous Provisions) Act 2024 No 47



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 2024*.

## 2 Commencement

This Act commences on the date of assent to this Act.

## 3 Explanatory notes

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

## Schedules 1, 2 (Repealed)

## Schedule 3 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taken to have effect as from the commencement of the amending provision, whether or not the amending provision has been repealed.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 section—

**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or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or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 section 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,

an 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 amended or repealed.

**Explanatory note**

This section 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, an 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 section 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**

The [Interpretation Act 1987](#), section 29A applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

**Explanatory note**

The effect of this section is to enable the Governor, by proclamation, to revoke the repeal of an Act or instrument, or a provision of an 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) A 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 a 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 to—
  - (a) affect, in a manner prejudicial to a 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) impose liabilities on a 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 section enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.