

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2016*First Reading*

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka.

Second Reading

The Hon. DAVID CLARKE (11:33): On behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2016 continues the statute law revision program which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and 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 that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to 27 Acts and related amendments to six instruments. I will give an outline of some of the amendments that are included in this schedule.

Schedule 1 amends the Children and Young Persons (Care and Protection) Act 1998 to clarify the effect of the registration by the Children's Court of child protection orders and other orders that have been transferred to New South Wales from other jurisdictions. The amendment will ensure that these orders can be dealt with in the same way as orders made in New South Wales by the Children's Court. This is consistent with provisions of corresponding legislation of other jurisdictions relating to transferred orders. Amendments are made by schedule 1 to several Acts in the portfolio of the Minister for Innovation and Better Regulation. An amendment to the Conveyancers Licensing Act 2003 will provide that a licence under that Act remains in force for one year from the date it is granted rather than only until the following 30 June. This will reduce the administrative burden involved in processing applications and apportioning fees for those licences.

The amendments to the Co-operative Housing and Starr-Bowkett Societies Act 1998 will abolish the standards committee established under that Act, which has not exercised its functions of making standards for co-operative housing bodies since 2004. The standards made by the standards committee before its abolition will be continued in operation. The amendments will also provide that certain documents required to be provided under the Act are to be provided in the form approved by the Secretary of the Department of Finance, Services and Innovation rather than in the form prescribed by the regulations.

The Motor Dealers and Repairers Act 2013 is amended to provide that a motor dealer need only provide a dealer's notice for a second-hand trailer or towable recreation vehicle at or before the time of sale, instead of while it is being offered for sale. This amendment removes the practical difficulties, such as deterioration due to weather exposure, faced by dealers in attaching a dealer's notice to a trailer or towable recreational vehicle. The amendments will also confer on the Commissioner for Fair Trading functions under the Act that are currently conferred on the Secretary of the Department of Finance, Services and Innovation in line with other legislation administered by the Minister for Innovation and Better Regulation.

Schedule 1 makes a number of amendments to the Aboriginal Land Rights Act 1983. These include an amendment to fix two-year terms for the offices of chairperson and deputy chairperson of the board of a local Aboriginal land council. This is consistent with the terms of office of the chairperson and deputy chairperson of the NSW Aboriginal Land Council. An amendment to the National Disability Insurance Scheme (NSW Enabling) Act 2013 will dissolve the Home Care Service of New South Wales, the assets, rights and liabilities of which have been transferred to Australian Unity Home Care Service Pty Ltd under the National Disability Insurance Scheme (NSW Enabling) Act 2013.

The Biological Control Act 1985 is amended to make it clear that the definition of organism for the purposes of that Act includes viruses and sub-viral agents. This will ensure that viruses and sub-viral agents can be included in the national scheme for the control of target organisms. The amendments are consistent with recent amendments made to the Commonwealth Biological Control Act 1984. The last schedule 1 matter I will mention is the amendment to the Conveyancing Act 1919. The amendment will enable the Registrar General to refuse to register a general power of attorney in the General Register of Deeds if the registrar is not satisfied that the instrument meets the formal requirements for creation of the power of attorney.

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 amendments consequent on an amendment made by schedule 1.

Schedule 4 continues the program of repealing Acts and instruments that are redundant or of no practical utility. The schedule includes the repeal of the Home Care Service Act 1988, which is related to the amendment to the National Disability Insurance Scheme (NSW Enabling) Act 2013 I mentioned earlier. The schedule also repeals the Community Services (Complaints, Reviews and Monitoring) Regulation 2004, which is made redundant by amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 in schedule 1. Schedule 5 makes amendments consequent on the repeal of the Home Care Service Act 1988 by schedule 4. 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 beginning of the schedule concerned. I am assure 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 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. Withdrawn proposals can also be dealt with in a second bill using the procedure for splitting bills in this House, which can be dealt with in each of the Houses in the same way as an ordinary bill. I commend the bill to the House.

Debate adjourned.