

Statute Law (Miscellaneous Provisions) Bill 2017

Universities Legislation Amendment (Planning Agreements) Bill 2017

Second Reading

The Hon. BRONNIE TAYLOR (18:18): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in Hansard.

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill 2017 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 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 31 Acts and related amendments to two instruments. I will give an outline of some of the amendments that are included in this schedule.

Schedule 1 makes various amendments to the 10 Acts establishing public universities. The amendments will clarify provisions of those Acts that confer powers on the universities' governing authorities with respect to financial management and the acquisition and management of property. These include amendments to make it clear that the existing power of a governing authority to oversee risk management and risk assessment across the university includes the power to effect financial adjustments for the management of financial risks.

The schedule also makes a number of amendments to the Barangaroo Delivery Authority Act 2009. These include amendments updating references to the Barangaroo Headland Park, which has been named Barangaroo Reserve by the Geographical Names Board of NSW. The amendments will also make it clear that the Board of the Barangaroo Delivery Authority may circulate papers by email or other electronic means for the purpose of transacting its business.

Amendments are made to the Carers (Recognition) Act 2010 in line with recommendations resulting from the recent statutory review of that Act. The amendments include various changes to the NSW Carers Charter to reflect current terminology and social context. An amendment is also made to remove the unnecessary requirement that the Minister for Disability Services be included as a member of the Carers Advisory Council (which advises the Minister on matters relating to carers).

Amendments are made by schedule 1 to several Acts in the portfolio of the Minister for Innovation and Better Regulation.

An amendment to the Motor Dealers and Repairers Act 2013 is made as a consequence of the recent transfer of functions under the Act from the Secretary of the Department of Finance, Services and Innovation to the Commissioner for Fair Trading. The amendment will ensure that those functions can continue to be delegated to employees of that department.

The Biofuels Act 2007 is amended to update a provision relating to the membership of the Expert Panel which advises the Minister for Innovation and Better Regulation on exemptions from minimum biofuel requirements. The amendment is consequent on recent administrative changes and will ensure that the panel continues to include a person with regional industry development expertise who is employed in the Department of Industry.

An amendment is made to the Pawnbrokers and Second-hand Dealers Act 1996 to provide for a power to delegate the functions of the Commissioner for Fair Trading under the Act. Currently, the Commissioner relies on a power of delegation under the Fair Trading Act 1987 when delegating functions under the Pawnbrokers and Second-hand Dealers Act 1996.

Schedule 1 also amends the Law Enforcement (Controlled Operations) Act 1997 by updating a reference to the former Australian Customs Service. That agency has been integrated into the Commonwealth Department of Immigration and Border Protection. The officers of that Department now exercise the functions formerly exercised by officers of the Australian Customs Service. The amendment will enable regulations under the Act to prescribe that department as a law enforcement agency that may conduct controlled operations under the Act.

The last schedule 1 matter I will mention is the amendments to the Tow Truck Industry Act 1998. The amendments will facilitate the transfer of policy and regulatory functions from Transport for NSW and Roads and Maritime Services to the Secretary of the Department of Finance, Services and Innovation. Under the new arrangements, the authorised officers who exercise powers of inspection and other regulatory functions under the Act will be appointed by the Secretary of the Department, rather than by Roads and Maritime Services. The amendments include a savings provision enabling the authorised officers who are currently authorised by Roads and Maritime Services to continue to exercise those regulatory functions under the Act.

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 to the provisions of various Acts providing for the issue of penalty notices consequent on the enactment of the Fines Amendment (Electronic Penalty Notices) Act 2016. That Act amended the Fines Act 1996 to consolidate and standardise provisions relating to penalty notices. In particular, the Act transferred to the Fines Act 1996 the substance of provisions

found in specific sections of other Acts providing for the issue of penalty notices. The amendments made by schedule 3 will remove provisions that are now duplicated in the Fines Act 1996.

Schedule 4 makes various amendments to Acts as a consequence of past administrative changes orders and the enactment of the Government Sector Employment Act 2013.

Schedule 5 continues the program of repealing Acts and instruments that are redundant or of no practical utility.

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 substituted 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 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. Withdrawn proposals can also be dealt with in a second bill (using the procedure for splitting bills in the Legislative Council), 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.