

## Second Reading

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.20 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2009 continues the established statute law revision program that is recognised 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, which will be amended, considers to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 20 Acts. I will mention some of the amendments to give members an indication of the kind of amendments that are included in the schedule for this session.

Schedule 1 amends the definition of child-related employment in the Commission for Children and Young People Act 1998. Currently the definition includes employment in juvenile detention centres. Schedule 1 extends the definition to include employment in juvenile correctional centres in which children also may be detained. As a result, the provisions of that Act, which prohibit certain persons from engaging in child-related employment and require background checks to be carried out, will now also apply to employment in juvenile correctional centres.

Schedule 1 also makes a number of amendments to the Environmental Planning and Assessment Act 1979 that largely are consequential on recent changes to plan-making procedures under the Act. These include extending the current statutory exemption from liability for planning authorities, which are acting in good faith in relation to contaminated land, to the recently amended procedures for preparing or making planning instruments, and processing and determining applications to carry out major infrastructure and similar projects in relation to contaminated land. Schedule 1 makes a similar amendment to the Local Government Act 1993 to extend the current statutory exemption from liability of local councils in relation to flooding or coastal hazards to the recently amended procedures under the Act for preparing or making planning proposals in relation to those matters.

The Dangerous Goods (Road and Rail Transport) Act 2008 is amended by schedule 1 to include police officers as authorised officers for the purposes of that Act and to enable them to exercise the same general powers under that Act as authorised officers appointed by the Department of Environment, Climate Change and Water. The amendments to that Act will also allow the appointment of a class of persons as authorised officers for the purposes of that Act rather than only an individual person, as at present. Amendments made by schedule 1 to the Public Finance and Audit Act 1983 will ensure that the former managers of statutory bodies that have ceased to exist, in addition to preparing and submitting the last financial report for the body, may prepare and submit a required statement about the accuracy of the report to the Auditor-General. These amendments also will allow the Auditor-General to recoup his or her costs of audit from Parliament or a Minister, if Parliament or the Minister requests a particular audit or audit-related service.

Schedule 1 amends the Road Transport (Safety and Traffic Management) Act to provide that the duty under that Act to arrange for certain blood samples to be submitted to a laboratory for analysis is owed by the healthcare worker who took the sample rather than a police officer. This amendment brings the duty into line with like duties imposed under that Act. However, the duties imposed on healthcare workers under that Act to arrange for blood samples to be submitted to a prescribed laboratory for analysis will be discharged if a police officer makes those arrangements instead. The Road Transport (Safety and Traffic Management) Act is also amended to confirm the current police practice of conducting roadside oral fluid tests provided under the Act by a driver who has been arrested for failing or refusing to undergo an initial oral fluid test. The purpose of conducting the further more accurate test is to determine whether to issue a direction prohibiting the driver from driving a motor vehicle for a period of 24 hours.

The amendments made by schedule 1 to the Interpretation Act 1987 extend a provision of that Act to require references to repeal Acts or instruments that have been re-enacted or remade in another jurisdiction to be read as references to Acts or instruments so re-enacted or remade. This will ensure that the provisions will apply when the State refers powers to the Commonwealth and a Commonwealth law replaces a State law. The amendments to that Act also include authorising the Parliamentary Counsel to determine the requirements for lodging instruments required to be notified on the New South Wales legislation website, which is maintained by the Parliamentary Counsel, and the standard technical requirements with respect to the drafting of those instruments for the purpose of facilitating public access to them.

The last schedule 1 matter I will mention is the amendment to the Strata Schemes Management Act 1996 concerning orders made by the Consumer, Trader and Tenancy Tribunal to reallocate unit entitlements for a strata scheme. The amendment will require the owners corporation for the strata scheme to ensure that a copy of the order is lodged with the Registrar General no more than two years after the order is made to enable the appropriate amendments to the folio of the register to be carried out. Currently there is no requirement that such

an order be lodged with the Registrar General once it is made by the tribunal.

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 amendments that generally relate to the official notification of the making of certain statutory instruments that directly amend Acts on the New South Wales legislation website, which is maintained by the Parliamentary Counsel.

Schedule 4 contains statute law revision amendments that are consequential on the enactment of the Local Court Act 2007. Most of these amendments involve replacing references to local courts with references to the single Local Court that replaced them. Schedule 5 contains statute law revision amendments updating references to liquor, registered clubs and casino legislation consequential on the enactment of the Liquor Act 2007 and the Casino, Liquor and Gaming Control Authority Act 2007. Schedule 6 repeals a number of Acts and provisions of Acts that are redundant, or that are of no practical utility. The repeals also extend to provisions of Acts that contain only amendments that have commenced. The Acts and instruments that were amended by the amending Acts, or provisions being repealed, are up to date and are available electronically on the legislation database, which is maintained by the Parliamentary Counsel's office.

Schedule 7 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions and savings clauses for the repealed Acts. The schedule also contains, for abundant caution, a power for the Governor to revoke or repeal by proclamation any Act or instrument repealed by the bill. The various amendments are explained in detail in the explanatory notes that are set out beneath the amendments to each of the Acts and the statutory instruments concerned, or at the beginning of the schedule concerned. If any amendment causes concern or requires clarification, it should be brought to the Minister's attention. If necessary, the Minister will arrange for Government advisers to provide additional information on the matters raised. I commend the bill to the House.