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Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007

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STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2007

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Bill introduced on motion by Mr John Aquilina.

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Leader of the House) [1.08 p.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007 continues the well-established statute law revision program that is recognised by members as a cost-effective and efficient method for dealing with minor amendments. The form of the bill is similar to that of previous bills in the statute law revision program. This session the bill reflects efforts made to repeal a large number of Acts that are no longer necessary. The bill repeals, in total, 158 Acts. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister considers does not warrant the introduction of a separate amending bill. That schedule contains amendments to 24 Acts and instruments. I will mention some of the more notable amendments to give members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends the Hunter Water Act 1991 to insert a standard provision that allows penalty notices to be issued in respect of offences under that Act that are prescribed penalty notice offences so that Hunter Water has the same power to issue penalty notices as Sydney Water. A consequential amendment is also made to the Fines Act 1996 to provide for the enforcement of any such penalty notice. Schedule 1 amends the Police Integrity Commission Act 1996 to extend the time within which proceedings may be brought against a person for not complying with a notice to provide evidence to the Police Integrity Commission. This period is extended from six months to three years, in line with the time limits applying to a similar offence under the Act. For both these offences, an early prosecution may jeopardise the commission's ongoing investigations.

Another amendment made by schedule 1 is to the Local Government Act 1993 to enable reports on investigations of local councils authorised by the director general under that Act to be laid before Parliament when neither House is sitting. Similar provision is currently made in relation to reports on public inquiries into local councils under that Act. The amendments made by schedule 1 to the Stock Diseases Act 1923 abolish the Board of Tick Control, which was established in 1920 to eradicate cattle ticks in New South Wales. An advisory committee will replace it. This was recommended in the Tick Fever Inquiry Report of June 2005 and has been the subject of public consultation. The schedule also makes a number of consequential amendments to that Act and other legislation.

Schedule 1 also amends the Growth Centres (Development Corporations) Act 1974 to enable members of a development corporation to participate in meetings of the corporation by telephone or other means of electronic communication. This is consistent with existing provisions in Commonwealth and State legislation. Schedule 1 will remove an unnecessary requirement contained in the Residential Parks Act 1998. The provision required the Consumer, Trader and Tenancy Tribunal to give written notice of a decision in relation to a dispute about park rules within 30 days. However, the tribunal's procedure is already set out in the Consumer, Trader and Tenancy Tribunal Act 2001.

The last schedule 1 matter that I will mention is the amendments made to the Succession Act 2006. The Act makes a number of important changes to the law of wills in New South Wales and represents a closer step to achieving consistency of succession laws across Australia. The commencement of the Act has been delayed to provide a reasonable period to educate the legal profession and the community about the reforms and to make arrangements for their implementation. In the course of the process a small number of technical amendments have arisen. These amendments were developed in consultation with the implementation committee of expert legal practitioners and are now included in schedule 1.

Schedule 2 deals with matters of pure statute law revision that the Parliamentary Counsel considers are appropriate for inclusion in the bill, for example, amendments arising out of the enactment or repeal of other legislation, those correcting duplicated numbering and those updating terminology. Schedule 3 contains statute

law revision amendments that are consequential on a new edition of *Planning for Bush Fire Protection* by the New South Wales Rural Fire Service, which will update references to this publication and to certain terms used in it in various environmental planning instruments. Schedule 4 transfers a number of provisions from amending Acts into the relevant principal Acts. As the remaining provisions of the amending Acts are spent, this will allow those Acts to be repealed by schedule 5.

Schedule 5 repeals 158 Acts that are spent or are of no practical utility, for example, the Newcastle Tattersall's Club Act of 1945 and the National Oil Proprietary Limited Agreement Ratification Act 1937 because these entities no longer exist. The Acts and instruments that were amended by the Acts being repealed are up-to-date and available electronically on the legislation database maintained by Parliamentary Counsel's office. Schedule 6 contains general savings, transitional and other provisions. In view of the large number of repealed Acts in schedule 5, the schedule contains, for more abundant caution, a power for the Governor, by proclamation, to revoke the repeal of any Act repealed by the bill.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the beginning of the schedule 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.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

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