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STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [9.48 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

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 for 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 2 Regulations that are too inconsequential to warrant the introduction of a separate amending bill. I will describe some of the amendments to give Honourable Members an indication of the kind of amendments that are included in this schedule.

Schedule 1 amends the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991* to enable permits to be issued authorising activities that would otherwise be prohibited by a quarantine order under that Act. This amendment is in line with existing provisions in the Act that allow permits to be issued authorising activities that would otherwise contravene controls over infected or infested places and vehicles, restricted areas and control areas. It will enable operational responsiveness and flexibility, which are critical in effectively managing emergency animal disease and pest outbreaks.

The *Contracts Review Act 1980* is amended to ensure that a court can grant relief from unjust contracts to a community, precinct or neighbourhood association in a community title scheme, just as a court can currently do in the case of owners corporations for strata schemes.

Schedule 1 also 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 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 1 amends the *Pawnbrokers and Second-hand Dealers Act 1996* to make it an offence for a pawnbroker to enter into an agreement for the pawning of goods if the agreement states that a special fee or charge for the redemption of the goods must be paid. This is consistent with the current law under the Act, which makes it an offence for a pawnbroker to impose or accept such a fee or charge.

The last schedule 1 matter I will mention is the amendments to the *Residential Tenancies Act 2010*. Those amendments will clarify the right of a tenant to terminate a fixed term tenancy agreement early, without paying compensation to the landlord, on the grounds that the landlord did not disclose a proposed sale before entering into the agreement. In particular, it will be made clear that the tenant may exercise the right on those grounds only if the Act required the landlord to make the disclosure before entering into the agreement, for example, because a contract of sale had been prepared.

The amendments to the *Residential Tenancies Act 2010* will also enable an online rental bond service to be established, enabling tenants to electronically deposit rental bonds directly with the Commissioner for Fair Trading.

Currently, rental bonds are paid by tenants to landlords or agents who pass them on to the Commissioner, using predominantly paper-based forms.

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* (currently in this place). The amendments do not include the main amendments in that bill relating to the alignment of employment arrangements for senior executives in the New South Wales Health Service, Police Force and Transport Service with the new employment arrangements for senior executives in the Public Service.

Schedule 5 repeals 5 redundant Acts and superfluous or redundant provisions of 2 other Acts.

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 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 Honourable 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.