

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2008

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Bill introduced on motion by Mr John Aquilina, on behalf of Mr David Campbell.

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.17 a.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2008 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 to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 27 Acts. I will mention some of the amendments to give members an indication of the kind of amendments that are included in the schedule.

Schedule 1 makes a number of amendments to the Road Transport (Safety and Traffic Management) Act 1999. The amendments expand the category of persons who may give certificate evidence as to various matters in relation to approved speed measuring devices that are not used in conjunction with approved speed cameras. This category of persons will now include, in addition to police officers, persons authorised by the Commissioner of Police to test such devices. The amendments also make the necessary consequential changes following the transfer of the management of the red light camera program from the New South Wales Police Force to the Roads and Traffic Authority on 1 July 2008. These amendments relate to the approval of camera detection devices, the authorisation of officers to install and inspect such devices and the issue of evidentiary certificates.

Schedule 1 amends the Business Names Act 2002 to provide that investigators appointed under the Fair Trading Act 1987 have all the functions of authorised officers under the Business Names Act 2002. The option of a separate appointment of authorised officers under the Business Names Act 2002 is retained. A comparable amendment is made by schedule 1 to the Motor Vehicle Repairs Act 1980 in relation to inspectors under that Act. Schedule 1 also amends various Acts in relation to powers of delegation. The Justices of the Peace Act 2002 is amended to enable the Director General of the Attorney General's Department to delegate to a senior officer of the department the functions of reappointing a person as a justice of the peace on the expiration of the person's term of office.

The Banks and Bank Holidays Act 1912 is amended to restore a power of delegation in connection with the granting of approvals to enable banks to open on weekends that was previously provided for under the now repealed Shops and Industries Act 1962. The National Parks and Wildlife Act 1974 is amended to extend that Act's delegation power to functions of the portfolio Minister and director general under particular Acts or categories of Acts that are relevant to the National Parks and Wildlife Act 1974, either because they deal with the reservation of land or because they deal with functions exercisable by an owner or occupier of land.

Schedule 1 makes a number of amendments to the Building Professionals Act 2005. The regulations under that Act currently require accredited certifiers to keep records for 10 years, that being the limitation period for actions for loss or damage in relation to defective building

work. The amendments to the Act ensure that the requirements for accredited certifiers to keep records, and to provide those records to the Building Professionals Board on request, extend to a person whose certificate of accreditation has been suspended or cancelled, or has lapsed. The Commission for Children and Young People Act 1988 is also amended by schedule 1, primarily to allow guidelines under that Act to provide for approved screening agencies to collect, on behalf of the commission, specified information currently required to be notified by employers directly to the commission, relating to applicants who are not employed because of the results of background checking. The amendments prohibit approved screening agencies from using or giving access to any such information obtained from an employer other than for the purpose of providing it to the commission.

Amendments in schedule 1 to the Interpretation Act 1987 aim to simplify the structure of legislation in two ways: first, the amendments remove the need for a schedule to an Act or instrument to be supported by a substantive provision in the Act or instrument that declares that the schedule has effect and, second, the amendments remove the need to enact, in accordance with current standard practice, an automatic repeal clause in each amending Act and to extend that automatic repeal to amending provisions of Acts that are progressively commenced. Schedule 1 also makes amendments to the Police Regulations Superannuation Act 1906, the State Authorities Non-contributory Superannuation Act 1987, the State Authorities Superannuation Act 1987, and the Superannuation Act 1916 in relation to the superannuation entitlement of spouses under the Commonwealth Family Law Act 1975.

The amendments will enable the SAS Trustee Corporation, being the body administering the various superannuation funds under those Acts, to transfer the amount of the superannuation entitlement to the First State Superannuation Fund if the spouse fails to provide details as to the manner of payment of the amount within the required period. This default arrangement for payment is consistent with the circumstances in which other amounts that are not immediately payable in respect of the spouse may be paid under those Acts into that fund. The last schedule 1 matter I will mention is an amendment to the Constitution Act 1902 to substitute "exceptional" for "special" in describing the types of circumstances in which the Lieutenant-Governor or Administrator of the State is to assume the administration of the State due to the unavailability of the Governor, where that unavailability is for a reason other than the Governor's assuming the administration of the Commonwealth, absence from the State, or physical or mental incapacity.

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 are consequential on the repeal of certain Acts by schedule 4. Schedule 4 repeals a number of Acts and provisions of Acts that are redundant or of no practical utility. The repeals also extend to provisions of Acts that contain only amendments that have commenced. The Acts or instruments that were amended by the amending Act or provisions being repealed are up to date and available electronically on the legislation website maintained by the Office of the Parliamentary Counsel.

Schedule 5 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 precaution, a power for the Governor by proclamation to revoke the repeal of any Act or instrument repealed by the bill. The various amendments are explained in detail in the explanatory notes set out beneath the amendments to each of the Acts and statutory instruments 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 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.