



Statute Law (Miscellaneous Provisions) Bill 2007

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Extract from NSW Legislative Council Hansard and Papers Wednesday 27
June 2007.

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [9.13 p.m.], on behalf of the
Hon. John Della Bosca: I move:

That this bill be now read a second time.

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 session, the bill includes two additional schedules to deal specifically with statute law revision amendments consequential upon 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 honourable members an indication of the kinds 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 office holders on a number of parliamentary committees to "chair" and "deputy chair", to ensure that consistent titles are used across all such committees. These titles are already reflected in the 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.

Schedule 1 also changes the name of the Petroleum (Submerged Lands) Act 1982 to the Petroleum (Offshore) Act 1982 and makes other amendments to that Act as a consequence of the repeal of the Commonwealth's Petroleum (Submerged Lands) Act 1967 and the commencement of the Commonwealth's Offshore Petroleum Act 2006. 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 that may be specified in the instrument appointing an administrator to manage the affairs of a land council.

The Aboriginal Land Rights Amendment Act 2006 is also amended to make the registrar appointed under the Aboriginal Land Rights Act 1983, instead of the Electoral Commissioner for New South Wales, the returning officer for elections of board members of local Aboriginal land councils. The Electoral Commissioner will remain the returning officer for the State level New South Wales Aboriginal Land Council elections. Other amendments made by schedule 1 are to the Companion Animals Act 1998. These amendments will 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 requirement for restricted dogs.

Schedule 1 also amends the Pesticides Act 1999 to 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 a 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 amendment I will mention is to the Prevention of Cruelty to Animals Act 1979. It clarifies that the prohibition on docking an animal's tail extends to the non-surgical means of docking a tail—for example, by means of a rubber band. This reflects the intention expressed in the second reading speech when the relevant amendment was considered in 2004.

Schedule 2 deals with matters of pure statute law revision that the Parliamentary Counsel considers are appropriate for inclusion in the bill—for example, amendments arising out of the enactment or repeal of other legislation, correcting duplicated numbering and updating terminology. Schedule 3 makes 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 they are consistent with those used in the Legal Profession Act.

Schedule 4 makes statute law revision amendments that are consequential on the enactment of the Police Amendment (Miscellaneous) Act 2006 and change references to "NSW Police" to "New South Wales 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.

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 matters raised. If any provision is of concern and 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.