

# Statute Law (Miscellaneous Provisions) Act (No 2) 2004 No 91

[2004-91]



New South Wales

## Status Information

### Currency of version

Repealed version for 20 June 2006 to 6 December 2007 (accessed 23 December 2024 at 5:56)

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The Act was repealed by Part 2 of Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2007 No 82](#) with effect from 7.12.2007.

### 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) 2004 No 91



New South Wales

An Act to repeal certain Acts and instruments and provisions of 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 (No 2) 2004*.

## 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 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 the date of assent.

## 3 Amendments

The Acts and instruments specified in Schedules 1 and 2 are amended as set out in those Schedules.

## 4 Repeals

Each Act and instrument specified in Schedule 3 is, to the extent indicated in that Schedule, repealed.

## 5 General savings, transitional and other provisions

Schedule 4 has effect.

## 6 Explanatory notes

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

## Schedule 1 (Repealed)

## Schedule 2 Amendments by way of statute law revision

(Section 3)

### 2.1-2.18

(Repealed)

### 2.19 Drug Court Act 1998 No 150

#### Section 18A Definitions (as inserted by the [Compulsory Drug Treatment Correctional Centre Act 2004](#))

Omit “Corrections Health Service” from paragraph (c) of the definition of ***multi-disciplinary team***.

Insert instead “Justice Health”.

#### Explanatory note

The proposed amendment updates a reference to a renamed statutory health corporation.

### 2.20-2.127

(Repealed)

## Schedule 3 (Repealed)

## Schedule 4 General savings, transitional and other provisions

(Section 5)

### 1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision.

(2) In this clause:

***amending provision*** means a provision of an Act that makes a direct amendment to an Act by:

- (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter, or
- (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act,

whether the provision was enacted before or after the commencement of the *Reprints Act 1972*.

**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 Application of *Interpretation Act 1987* to amendments to statutory rules**

Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to any amendments to statutory rules made by this Act.

**Explanatory note**

This clause makes it clear that certain provisions concerning the making, tabling and disallowance of statutory rules do not apply to amendments to statutory rules made by the proposed Act.

**4 Effect of amendment on regulations**

Except where expressly provided to the contrary, any regulation 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 regulation made under an Act amended by the proposed Act, and in force immediately before the commencement of the amendment, will be taken to have been made under the amended Act.

**5 Effect of amendment on environmental planning instruments**

The amendment of an environmental planning instrument by this Act does not prevent its later amendment or repeal by another environmental planning instrument.

**Explanatory note**

This clause ensures that the amendment of a local environmental plan or other environmental planning instrument does not prevent its amendment or repeal by an environmental planning instrument.

**6 Effect of amendment on water sharing plan**

The amendment by this Act of a water sharing plan made under section 50 of the *Water Management Act 2000* does not prevent its later amendment or repeal by another such water sharing plan or other instrument.

**Explanatory note**

This clause ensures that the amendment of a water sharing plan does not prevent its amendment or repeal by another water sharing plan or other instrument.

**7 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 in the Gazette, 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 Act.