



NSW Legislative Council Hansard

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

Extract from NSW Legislative Council Hansard and Papers Tuesday 7 December 2004.

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [8.04 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 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 for previous bills on 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 some 40 Acts and four 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 Primary Industries portfolio so as to commit the director general of the Department of Primary Industries to delegate his or her functions under those Acts to any member of staff of that department. The amendments also update various outdated references to the Department of Agriculture and to a position that has been abolished.

Schedule 1 also amends the Catchment Management Authorities Act 2003. That Act permits catchment contributions to be levied under its predecessor Act during a specified transitional period. The amendment removes any doubt that those contributions can continue to be collected and recovered after the expiry of the transitional period, so long as they were levied during that transitional period. Another amendment made by schedule 1 is an amendment to the Crimes (Local Courts Appeal and Review) Act 2001. The amendment reinstates certain rights of appeal to the Land and Environment Court that were inadvertently omitted when the Act re-enacted the relevant provisions of the Repealed Justices Act 1902.

Schedule 1 also amends the Heritage Act 1977. As well as updating various outdated references, the amendments will permit a person to be appointed to the Heritage Council for a third term of office. Currently, a person cannot be appointed for more than two terms. Schedule 1 also amends the Natural Resources Commission Act 2003 to permit the commission to employ its staff directly. The amendment is consistent with the employment provisions of certain other statutory bodies, such as the Independent Pricing and Regulatory Tribunal. It does not change the employment status of any current employee of the commission.

The last schedule 1 amendments I will mention are those to the Public Finance and Audit Act 1983, which relate to the Audit Office. At present, that office is a Government agency whose staff is employed under the Public Sector Employment and Management Act 2002. The amendments establish the Audit Office as a separate public sector service. Its staff will consist of the persons who are appointed as members of staff by the Auditor-General under the Public Finance and Audit Act 1983. The amendments supersede, but are consistent with amendments set out in the Public Finance and Audit (Auditor-General) Amendment Act 1991, which is repealed by schedule 3.

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 or renumbering of other legislation, those correcting duplicated numbering or typographical errors and those updating terminology. Schedule 3 repeals a number of Acts and instruments and provisions of Acts. 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.

Two of the Acts being repealed—the Broken Hill Proprietary Company Limited (Reclamation and Exchange) Agreement Act 1950 and the Broken Hill Proprietary Company Limited (Steelworks) Agreement Act 1950 ratified agreements between Broken Hill Proprietary Company Limited and the Crown in relation to the former BHP steelworks operation in the Newcastle area. In 2002, the State acquired freehold title to the relevant land from BHP under arrangements that required termination of the agreements and the repeal of the Acts ratifying the agreements.

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 the relevant Minister regarding the matter. If necessary, I undertake to 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.