



Legislative Council

Statute Law (Miscellaneous Provisions) Bill Hansard - Extract

11/06/2002

Second Reading

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council [9.19 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill continues the well-established statute law revision program that is recognised by all honourable members as a cost-effective and efficient method of 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 amendments arising from 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 28 Acts. I will mention some of them to give honourable members an indication of the kinds of amendments in the schedule. Schedule 1 amends the Children and Young Persons (Care and Protection) Act 1998 in a number of respects. Many of the amendments are made to ensure consistency of terminology or consistency with other provisions of the Act or to clarify the meaning of a term. Another amendment to that Act relates to the grounds on which the Children's Court may make a care order in respect of a child or young person. That amendment makes it clear that the court may do so if the child or young person is deemed under section 171 of the Act to be in need of care and protection. This can occur if the child or young person is still living in unauthorised out-of-home care despite a request from the Director-General of the Department of Community Services that the child or young person be removed from that care.

Schedule 1 also amends the Conveyancing Act 1919 in relation to distress for rent—that is, the practice of a landlord to seize the goods of a tenant whose rent is in arrears. That practice was abolished by the Landlord and Tenant Amendment (Distress Abolition) Act 1930, which also preserved the general right of a person to whom rent is owed to recover the rent by court action. The amendments to the Conveyancing Act preserve the effect of the Landlord and Tenant Amendment (Distress Abolition) Act 1930 and so permit the repeal of that Act by schedule 3.

Schedule 1 also amends the Dental Practice Act 2001. The amendment provides that persons elected as members of the Dental Board constituted by the Dentists Act 1989 at the election that is required to be held in July 2002 under that Act are to serve the balance of their terms, unless sooner removed by the Governor, as members of the Dental Board constituted by the Dental Practice Act 2001. That Act is proposed to commence this year some time after July. The amendment will remove the necessity to conduct another election—under the 2001 Act—shortly after the July election. Schedule 1 also amends the Mines Inspection Act 1901 so as to permit the Chief Inspector of Mines to delegate his or her functions under the Act to any inspector of mines. At present the delegation can be made only to the Deputy Chief Inspector of Mines or senior inspectors of mines.

Schedule 1 also amends the Pesticides Act 1999. The amendments repeal a provision that provides that it is a defence to a prosecution for the alleged offence of using a pesticide in contravention of an approved label for the pesticide if the accused establishes that he or she did not contravene the relevant instructions on any other approved label for the pesticide. The amendments will ensure that any more stringent requirements imposed by a second or subsequent approved label for a pesticide can be enforced. However, they do not affect the defence afforded to an accused who establishes that he or she complied with the requirements of the approved label appearing on the pesticide container that was actually used in the commission of the alleged offence.

Schedule 1 also amends the Public Authority (Financial Arrangements) Act 1987 so as to ensure that statutory State-owned corporations may obtain the benefit of a statutory guarantee under section 22A of the Act. The amendment provides consistency with the position of company State-owned corporations in relation to the statutory guarantee. There are many other important features of the bill, and I commend it to the House.