

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

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Bill introduced on motion by Mr Brad Hazzard, read a first time and printed.**Second Reading**

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [4.05 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2014 continues the statute law revision program, which has been in place for the past 30 years. Bills of this kind are an effective method of making minor policy changes, repealing redundant legislation and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature to 22 Acts and two regulations that are too inconsequential to warrant the introduction of a separate amending bill. I will describe some of the amendments to give members an indication of the kind of amendments that are included in this schedule.

Schedule 1 amends the National Parks and Wildlife Act 1974 to explicitly enable conditions to be imposed on an authority to harm animals, fell trees or pick native plants. An existing defence to conviction for an offence against the Act is that the conduct constituting the offence was done under an authority. The amendments will require a defendant relying on this defence to also show that the conduct was consistent with any conditions of the authority. Amendments to the Ombudsman Act 1974 and its regulation deal with the requirements for non-government agencies that provide substitute residential care for children to report to the Ombudsman on allegations about and convictions for reportable conduct involving children.

These amendments arise from advice of the Solicitor General that the expression "substitute residential care for children" is very broad. The amendments will ensure that the reporting requirements will focus on reportable conduct of employees who are employed in the agency in child-related work. This group of employees are those for whom Working with Children checks are or will be required under the Child Protection (Working with Children) Act 2012. The amendments to the Ombudsman Act 1974 will also ensure that the regulations can make further refinements identifying the particular non-government agencies, or employees in those agencies, providing substitute residential care for children to which the reporting requirements apply.

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 corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation. Schedule 3 makes certain of the consequential and other minor amendments related to the enactment of the Government Sector Employment Act 2013 that are contained

in the Government Sector Employment Legislation Amendment Bill 2013, which is currently in the other place.

The amendments do not include the main amendments in that bill, which relate to the alignment of employment arrangements for senior executives in the NSW Police Force and New South Wales health and transport services with the new employment arrangements for senior executives in the public service. Schedule 4 repeals five redundant Acts and superfluous or redundant provisions of two other Acts. 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 and provisions.

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. I am sure that members will appreciate the straightforward and non-controversial nature of the provisions contained in the bill. However, if any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for government staff 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.

Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.