

Statute Law (Miscellaneous Provisions) Act 2010 No 59

[2010-59]



New South Wales

Status Information

Currency of version

Repealed version for 10 July 2010 to 7 July 2011 (accessed 16 August 2024 at 21:26)

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—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

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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Contents

Long title	3
1 Name of Act	3
2 Commencement	3
3 Repeal of this Act	3
4 Explanatory notes	3
Schedule 1 Minor amendments	4
Schedule 2 Amendments by way of statute law revision	4
Schedule 3 Repeals	4
Schedule 4 General savings, transitional and other provisions	5

Statute Law (Miscellaneous Provisions) Act 2010 No 59



New South Wales

An Act to repeal an Act 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 2010*.

2 Commencement

- (1) This Act commences on 9 July 2010, except as provided by this section.
- (2) The amendments made by the Schedules 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, the amendments commence on 9 July 2010.

3 Repeal of this Act

- (1) A subschedule of Schedule 1 or 2 is repealed on the day following the day on which all of the provisions of the subschedule have commenced (except as provided by subsection (2)).
- (2) If a subschedule of Schedule 1 or 2 commences before the date of assent to this Act, the subschedule is repealed on the day after the date of assent to this Act.
- (3) The repeal by this section of any such subschedule does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by those subschedules.

4 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

1.1-1.28

(Repealed)

Schedule 2 Amendments by way of statute law revision

2.1-2.110

(Repealed)

Schedule 3 Repeals

1 Repeal of redundant Act and provisions

The following provisions of the following Act and instruments are repealed:

Act or instrument	Provisions repealed
<i>Fertilizers (Amendment) Act 1992 No 8</i>	Whole Act
<i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	Schedule 3.11
<i>Sydney Regional Environmental Plan No 26—City West</i>	Part 4

2 Repeal of provisions that contain only amendments that have commenced or that are redundant

The following provisions of the following Acts are repealed:

Act	Provisions repealed
<i>Courts and Crimes Legislation Further Amendment Act 2008 No 107</i>	Schedules 4, 7 and 24
<i>Building Professionals Amendment Act 2008 No 37</i>	Schedule 1 [5], [7], [11], [17] and [38]

Explanatory note

Clause 1 repeals an Act and provisions of 2 instruments that are redundant.

Clause 2 repeals provisions of Acts that contain only amendments to other Acts or instruments.

In relation to the repeal of amending provisions, it should be noted that the provisions are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the provisions, or any associated provisions. The Acts and instruments that were amended by the provisions being repealed are up-to-date on the NSW legislation website maintained by the Parliamentary Counsel's Office (www.legislation.nsw.gov.au).

Section 30 (2) of the *Interpretation Act 1987* ensures that the following matters are not affected when an Act or statutory rule is amended or repealed:

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act or statutory rule,
- (c) any amendment or validation made by the Act or statutory rule,
- (d) the operation of any savings or transitional provision contained in the Act or statutory rule.

Section 5 (6) of the *Interpretation Act 1987* provides that the provisions of section 30 that apply to a statutory rule also apply to an environmental planning instrument.

Schedule 4 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

(1) The Governor may by proclamation published on the NSW legislation website revoke the repeal of any Act or instrument effected by the following:

 this Act

Statute Law (Miscellaneous Provisions) Act (No 2) 2007

Statute Law (Miscellaneous Provisions) Act 2008

(2) Any Act or instrument the subject of a proclamation under subclause (1) is taken not to be, and never to have been, repealed by the Act concerned.

(3) Subclause (2) does not operate in respect of any Act or instrument 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 publication on the NSW legislation website of the proclamation under subclause (1) in respect of that Act or instrument, 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 publication of that proclamation.

(4) A reference in this clause to an Act or instrument includes a reference to a provision of any Act or instrument.

Explanatory note

This clause enables the Governor, by proclamation, to revoke the repeal of any Act or instrument or the provision of any Act or instrument repealed by this Act or any of the other statute law revision Acts listed. The Act or instrument or provision of an Act or instrument 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.