



Statute Law (Miscellaneous Provisions) Bill 2007

Statute Law (Miscellaneous Provisions) Bill 2007

Extract from NSW Legislative Assembly Hansard and Papers Friday 8 June 2007.

Agreement in Principle

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [10.32 a.m.], on behalf of Mr Morris lemma: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill 2007 continues the well-established statute law revision program that is recognised by all members as a cost-effective and efficient method for dealing with minor amendments. The form of the bill is similar to that of previous bills in the statute law revision program. This bill includes two additional schedules to deal specifically with statute law revision amendments consequential on the enactment of the Legal Profession Act 2004 and the Police Amendment (Miscellaneous) Act 2006.

Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister considers does not warrant the introduction of a separate amending bill. That schedule contains amendments to 55 Acts and instruments. I will mention some of the more notable amendments to give members an indication of the kind of amendments that are included in the schedule. Schedule 1 amends the Contaminated Land Management Act 1997 to insert a standard provision that allows penalty notices to be issued in respect of prescribed penalty notice offences under that Act as a sensible alternative to launching a full-scale prosecution. A consequential amendment is also made to the Fines Act 1996 to provide for the enforcement of any such penalty notice.

Schedule 1 will change the titles of presiding officeholders on a number of parliamentary committees to chair and deputy chair to ensure consistent titles are used across all such committees. These titles are already used in standing orders. The Acts that are amended in this respect are: the Commission for Children and Young People Act 1998, the Constitution Act 1902, the Freedom of Information Act 1989, the Health Care Complaints Act 1993, the Independent Commission Against Corruption Act 1988, the Legislation Review Act 1987, the Ombudsman Act 1974, the Parliamentary Contributory Superannuation Act 1971, the Parliamentary Evidence Act 1901, the Parliamentary Remuneration Act 1989, the Public Finance and Audit Act 1983 and the Public Works Act 1912.

Another amendment made by schedule 1 is to change the name of the Petroleum (Submerged Lands) Act 1982 to the Petroleum (Offshore) Act 1982, and to make other amendments to that Act as a consequence of the repeal of the Petroleum (Submerged Lands) Act 1967 of the Commonwealth and the commencement of the Offshore Petroleum Act 2006 of the Commonwealth. Cross-references in a number of other Acts and instruments are also amended by schedule 1 as a consequence of these changes. The Aboriginal Land Rights Act 1983 is amended to clarify that the

chairperson of the New South Wales Aboriginal Land Council is to be full time and to clarify the remuneration arrangements which may be specified in the instrument appointing an administrator to manage the affairs of a land council. The Aboriginal Lands Rights Amendment Act 2006 is also amended to make the registrar appointed under the Aboriginal Land Rights Act 1983 the returning officer for elections of board members of local Aboriginal land councils instead of the Electoral Commissioner for New South Wales. The Electoral Commissioner will remain the returning officer for State level New South Wales Aboriginal land council elections. Other amendments made by schedule 1 are to the Companion Animals Act 1998. These amendments ensure that the provisions of the Act dealing with dangerous dogs and restricted dogs are consistent. For example, the amendments provide that a dog that is the subject of a proposed dangerous dog declaration must be confined, tethered or restrained in such a way as to prevent it from attacking or chasing a person who is lawfully on the property where the dog is ordinarily kept. This will ensure parity with the current requirements of restricted dogs. The Pesticides Act 1999 is also amended by schedule 1. These amendments make it clear that a fee is not payable under that Act in respect of a revocation or variation of a clean-up notice or prevention notice. The amendments also permit the Environment Protection Authority to waive payment of the whole or any part of the fees in respect of those notices without an application being made for such a waiver. The last schedule 1 matter that I will mention is an amendment to the Prevention of Cruelty to Animals Act 1979. The proposed amendment clarifies that the prohibition on docking an animal's tail extends to non-surgical means of docking a tail, for example, by means of a rubber band. This reflects the intention expressed in the agreement in the second reading speech when the relevant amendment was considered in 2004. Schedule 2 deals with matters of pure statute law revision that Parliamentary Counsel considers are appropriate for inclusion in the bill, for example, amendments arising out of the enactment or appeal 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 and include standardising terms used in other Acts so that they are consistent with those used in the Legal Profession Act. Schedule 4 contains statute law revision amendments that are consequential on the enactment of the Police Amendment (Miscellaneous) Act 2006, which updates references to NSW Police, now the NSW Police Force. Schedule 5 repeals a number of Acts and provisions of Acts. Schedule 6 contains general savings, transitional and other 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. 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 matter raised. If any matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing it from the bill. I commend the bill to the House.