

# Statute Law (Miscellaneous Provisions) Act 2012 No 42

[2012-42]



New South Wales

## Status Information

### Currency of version

Repealed version for 7 July 2012 to 3 January 2013 (accessed 21 December 2024 at 17:27)

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The Act was repealed by Sch 3 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2012 No 95](#) with effect from 4.1.2013.

### 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 4 January 2013

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New South Wales

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# Statute Law (Miscellaneous Provisions) Act 2012 No 42



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 2012*.

## 2 Commencement

- (1) This Act commences on 6 July 2012 except as provided by subsection (2).
- (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 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## Schedules 1-5 (Repealed)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 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taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).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**

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 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 Act 1983 No 42](#)—Schedule 1

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

[Agricultural Industry Services Regulation 2009](#)—Schedule 3

[Anglican Church of Australia Trust Property Act 1917 No 21](#)—Schedule 4

[Animal Diseases \(Emergency Outbreaks\) Act 1991 No 73](#)—Schedule 1

[Anti-Discrimination Act 1977 No 48](#)—Schedule 2

[Architects Regulation 2004](#)—Schedule 3

[Australian Oil Refining Limited Agreement Ratification Act 1954 No 34](#)—Schedule 4

[Barangaroo Delivery Authority Act 2009 No 2](#)—Schedule 1

[Betting Tax Act 2001 No 43](#)—Schedule 2

[Births, Deaths and Marriages Registration Act 1995 No 62](#)—Schedule 1

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

[Catchment Management Authorities Act 2003 No 104](#)—Schedule 2

[Children and Young Persons \(Care and Protection\) Act 1998 No 157](#)—Schedule 2

[Christ Church Cathedral, Newcastle, Cemetery Act 1966 No 20](#)—Schedule 4

[Civil Liability Act 2002 No 22](#)—Schedule 2

[Coastal Protection Act 1979 No 13](#)—Schedule 2

[Coffs Harbour City Centre Local Environmental Plan 2011](#)—Schedule 2

[Confiscation of Proceeds of Crime Regulation 2010](#)—Schedule 3

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

[Conveyancing \(General\) Regulation 2008](#)—Schedule 2

[Co-operatives \(Adoption of National Law\) Act 2012 No 29](#)—Schedule 2

[Crimes Act 1900 No 40](#)—Schedule 1

[Crimes \(Administration of Sentences\) Act 1999 No 93](#)—Schedule 2

[Dust Diseases Tribunal Regulation 2007](#)—Schedule 3

[Election Funding, Expenditure and Disclosures Regulation 2009](#)—Schedule 3

[Electricity \(Consumer Safety\) Act 2004 No 4](#)—Schedule 2

[Environmental Planning and Assessment Act 1979 No 203](#)—Schedules 1, 2 and 4

[Environmental Planning and Assessment Regulation 2000](#)—Schedule 2

[Evidence \(Audio and Audio Visual Links\) Act 1998 No 105](#)—Schedule 1

[Evidence Regulation 2010](#)—Schedule 3

[Exhibited Animals Protection Act 1986 No 123](#)—Schedule 1

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

[Firearms Act 1996 No 46](#)—Schedule 1

[Fisheries Management Act 1994 No 38](#)—Schedule 1

[Health Care Complaints Act 1993 No 105](#)—Schedules 1 and 2

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

[Health Services Act 1997 No 154](#)—Schedules 1, 2 and 4

[Heritage Act 1977 No 136](#)—Schedules 1 and 4

[Home Building Act 1989 No 147](#)—Schedule 1

[Home Building Regulation 2004](#)—Schedule 2

[Interpretation Act 1987 No 15](#)—Schedule 1

[Kogarah Local Environmental Plan 1998](#)—Schedule 2

[Lake Macquarie Local Environmental Plan 2004](#)—Schedule 2

[Legal Profession Regulation 2005](#)—Schedule 3

[Limitation Act 1969 No 31](#)—Schedule 4

[Liquor Act 2007 No 90](#)—Schedule 1

[Local Government Act 1993 No 30](#)—Schedule 2

[Local Government \(General\) Regulation 2005](#)—Schedule 3

[Lord Howe Island Regulation 2004](#)—Schedule 3

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

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

[Motor Vehicle Repairs Act 1980 No 71](#)—Schedule 1

[Motor Vehicles Taxation Act 1988 No 111](#)—Schedule 1

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

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

[National Trust of Australia \(New South Wales\) Act 1990 No 92](#)—Schedule 4

[Non-Indigenous Animals Act 1987 No 166](#)—Schedule 2

[Parliamentary Electorates and Elections Regulation 2008](#)—Schedule 3

[Penrith Local Environmental Plan No 201 \(Rural Lands\)](#)—Schedule 2

[Petroleum \(Onshore\) Act 1991 No 84](#)—Schedule 1

[Plantations and Reafforestation Act 1999 No 97](#)—Schedule 1

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

[Ports and Maritime Administration Regulation 2007](#)—Schedule 3

*Probate and Administration Act 1898 No 13*—Schedule 2

*Property, Stock and Business Agents (Qualifications) Order 2009*—Schedule 2

*Protection of the Environment Operations (Clean Air) Regulation 2010*—Schedule 2

*Public Health (Tobacco) Act 2008 No 94*—Schedule 1

*Racing Administration Act 1998 No 114*—Schedule 2

*Radiation Control Regulation 2003*—Schedule 2

*Residential Tenancies Act 2010 No 42*—Schedule 1

*Richmond Valley Local Environmental Plan 2012*—Schedule 2

*Road Transport (General) Regulation 2005*—Schedule 2

*Road Transport (Vehicle Registration) Act 1997 No 119*—Schedule 2

*Rural Lands Protection Regulation 2010*—Schedule 3

*Security Industry Act 1997 No 157*—Schedule 2

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006*—Schedule 2

*Status of Children Regulation 2008*—Schedule 3

*Subordinate Legislation Act 1989 No 146*—Schedule 1

*Superannuation Act 1916 No 28*—Schedule 2

*Threatened Species Conservation Act 1995 No 101*—Schedule 2

*Trustee Companies Act 1964 No 6*—Schedule 4

*University of Wollongong By-law 2005*—Schedule 2

*Walsh Bay Development (Special Provisions) Act 1999 No 3*—Schedule 2

*Water Management Act 2000 No 92*—Schedule 1

*Water Management Amendment Act 2008 No 73*—Schedule 1

*Water Sharing Plan for the Adelong Creek Water Source 2003*—Schedule 2

*Water Sharing Plan for the Apsley River Water Source 2003*—Schedule 2

*Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003*—Schedule 2

*Water Sharing Plan for the Commissioners Waters Water Source 2003*—Schedule 2

*Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003*—Schedule 2



*Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011—Schedule 2*

*Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Kangaroo River Water Source 2003—Schedule 2*

*Water Sharing Plan for the Karuah River Water Source 2003—Schedule 2*

*Water Sharing Plan for the Lower Murray Shallow Groundwater Source 2012—Schedule 2*

*Water Sharing Plan for the Lower Murray-Darling Unregulated and Alluvial Water Sources 2011—Schedule 2*

*Water Sharing Plan for the Mandagery Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011—Schedule 2*

*Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003—Schedule 2*

*Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008—Schedule 2*

*Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2011—Schedule 2*

*Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2011—Schedule 2*

*Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2011—Schedule 2*

*Water Sharing Plan for the Ourimbah Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003—Schedule 2*

*Water Sharing Plan for the Tarcutta Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Tenterfield Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Toorumbbee Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Upper Billabong Water Source 2003—Schedule 2*

*Water Sharing Plan for the Upper Brunswick River Water Source 2003—Schedule 2*

*Water Sharing Plan for the Wandella Creek Water Source 2003—Schedule 2*

*Water Sharing Plan for the Wybong Creek Water Source 2003—Schedule 2*

*Waverley Local Environmental Plan 1996—Schedule 2*

*Work Health and Safety Act 2011 No 10—Schedule 1*

*Work Health and Safety Regulation 2011*—Schedule 2

**Index of Acts and instruments wholly repealed by Schedule 5**

*Australian Lubricating Oil Refinery Limited Agreement Ratification Act 1962* No 16

*Australian Mutual Provident Society's (Amendment) Act 1941*

*Balmain-Rozelle Anzac Memorial Hall Act 1961* No 14

*Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act (1900)*

*Burns Philp Trustee Company Limited Act 1990* No 82

*Camperdown Cemetery Act 1948* No 14

*Children and Young Persons Legislation (Repeal and Amendment) Act 1998* No 158

*Fish Marketing Act 1994* No 37

*Forestry (State Forest Revocation) Act 1978* No 98

*General Post Office (Approaches Improvement) Act 1889* 53 Vic No 13

*Leeton War Memorial Act 1961* No 40

*Lord Howe Island Aerodrome Act 1974* No 25

*Lower South Coast Regional Environmental Plan* No 1

*Manly and Warringah District Park Act 1972* No 76

*Newcastle Pasturage Reserve Act 1900* No 18

*Notice of Action and Other Privileges Abolition Act 1977* No 19

*Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969* No 56

*Parramatta Friendly Societies' Hall Site Vesting Act (1904* No 29)

*Sir Henry Parkes National (War) Memorial Museum and Library Act 1957* No 47

*Statute Law (Miscellaneous Provisions) Act (No 2) 2010* No 119

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

*Sydney Hospital (Trust Property) Act 1984* No 133

*Sydney Mechanics School of Arts (Enabling) Act 1929* No 1

*Teachers' College Act 1912* No 47

*The Standard Insurance Company Limited and Certain Other Insurance Companies Act 1963* No 18

*University of New South Wales (St George Campus) Act 1999* No 45

*University of Sydney (J. J. W. Power Bequest) Act 1962 No 18*

*Walsh Bay Development (Special Provisions) Act 1999 No 3*

*Western Sydney Regional Park (Revocation for Western Sydney Orbital) Act 2001 No 60*

**Index of Acts and instruments partly repealed by Schedule 5**

*Children (Education and Care Services) Supplementary Provisions Regulation 2004*

*Christ Church Cathedral, Newcastle, Cemetery Act 1966 No 20*

*Jury Amendment Act 2010 No 55*

*Licensing and Registration (Uniform Procedures) Act 2002 No 28*

*Public Holidays Act 2010 No 115*

*State Environmental Planning Policy (Major Development) 2005*

*West Scholarships Act 1930 No 19*