

## Second Reading

**The Hon. TONY KELLY** (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [11.13 a.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 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 to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 41 Acts and 3 regulations. 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 Fire Brigades Act 1989 to require an insurance company to inform policy holders renewing their property or home and contents insurance how much of their premium is attributable to any contributions the insurance company is required to make under the State Emergency Service Act 1989 towards the costs of State Emergency Service expenditure. Similar requirements currently exist in relation to an insurance company's contributions under the Fire Brigades Act 1989 and the Rural Fires Act 1997. Schedule 1 also amends the Land Acquisition (Just Terms Compensation) Act 1991 to enable corrections to be made to compensation notices for compulsory acquisitions. Under the proposed amendments, corrections may be made only before the offer of compensation in the notice is accepted and only to deal with clerical errors or obvious mistakes, or to reflect any change in the determination of the Valuer-General as to the amount of compensation to be offered.

Schedule 1 makes a number of amendments to the Environmental Planning and Assessment Act 1979. These include an amendment to the Director General's power to make payments out of the Special Contributions Areas Infrastructure Fund to a local council or the Department of Planning for the provision of local infrastructure. The amendment clarifies that the power is not limited by the requirement for the Minister to identify what part of a special infrastructure contribution is for the provision of local infrastructure by a local council or the department. Schedule 1 amends the Residential Tenancies Act 1987 to clarify that the Tenancy Commissioner may prosecute any offence under that Act without the need for the prosecution to follow on from the investigation or resolution of a complaint by a landlord or tenant. Comparable amendments are made to the Community Land Management Act 1989, the Residential Parks Act 1998 and the Strata Schemes Management Act 1996 in relation to the power of the Commissioner for Fair Trading to prosecute under those Acts.

The Firearms Act 1996 is amended to require a person whose licence under the Act has expired or ceases to be in force for any other reason is to immediately surrender the licence and any firearm in the person's possession to police and to authorise the police to seize any such firearm. Currently a person is required to surrender a licence and firearms and the police are authorised to seize such firearms only if the person's licence ceases to be in force because it is suspended or revoked. Amendments made by schedule 1 to the Protection of the Environment Operations Act 1997 will enable the Department of Environment and Climate Change to recover reasonable costs from a person when it issues a notice to prevent the carrying out of an activity in an environmentally unsatisfactory manner.

Schedule 1 makes various amendments to the Mental Health (Forensic Provisions) Act 1990, a number of which relate to information-sharing protocols under the Act. These include amendments requiring the existing powers of the departments of Health, Corrective Services and Juvenile Justice to enter into such protocols with each other to be exercised by the heads of those departments, and allowing area health services and statutory health corporations to participate in sharing and exchanging information under the protocols. The amendments will also allow information to be shared or exchanged under a protocol to cover a broader group of persons for the purposes of the Act.

The Law Enforcement (Controlled Operations) Act 1997 is amended to extend the protection given by the Act to a participant in a cross-border controlled operation who is unaware that the authority for the operation has been varied or cancelled. The amendment will ensure that the protection given by the Act applies in respect of operations in the nature of cross-border controlled operations that are authorised by or under the provisions of a corresponding law. This amendment is aimed at ensuring mutual recognition of the Act by Queensland and is consistent with national model laws that have been developed for cross-border controlled operations.

Schedule 1 also makes various amendments to the Water Management Act 2000. The amendments to this Act include broadening the category of persons whom the Minister may require to prepare reports concerning compliance with directions given to them under the Act. The amendments to this Act also include increasing the maximum monetary penalty that a Local Court may impose in proceedings for an offence against the Act—where an offence against the Act is prosecuted in the Local Court rather than a court with greater jurisdiction—so that

the maximum monetary penalty parallels, for example, the amount that a Local Court may impose under the Protection of the Environment Operations Act 1997.

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. Most of these amendments involve standardising terms used in other Acts so that they are consistent with those used in those Acts. Schedule 4 contains amendments that relate to the official notification of the making of certain statutory instruments that directly amend Acts on the New South Wales legislation website maintained by the Parliamentary Counsel. Schedule 5 repeals a number of Acts and instruments 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 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.

Schedule 6 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, by proclamation, to revoke the repeal of any Act or instrument repealed by the bill. 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.