



NSW Legislative Council Hansard

Statute Law (Miscellaneous Provisions) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 22 June 2005.

Second Reading

The Hon. ERIC ROOZENDAAL (Parliamentary Secretary) [11.59 a.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The *Statute Law (Miscellaneous Provisions) Bill 2005* continues the well-established statute law revision program that is recognised by all members as a cost-effective and efficient method for dealing with amendments of the kind included in the bill.

The form of the bill is similar to that of previous bills in the statute law revision program. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. The schedule contains amendments to 49 Acts and 4 statutory rules. I will mention some of the amendments to give honourable members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends a number of Acts within the Arts portfolio, including the *Art Gallery of New South Wales Act 1980*, the *Australian Museum Trust Act 1975* and the *Sydney Opera House Trust Act 1961*.

The amendments made to these Acts will enable trustees to participate in trust meetings by telephone or other means of electronic communication. This is consistent with existing provisions in Commonwealth and State legislation (including more recent legislation in the Arts portfolio). Other amendments in the nature of statute law revision are also made.

Schedule 1 also amends a number of Acts in the Commerce portfolio to remove the WorkCover Authority Fund as the primary source for the payment of costs of the operation of the District Court in relation to certain transferred residual jurisdiction of the (now abolished) compensation court. The proposed amendments are largely machinery provisions, transferring internal funding responsibility from WorkCover to agencies and organisations that are users and stakeholders.

Another amendment made by schedule 1 is to the *District Court Act 1973* so as to enable former judges of the District Court to finalise matters that they have heard or partly heard as a judge of the court. The amendment brings the position of permanent Judges in line with that of acting judges in this respect.

Schedule 1 also amends the *University of Wollongong Act 1989* to increase the student membership of the Council of the University of Wollongong from 1 to 2 students (being an undergraduate and a postgraduate student).

Schedule 1 makes a number of amendments to the *Apiaries Act 1985*, in particular, to permit the Director-General of the Department of Primary Industries to delegate his or her functions under the Act and to allow regulations to be made specifying offences for which penalty notices may be issued.

Schedule 1 also amends the *Lotteries and Art Unions Act 1901*. The amendments make lawful the conduct of tipping competitions in which the prize pool is distributed in accordance with the rules of the competition (broadening the current requirement that the prize pool be distributed only to the participant who accumulates the most points).

At present, the Legislation Review Committee may only report on a regulation while it remains subject to disallowance. Schedule 1 amends the *Legislation Review Act 1987* to enable the committee to consider and make reports to Parliament on a regulation that has ceased to be subject to disallowance if the committee resolved to review and report on the regulation while it was subject to disallowance.

The last schedule 1 matter that I will mention is the amendment of the *Interpretation Act 1987* to confirm that a declaration in an Act that a statutory body is a statutory body representing the Crown confers on the statutory body the status, immunities and privileges of the Crown.

This reflects the settled law confirmed by the High Court in the *Wynyard Investments Case* but recent cases before the courts have cast doubt on that decision. The proposed amendment will not affect any legal proceedings instituted before the commencement of the amendment.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are those arising out of the enactment or repeal of other legislation, those correcting duplicated numbering and those updating terminology.

Schedule 3 repeals a number of Acts and Regulations and provisions of Acts. These include the *Police Department (Transit Police) Act 1989* and the *Police Department (Transit Police) Regulation 2000* (which are being repealed because there are no longer any transit officers employed under the Act nor are there intended to be in the future).

The Acts and instruments that were amended by the Acts or provisions being repealed are up-to-date and available electronically on the legislation database maintained by the Parliamentary Counsel's office.

Schedule 4 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, savings clauses for the repealed Acts and a power to make regulations for savings and transitional matters, if necessary.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned. If any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for Government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the Bill.

I commend the bill to the House.