

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2011

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Bill introduced on motion by Mr Greg Smith on behalf of Mr Barry O'Farrell.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [11.31 a.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill 2011 continues the established statute law revision program that is recognised as a cost-effective and efficient method for dealing with amendments of the kind included in the bill. The form of the bill is similar to that of previous bills in the statute law revision program. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation being amended considers to be inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 13 Acts and three regulations. I will mention some of the amendments to give members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends various Acts in the portfolio of the Minister for Police and Emergency Services. Amendments to the Police Act 1990 make provisions relating to the employment of executive and non-executive administrative officers in the New South Wales Police Force consistent with equivalent provisions for other public sector employees in the Public Sector Employment and Management Act 2002. Also, amendments to the Fire Brigades Act 1989 will update references to "NSW Fire Brigades" as a consequence of its change of name to "Fire and Rescue NSW". Schedule 1 makes a minor amendment to the Election Funding, Expenditure and Disclosures Act 1981 in relation to the entitlements of political parties to administrative funding based on the number of their elected members. This amendment clarifies that a party's elected members include those elected at a joint sitting of members of Parliament.

Mr Jamie Parker: A good amendment.

Mr GREG SMITH: I thought the member for Balmain would be pleased about that. Schedule 1 makes a number of amendments to the Children and Young Persons (Care and Protection) Act 1998. These include extending a regulation-making power with respect to probity checks on persons involved in the control or management of licensees or proposed licensees of children's services to probity checks on the licensees or proposed licensees themselves. Amendments made by schedule 1 to the Holiday Parks (Long-term Casual Occupation) Act 2002 will bring a standard term of an occupation agreement for a holiday park site into line with a requirement in that Act limiting the duration of occupation. The amendments also clarify and consolidate the standard terms of occupation agreements that concern the options and method for payment of occupation fees under such agreements. Schedule 1 amends the Residential Tenancies Act 2010 to allow rent to be increased under a residential tenancy agreement, whether or not the increase is specified in the agreement, if the agreement is for a term of two years or less, rather than a term of less than two years. Other amendments to that Act will extend to landlords' agents, certain offences relating to the terms of residential tenancy agreements and payment of rent by tenants that currently apply only to

landlords, and will clarify the circumstances in which a warrant for a possession of residential premises may be issued as a result of a termination order for frequent failure to pay rent owing.

Amendments are also made by schedule 1 to the Associations Incorporations Act 2009 to make it clear that it is the responsibility of an association, rather than its public officer, to lodge financial reports, and to the Wild Dog Destruction Act 1921 to enable members of the Wild Dog Destruction Board to be appointed or reappointed for a term of up to three years, rather than a fixed term of three years. The last schedule 1 matter I will mention is the amendments to the Swimming Pools Act 1992. That Act currently requires a swimming pool on the premises of a hotel or a motel to be surrounded by a child-resistant barrier that is located immediately around the swimming pool. The amendments will extend that requirement to swimming pools on the premises of certain other types of tourist and visitor accommodation.

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 those arising out of the enactment of other legislation, those correcting numbering and typographical errors and those updating terminology. Schedule 3 contains amendments that enable or are consequential on the repeal of Acts and instruments by schedule 4. The amendments include the transfer into various Acts of the provisions of Acts and instruments repealed by schedule 4. Schedule 4 repeals 98 Acts and a number of instruments and provisions of Acts and instruments that are redundant or of no practical utility, including those that contain only amendments that have commenced.

A number of the repealed Acts—I emphasise this—relate to the construction of railways that were enacted mainly in the early part of the last century. Either the railways concerned have been constructed or the legislation can no longer be used to authorise any railway construction. The repeals do not affect the continued operation of railway lines, which under the Transport Administration Act 1988 can only be closed and removed with parliamentary approval. For abundant caution, the bill, in conjunction with section 29A of the Interpretation Act 1987, continues to provide a power for the Governor by proclamation to revoke the repeal of any Act or instrument repealed by the bill and restore its operation.

Schedule 5 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. 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. 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 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.