

**Second Reading**

**The Hon. MICHAEL GALLACHER** (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.06 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2011 continues the established statute law revision program that is recognised as a cost-effective and efficient method of 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. I seek leave to incorporate the remainder of my second reading speech in *Hansard*.

**Leave granted.**

Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too 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 honourable 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 of 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 the 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 "New South Wales Fire Brigades" as a consequence of its change of name to "Fire and Rescue New South Wales".

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.

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 "2 years or less", replacing the current description which is a term of "less than 2 years".

Other amendments to that Act will make certain offences relating to the terms of residential tenancy agreements and payment of rent by tenants consistent with other offences in the Act.

The offences in question currently apply only to landlords; however, other offences apply both to landlords and their agents, consistent with the intent of the Act. The anomaly arose due to a drafting oversight, which will be corrected through these amendments. The amendments will also clarify the circumstances in which a warrant for 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 Incorporation Act 2009*, to make it clear that it is a 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 3 years, rather than for a fixed term of 3 years.

The last schedule 1 matter I will mention is the amendments made 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 significant number of the repealed Acts relate to the construction of railways that were enacted mainly in the early part of the last Century. The railways concerned have either 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.