



NSW Legislative Council Hansard

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

Extract from NSW Legislative Council Hansard and Papers Tuesday 15 November 2005.

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [8.40 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 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 honourable 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. This year the bill includes an additional schedule to deal specifically with statute law revision amendments consequential on the enactment of the Legal Profession Act 2004. 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 24 Acts and five statutory rules. I will mention some of the amendments to give honourable members an indication of the kinds of amendments that are included in the schedule.

Schedule 1 amends the Road Transport (Safety and Traffic Management) Act 1999 to confirm the current practice of police officers of conducting a preliminary assessment to determine whether alcohol is present on a driver's breath. The assessment is conducted by requiring drivers to talk into a device that indicates the presence of alcohol on the breath. If alcohol is present, a full breath test can then be conducted to assess the concentration of alcohol present. This process is quicker and simpler for drivers who have had nothing to drink. A parallel amendment is made to the Marine Safety Act 1998 in relation to vessel operators.

Schedule 1 also makes a number of amendments to the Public Finance and Audit Act 1983. In particular, the amendments will make the language of the Act consistent with Australian Accounting Standards that are internationally based and require the financial reports of statutory bodies and departments to be prepared in accordance with those standards. Similar amendments relating to consistency with Australian Accounting Standards are also made to various other legislation within the Finance portfolio. Another amendment made by schedule 1 is to the Valuers Act 2003 to allow the making of regulations to provide for the waiver or refund of any fees under that Act. This will allow valuers who pay registration fees for three years to receive partial refunds if they, for instance, retire or leave the profession during that period.

Schedule 1 also amends a number of Acts within the Primary Industries portfolio to allow the regulations made under those Acts to authorise penalty notices to be issued in respect of offences against those Acts and regulations. Other amendments made by schedule 1 are to the Independent Commission Against Corruption Act 1988. The amendments will allow the functions of departmental heads under the Public Sector Employment and Management Act 2002 to be delegated to the inspector of the commission or a member of staff of the inspector. This will allow the inspector to have day-to-day management of staff who work in the inspector's office under an arrangement with a departmental head.

There are also amendments suggested by the Committee on the Independent Commission Against Corruption, which will extend confidentiality requirements relating to the proposed appointment of a person as commissioner, to the proposed appointment of a person as inspector of the commission. The effect of these proposed amendments is to require the parliamentary committee to examine prospective candidates for the position of inspector in private, and not to make public any veto of a candidate's appointment.

Schedule 1 makes various amendments to security industry legislation. In particular, the amendments make the grant of a licence under the Security Industry Act 1997 subject to a condition that the applicant must collect it from a place nominated by the Commissioner of Police within 60 days of being notified of its grant. The amendments also clarify that the activities that a licence holder is authorised to carry out under certain licences issued under that Act include the selling of various types of security equipment. For example, a person licensed to install and maintain security equipment will also be permitted to sell security equipment. A number of consequential amendments to security industry legislation are also made. The last schedule 1 matter that I will mention is an amendment to the Forestry Act 1916 that updates a reference to the trading name of the Forestry Commission from State Forests of NSW to Forests NSW.

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 contains statute law revision amendments that are consequential on the enactment of the Legal Profession Act 2004. Examples of amendments in schedule 3 include standardising terms used in other Acts so that they are consistent with those used in that Act, and updating references to the Legal Profession Act 1987 which is now repealed. Schedule 4 repeals a number of Acts and regulations and provisions of Acts. 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 5 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 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.