



Statute Law (Miscellaneous Provisions) Bill (No 2.

Second Reading

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [3.57 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill 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 do not warrant the introduction of a separate amending bill. The schedule contains amendments to 37 Acts and 7 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.

As honourable members will be aware, the separate public service departments comprising the staff of, or attached to, the Environment Protection Authority, the National Parks and Wildlife Service, Resource NSW and the Royal Botanic Gardens and Domain Trust were recently abolished and the staff transferred to the newly created Department of Environment and Conservation. A number of changes have been made to the Acts relating to those agencies. In particular, because of the amalgamation, it is not necessary to retain Resource NSW as a statutory corporation. Accordingly, schedule 1 amends the *Waste Avoidance and Resource Recovery Act 2001* so as to dissolve that corporation, transfer its assets and liabilities to the Crown and confer its functions on the director-general of the new Department of Environment and Conservation.

Schedule 1 also makes a number of amendments to the *Children and Young Persons (Care and Protection) Act 1998*, including amendments consequential on the transfer of the Children's Employment Unit from the Department of Community Services to the Children's Guardian.

Another amendment made by schedule 1 is an amendment to the *Parliamentary Electorates and Elections Act 1912* to deal expressly with the situation that arises when a candidate for election to the other place dies before 6 p.m. on

the day of the election. The bill confirms that the election fails. The Act already makes that provision where a candidate dies before the day of the election.

Schedule 1 also amends various Acts and statutory rules to reflect the fact that the statutory functions of a government medical officer are to be exercised by the statutory health corporation called "Healthquest".

The last schedule 1 amendment that I will mention is one of the amendments to the *Pawnbrokers and Secondhand Dealers Act 1996*. This amendment makes it clear that the power of an authorised officer to inspect goods on the premises of a licensed pawnbroker or second-hand dealer extends to a power to open, or to require another person to open, any storage container on the premises, including a safe.

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 provisions in Acts. One Act being repealed is the *Small Businesses' Loans Guarantee Act 1977*. The repeal of that Act results from the National Competition Policy review of the Act. Although the review found that the Act did not operate in a way that restricts competition, it also found that the Act was introduced to overcome problems associated with the previously regulated financial market that no longer exists today. Consequently, the Act has not been used since 1989 and there is no longer any need for it to remain in force. A transitional provision has been inserted in schedule 4 to the bill to ensure that rights under existing guarantees given under the Act are preserved after its repeal.

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

Schedule 4 contains 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 concerned. Rather than repeat the information contained in those notes, I invite honourable members to examine the various amendments and accompanying explanatory material and, if any concern or need for clarification arises, to approach me regarding the matter. 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.

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