

Statute Law (Miscellaneous Provisions) Act (No 2) 2011 No 62

[2011-62]



New South Wales

Status Information

Currency of version

Repealed version for 7 January 2012 to 5 July 2012 (accessed 19 November 2024 at 14:23)

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The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) with effect from 6.7.2012.

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) 2011 No 62



New South Wales

An Act to repeal certain Acts and instruments 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 (No 2) 2011*.

2 Commencement

- (1) This Act commences on 6 January 2012 except as provided by subsection (2).
- (2) However, 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 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.

Schedules 1-5 (Repealed)

Schedule 6 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1, 2 or 3 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1, 2 or 3 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taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).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

Section 29A of the *Interpretation Act 1987* applies to the repeal 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 the provision of any Act or instrument repealed by the proposed Act. 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.

Notes

Index of Acts and instruments amended by Schedules 1-4

[Aboriginal Land Rights Regulation 2002](#)—Schedule 2

[Albury Local Environmental Plan 2010](#)—Schedule 2

[Anti-Discrimination Act 1977 No 48](#)—Schedule 3

[Bail Act 1978 No 161](#)—Schedule 3

[Balranald Local Environmental Plan 2010](#)—Schedule 2

[Bathurst Regional \(Interim\) Local Environmental Plan 2005](#)—Schedule 2

[Bellingen Local Environmental Plan 2010](#)—Schedule 2

[Broken Hill Trades Hall Site Act of 1898 No 31](#)—Schedule 4

[Building Professionals Act 2005 No 115](#)—Schedule 1

[Casino Control Act 1992 No 15](#)—Schedule 3

[Children and Young Persons \(Care and Protection\) Act 1998 No 157](#)—Schedule 3

[Children \(Criminal Proceedings\) Regulation 2011](#)—Schedule 2

[Civil Liability Act 2002 No 22](#)—Schedule 4

[Commercial Agents and Private Inquiry Agents Act 2004 No 70](#)—Schedule 1

[Commercial Agents and Private Inquiry Agents Regulation 2006](#)—Schedule 2

[Commission for Children and Young People Act 1998 No 146](#)—Schedule 2

[Community Land Management Act 1989 No 202](#)—Schedule 1

[Companion Animals Act 1998 No 87](#)—Schedule 1

[Consumer, Trader and Tenancy Tribunal Act 2001 No 82](#)—Schedule 1

[Conversion of Cemeteries Act 1974 No 17](#)—Schedule 4

[Coolamon Local Environmental Plan 2011](#)—Schedule 2

[Coonamble Local Environmental Plan 2011](#)—Schedule 2

[Corporations \(Ancillary Provisions\) Act 2001 No 32](#)—Schedule 4

[Crimes \(Forensic Procedures\) Act 2000 No 59](#)—Schedule 3

[Crimes \(Sentencing Procedure\) Act 1999 No 92](#)—Schedule 3

[Criminal Procedure Act 1986 No 209](#)—Schedule 3

[Criminal Records Act 1991 No 8](#)—Schedule 3

[Crown Lands Act 1989 No 6](#)—Schedule 4

[Drug Misuse and Trafficking Act 1985 No 226](#)—Schedule 3

[Duties Act 1997 No 123](#)—Schedule 2

[Environmental Planning and Assessment Act 1979 No 203](#)—Schedules 1 and 2

[Explosives Act 2003 No 39](#)—Schedule 1

[Fines Act 1996 No 99](#)—Schedules 2 and 3

[Fire Brigades Act 1989 No 192](#)—Schedule 3

[First State Superannuation Act 1992 No 100](#)—Schedule 3

[Growth Centres \(Development Corporations\) Act 1974 No 49](#)—Schedule 4

[Harden Local Environmental Plan 2011](#)—Schedule 2

[Health Care Complaints Act 1993 No 105](#)—Schedule 1

[Health Records and Information Privacy Act 2002 No 71](#)—Schedules 1 and 3

[Health Services Act 1997 No 154](#)—Schedule 2

[Health Services Regulation 2008](#)—Schedule 2

[Independent Commission Against Corruption Act 1988 No 35](#)—Schedule 3

[Industrial Relations Act 1996 No 17](#)—Schedule 3

[Industrial Relations \(General\) Regulation 2001](#)—Schedule 3

[Innovation Council Act 1996 No 77](#)—Schedule 1

[Jury Act 1977 No 18](#)—Schedule 3

[Land and Environment Court Act 1979 No 204](#)—Schedule 2

[Liquor Regulation 2008](#)—Schedule 2

[Liverpool Local Environmental Plan 2008](#)—Schedule 2

[Local Government and Other Authorities \(Superannuation\) Act 1927 No 35](#)—Schedule 4

[Marine Safety Act 1998 No 121](#)—Schedule 2

[Meat Industry Act 1978 No 54](#)—Schedule 3

[Mental Health \(Forensic Provisions\) Act 1990 No 10](#)—Schedule 2

[Motor Accidents Act 1988 No 102](#)—Schedule 3

[Motor Accidents Compensation Act 1999 No 41](#)—Schedule 3

[Motor Dealers Act 1974 No 52](#)—Schedule 3

[Motor Vehicle Repairs Act 1980 No 71](#)—Schedule 3

[Nambucca Local Environmental Plan 2010](#)—Schedule 2

[National Parks and Wildlife Act 1974 No 80](#)—Schedule 1

[Pawnbrokers and Second-hand Dealers Act 1996 No 13](#)—Schedule 3

[Payroll Tax Rebate Scheme \(Jobs Action Plan\) Act 2011 No 19](#)—Schedule 2

[Poisons and Therapeutic Goods Act 1966 No 31](#)—Schedule 2

[Police Superannuation Regulation 2010](#)—Schedule 3

[Prevention of Cruelty to Animals Act 1979 No 200](#)—Schedule 2

Property, Stock and Business Agents Act 2002 No 66—Schedules 1 and 3

Public Finance and Audit Act 1983 No 152—Schedule 2

Public Interest Disclosures Act 1994 No 92—Schedule 3

Public Sector Employment and Management Act 2002 No 43—Schedule 3

Public Works Act 1912 No 45—Schedule 4

Residential Parks Act 1998 No 142—Schedules 1 and 2

Residential Tenancies Act 2010 No 42—Schedule 1

Retirement Villages Act 1999 No 81—Schedules 1 and 2

Road Transport (Driver Licensing) Act 1998 No 99—Schedule 3

Road Transport (Safety and Traffic Management) Regulation 1999—Schedule 3

Road Transport (Vehicle Registration) Act 1997 No 119—Schedules 1 and 2

Roads Act 1993 No 33—Schedule 1

Rural Fires Act 1997 No 65—Schedule 3

Rural Lands Protection Act 1998 No 143—Schedule 2

Security Industry Act 1997 No 157—Schedule 1

Standard Instrument (Local Environmental Plans) Order 2006—Schedule 2

State Authorities Non-contributory Superannuation Act 1987 No 212—Schedule 3

State Authorities Superannuation Act 1987 No 211—Schedule 3

State Authorities Superannuation Regulation 2010—Schedule 2

State Emergency and Rescue Management Act 1989 No 165—Schedules 1 and 3

State Environmental Planning Policy (Affordable Rental Housing) 2009—Schedule 2

State Environmental Planning Policy (Major Development) 2005—Schedule 2

Statutory and Other Offices Remuneration Act 1975 (1976 No 4)—Schedule 3

Strata Schemes Management Act 1996 No 138—Schedule 1

Strata Schemes Management Regulation 2010—Schedule 2

Subordinate Legislation Act 1989 No 146—Schedule 4

Summary Offences Act 1988 No 25—Schedule 2

Superannuation Act 1916 No 28—Schedules 1, 2 and 3

Sydney Olympic Park Authority Act 2001 No 57—Schedule 1

Sydney Water Act 1994 No 88—Schedule 2

Threatened Species Conservation Act 1995 No 101—Schedule 2

Totalizator Act 1997 No 45—Schedule 3

Tow Truck Industry Act 1998 No 111—Schedule 3

Transport Administration Act 1988 No 109—Schedule 3

Transport Administration (Staff) Regulation 2005—Schedule 2

Unlawful Gambling Act 1998 No 113—Schedule 3

Valuers Regulation 2010—Schedule 2

Victims Rights Act 1996 No 114—Schedule 3

Water Management Act 2000 No 92—Schedules 1 and 4

Water Management Amendment Act 2010 No 133—Schedule 1

Water Management (General) Regulation 2011—Schedule 1

Water Sharing Plan for the Castlereagh (below Binnaway) Unregulated and Alluvial Water Sources 2011—Schedule 2

Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011—Schedule 2

Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011—Schedule 2

Weapons Prohibition Act 1998 No 127—Schedule 3

Witness Protection Act 1995 No 87—Schedule 3

Woollahra Local Environmental Plan 1995—Schedule 2

Workers Compensation Act 1987 No 70—Schedule 2

Workplace Injury Management and Workers Compensation Act 1998 No 86—Schedule 3

Young Local Environmental Plan 2010—Schedule 2

Index of Acts and instruments wholly repealed by Schedule 5

Aberdare County Council (Dissolution) Act 1982 No 74

Albury-Wodonga Development Repeal Act 2000 No 18

Appropriation Act 2010 No 43

Appropriation (Budget Variations) Act 2010 No 21

Appropriation (Parliament) Act 2010 No 44

Appropriation (Special Offices) Act 2010 No 45

Bible Society NSW (Corporate Conversion) Act 2008 No 91

British Home Supplies Pty., Limited (Investigation) Act 1942 No 17

Broken Hill Trades Hall Site Extension Act 1915 No 42

Builders Labourers Federation (Special Provisions) Act 1986 No 17

Cancer Institute (NSW) Regulation 2005

Centenary Park Sale (Conveyancing) Act 1905 No 6

Charcoal (Producer Gas) Act 1941 No 60

Collarenebri Water Supply Act 1968 No 18

College Street Pedestrian Subway Construction Act 1950 No 42

Companies (Death Duties) Act 1901 No 30

Coonamble Cemetery Act 1963 No 1

Corporations (Ancillary Provisions) Regulation 2001

Corporations (Consequential Amendments) Act 2001 No 34

Damage by Aircraft Act 1952 No 46

East Ballina Cemetery Act 1957 No 37

Environmental Planning and Assessment (Savings and Transitional) Regulation 1986

Environmental Planning and Assessment (Savings and Transitional) Regulation 1998

Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999

Federal Aid Roads and Works Act 1937 No 22

Glenreagh to Dorrigo Railway (Closure) Act 1993 No 65

Gosford Cemeteries Act 1970 No 84

Gosford-Wyong Electricity Supply (Special Provisions) Act 1985 No 182

Government Railways (Fencing) Act 1902 No 76

Grafton Water Supply Act 1956 No 33

Hunter District Water Board Employees' Provident Fund (Special Provisions) Act 1987 No 213

Industrial Arbitration (Special Provisions) Act 1984 No 121

Interest Reduction Act 1931 No 44

Irrigation Areas (Conversion of Leases) Act 1977 No 61

Liverpool Cemetery Act 1950 No 20

Local Government (Areas) Act 1948 No 30

Manning District Water Supply Act 1969 No 21

Menindee Lakes Storage Agreement Act 1964 No 4

Mudgee Cemeteries Act 1963 No 2

Murrumbidgee Turf Club (Divesting) Act 1936 No 26

Old Balmain (Leichhardt) Cemetery Act 1941 No 12

Old Liverpool Cemetery Act 1970 No 49

Old Wallsend Cemetery Act 1953 No 5

Olympic Co-ordination Authority Dissolution Act 2002 No 55

Parramatta Methodist Cemetery Act 1961 No 44

Port Kembla Inner Harbour (Further Construction) Act 1961 No 45

Price Exploitation Code (New South Wales) Act 1999 No 55

Queanbeyan Showground (Variation of Purposes) Act 1995 No 14

Real Property (Legal Proceedings) Act 1970 No 92

River Murray (Diversion) Act 1933 (1934 No 24)

Rural Reconstruction Act 1939 No 45

St. Thomas' Church of England, North Sydney, Cemetery Act 1967 No 22

States and Northern Territory Grants (Rural Adjustment) Agreement Ratification Act 1989 No 168

States Grants (Rural Reconstruction) Agreement Ratification Act 1971 No 37

Sydney Bethel Union Enabling Act 1934 No 23

Sydney Female School of Industry (Dissolution) Act 1926 No 18

Trustees Delegation of Powers Act 1915 No 31

Tuberculosis Act 1970 No 18

Walgett Water Supply Act 1959 No 17

Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922 No 31

Year 2000 Information Disclosure Act 1999 No 23

Index of Acts and instruments partly repealed by Schedule 5

AGL Corporate Conversion Act 2002 No 16

Appropriation (Supply and Budget Variations) Act 2011 No 14

Building Professionals Amendment Act 2008 No 37

Central Coast Water Corporation Act 2006 No 105

Court Security Act 2005 No 1

Federal Courts (State Jurisdiction) Act 1999 No 22

Gene Technology (New South Wales) Act 2003 No 11

Glen Davis Act 1939 No 38

Gore Hill Memorial Cemetery Act 1986 No 116

Government Guarantees Act 1934 No 57

Homebush Motor Racing (Sydney 400) Act 2008 No 106

Industrial Relations (Child Employment) Act 2006 No 96

Industrial Relations (Ethical Clothing Trades) Act 2001 No 128

Licensing and Registration (Uniform Procedures) Act 2002 No 28

Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48

Marine Safety Act 1998 No 121

Married Persons (Equality of Status) Act 1996 No 96

Mine Safety (Cost Recovery) Act 2005 No 116

Mine Subsidence Compensation Act 1961 No 22

Motor Accidents Compensation Amendment Act 2006 No 17

Motor Vehicles (Third Party Insurance) Act 1942 No 15

National Park Estate (Lower Hunter Region Reservations) Act 2006 No 90

National Park Estate (Reservations) Act 2005 No 84

Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955 No 43

Protection of the Environment Operations (Noise Control) Regulation 2008

Regional Development Act 2004 No 58

Road Transport Legislation Amendment Act 2008 No 61

Soil Conservation Act 1938 No 10

State Arms, Symbols and Emblems Act 2004 No 1

Statute Law (Miscellaneous Provisions) Act 2011 No 27

Sydney Olympic Park Authority Act 2001 No 57

Trustee Act 1925 No 14

Water (Commonwealth Powers) Act 2008 No 69

Water Management Amendment Act 2008 No 73

Youth and Community Services Act 1973 No 90