

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.21 a.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2010 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, which are considered too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 30 Acts and three regulations. 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 three amendments to various items of legislation that were requested by the New South Wales Ombudsman to assist the transition of the Child Death Review Team from the Commission for Children and Young People to the Ombudsman.

Amendments to legislation in the portfolio of the Minister for Youth will enable the convenor of the Child Death Review Team to determine the remuneration and allowances to which expert advisers appointed by the convenor are entitled, and will repeal an uncommenced amendment that may unnecessarily limit the capacity of the convenor to provide certain confidential information about child deaths to the Ombudsman. The Community Services (Complaints, Reviews and Monitoring) Act 1993 is also amended to return the basis of reporting of the Ombudsman's work and activities under the Act in relation to child deaths to calendar years rather than financial years.

Schedule 1 amends the Motor Vehicles Taxation Act 1988 to simplify the circumstances in which a pensioner will be exempt from the need to pay tax on the registration of a motor vehicle. The amendments broaden the classes of pensioners eligible for an exemption and simplify or remove various requirements relating to proof of eligibility. The cooperatives legislation is amended by schedule 1 to insert savings and transitional provisions and make minor consequential amendments required to implement the national personal property securities scheme that is due to commence next year. Amendments are also made by schedule 1 to the strata schemes legislation. These will enable easements and covenants to be created over lots in a strata scheme on registration of a strata plan of consolidation, rather than just on registration of the original plan for a strata scheme or a strata plan of subdivision.

The Heritage Act 1977 is amended by schedule 1 to enable regulations to provide for a scheme for the maintenance of moveable objects that are listed on the State Heritage Register and of buildings or works that are listed on that register as ruins, as neither of these are accommodated by the Act's current scheme for the maintenance and repair of listed items. Schedule 1 also amends the Conveyancing Act 1919 to extend the circumstances in which a court may determine the amount payable under a mortgage and arrange for its discharge on the application of the person entitled to redeem the mortgaged land. These will now include the circumstance where either the mortgagee is deceased and is without a personal representative or unlikely to have a personal representative or it is uncertain who the personal representative is.

Schedule 1 makes a number of amendments to the Independent Commission Against Corruption Act 1988 to implement various recommendations of the Joint Parliamentary Committee on the Independent Commission Against Corruption. These include requiring a public authority within three months of receiving a copy of a recommendation by the commission to take action to reduce the likelihood of corrupt conduct occurring, to inform the commission of whether it proposes to implement any plan of action in response to the recommendation, and, if so, of the plan. A public authority that notifies the commission of a plan of action must then inform the commission of any progress it makes in implementing the plan on a 12-monthly basis.

These amendments also increase the term of office of an assistant commissioner of the Commission from five years to seven years, and increase the maximum period for which a person may hold office as an assistant commissioner from terms totalling not more than five years to terms totalling not more than seven years. Amendments made to the Adoption Act 2000 by schedule 1 will enable a principal officer of an accredited adoption service provider to delegate to appropriately qualified employees of the service provider or of an affiliated foster care service, the principal officer's function under the Act of preparing reports about adoptions. This is consistent with the current power of the Director General to delegate his or her function under the Act of preparing such reports.

Delegation is also the subject of a schedule 1 amendment to the Public Sector Employment and Management Act 2002. Currently, the State Contracts Control Board may delegate its functions under the Act to an authorised person, being a member or subcommittee of the board, a member of staff of a division of the government service, a statutory body or officer or any other person or body approved by the Minister. The proposed amendment will allow such a delegate to sub-delegate a delegated function to another authorised person if authorised by the terms of the board's delegation to do so.

Amendments to the Community Relations Commission and Principles of Multiculturalism Act 2000 will expand the number of commissioners from 11 to 15. This amendment is proposed to ensure that the membership of the commission is representative of a broader range of cultural groups. The requirement for a quorum will be amended so that commissioners granted leave by the commission will not be included in the "majority" of members required for a quorum. All commissioners, apart from the chairperson, are part-time and on occasion are unable to attend meetings due to commitments of their other full-time employment. As a result, the commission has experienced difficulties reaching a quorum at times. The amendment will allow for greater flexibility in the making of resolutions by the commission. The last schedule 1 matter I will mention is the amendments to the Plant Diseases Act 1924. These will extend the definition of "disease" in the Act to include any bacterium, fungus or viroid that causes an abnormal or unhealthy condition in plants and will enable the Governor to declare, by proclamation, any such bacterium, fungus or viroid to be a disease for the purposes of the Act.

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 numbering and those updating terminology. Schedule 3 contains amendments that relate to the official notification of the making of certain statutory instruments on the New South Wales legislation website maintained by the Parliamentary Counsel. Schedule 4 repeals a number of Acts and instruments and provisions of Acts that are redundant or of no practical utility, including those that contain only amendments that have commenced. The repeals extend to the Residential Parks Amendment (Statutory Review) Act 2005, which contains only formal provisions and uncommenced amendments that have been superseded by proposed national reforms.

The schedule also repeals a number of Acts whose existing provisions are consolidated in the National Parks and Wildlife Act 1974 without any change to their effect. The Acts and instruments that were amended by the amending Acts or provisions being repealed are up to date and available electronically on the legislation database maintained by the Parliamentary Counsel's Office. The bill continues to provide, for abundant caution, a power for the Governor, by proclamation, to revoke the repeal of any Act or instrument repealed by the bill and restore its operation, and by amendment to the Interpretation Act 1987 extends the operation of this provision to repeals by future Acts or instruments that provide for its application. 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 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 end of the schedule concerned. If any amendment causes concern or requires clarification, it should be brought to the Government's attention. If necessary, we will arrange for a briefing to provide additional information on the matters raised. If any particular matter of concern cannot be resolved following a briefing 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.