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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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Second Reading

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [6.05 p.m.], on behalf of the Hon. John Della Bosca: 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 (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.

The Hon. JOHN AJAKA [6.06 p.m.]: The Statute Law (Miscellaneous Provisions) Bill (No.2) 2007 seeks to repeal certain Acts and instruments and provisions of Acts and amend other Acts and instruments in various respects. The purpose of this bill is to effect statute law revision and minor and non-controversial amendments to various Acts of the New South Wales Parliament. These amendments are technical in nature, update references and certain terms in legislation, and repeal Acts that are no longer relevant because the entities no longer exist or are no longer of practical utility. The Opposition does not oppose the bill.

The bill is congruent with the statute law revision program, established in 1984 to facilitate cost-effective and efficient mechanisms for making amendments. Schedule 1 to the bill makes amendments to a number of Acts and regulations, including the Hunter Water Act 1991. The amendment inserts a standard provision that allows penalty notices in line with Sydney Water's powers. The schedule also amends the Police Integrity Commission Act 1996 by extending the time for proceedings to be brought against a person for not complying with a notice to provide evidence to the Police Integrity Commission to three years in lieu of the current six months.

Other amendments include changes to the Local Government Act 1993 so that reports on investigations of local councils can be laid before Parliament when neither House is sitting. The Board of Tick Control will be abolished under the Stock Diseases Act 1923 and will be replaced by an advisory committee. Amendments to the Growth Centres (Development Corporations) Act 1974 will be made in order to enable members of a development corporation to participate in meetings of the corporation by telephone or other means of electronic communication. Given the highly technological society we live in, it is appropriate that such an amendment be made. Small, technical amendments to the Succession Act 2006 will achieve greater consistency in succession law in Australia.

Schedule 2 amends various Acts and instruments in order to continue statute law revision. It omits redundant words, corrects references, inserts missing words, and corrects duplicate clause numbering and typographical errors. Schedule 3 also updates references and terms in respect of the New South Wales Rural Fire Services' *Planning For Bush Fire Protection*. The accuracy of Acts and instruments is essential to our legal system and this bill addresses the continuing need to update them. Schedule 4 aids this process by transferring certain provisions from amending Acts into the principal Acts to be repealed by Schedule 5. These schedules to the bill assist in aiding the efficacy of laws by keeping them modern and, more importantly, relevant.

Schedule 5 repeals a total of 158 Acts which are redundant because they are no longer relevant or their entities no longer exist and are not of any practical utility. Schedule 6 includes savings, transitional and other provisions of a more general effect than those set out in schedule 1. The schedule also includes a clause that enables the Governor, by proclamation, to revoke the repeal of any Act or instrument or the provision of an Act or instrument repealed by this bill. The Act or instrument or provision that is the subject of the revocation of repeal is taken not to be, and never to have been, repealed. The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007 continues the statute law revision program and aids the process of making amendments to laws in an effective and efficient manner. So long as the Government is not sneakily inserting a provision, the Opposition considers this is the right way to proceed. For these reasons, the Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [6.10 p.m.]: The Christian Democratic Party supports the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007. This bill covers minor administrative amendments to a number of bills, although some amendments have practical value. For example, the proposed amendment to the Police Integrity Commission Act 1996 will extend from six months to three years the time within which proceedings

may be brought against a person for failing to comply with a notice to produce a document or thing. That is one of many positive amendments contained in the bill, and we do not object to them. The Christian Democratic Party supports the bill.

Mr IAN COHEN [6.11 p.m.]: I indicate that the Greens support the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007 and note the Government's cooperation in its dealings with the crossbench.

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [6.11 p.m.], in reply: I thank members for their contributions to the debate and commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by The Hon. Tony Kelly agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

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