



Statute Law (Miscellaneous Provisions) Bill.

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [6.00 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill continues the well-established statute law revision program, that is recognised by all members 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 to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. The schedule contains amendments to 51 Acts. I will mention some of them to give honourable members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends the Art Gallery Trust of New South Wales Act 1980 in two main ways. Firstly, it provides that, in calculating the maximum number of consecutive terms for which a trustee of the gallery may hold office, any period of appointment to fill a casual vacancy is to be disregarded.

Secondly, it repeals the provision specifying that the appointment of a trustee takes effect on 1 January in the year following the year in which the appointment is made. The instrument of appointment may specify the date the appointment takes effect.

Similar amendments are made to other Acts within the Arts portfolio so that the same provisions will apply to other trustees and members of boards and councils concerned with the administration of the arts.

Schedule 1 amends the Ombudsman Act 1974 to add to the circumstances in which the Ombudsman may disclose certain information. The amendment provides that information obtained in the course of discharging functions with respect to a complaint against a public authority may be given to another public authority if the information concerned is relevant to the functions, policies, procedures or practices of the other public authority. However, the amendment specifically excludes personal information from the information that may be disclosed to the other public authority.

The Ombudsman or an officer of the Ombudsman may also disclose to certain authorities information relating to the safety, welfare or well-being of any child or young person (or class of children or young persons). That information may be disclosed to a police officer, the Department of Community Services or any other public authority that the ombudsman considers appropriate in the circumstances.

Finally, the Ombudsman or an officer of the Ombudsman may disclose information to a particular person (for example, the governor of a correctional centre) if the Ombudsman believes on reasonable grounds that disclosure to that person is necessary to prevent or lessen the likelihood of harm being done to any person. However, that disclosure may be made only if the Ombudsman also believes on reasonable grounds that there is a risk of harm (including self-harm) being done to any person.

Schedule 1 amends the Health Administration Act 1982 to provide that the Minister for Health cannot delegate a particular power. The power concerned is the power to determine the amounts of money (if any) that should be paid out of money from the Consolidated Fund to area health services, statutory health corporations and affiliated health organisations in any financial year. This amendment was recommended by the Public Accounts Committee in its report number 135 made in October last year.

Other legislation within the health portfolio is also amended. A number of Acts relating to health professionals are amended to provide for certain administrative duties of the president of the relevant registration board to be carried out by the registrar of the board rather than the president. The duties involve the fixing of times and places

for the holding of inquiries into the fitness of applicants for registration and the giving of notice of the inquiries to the applicants.

Schedule 1 also amends the Local Government Act 1993 and the Protected Disclosures Act 1994 to ensure that complaints may be made about the conduct of councillors as well as about the conduct of officers of councils.

The Meat Industry Act 1978 is amended so as to retain provisions requiring the branding of meat to identify whether it is lamb or hogget. The Act currently provides that any such provisions cease to have effect on and from 1 August 2003. The retention of the branding requirement is supported by the industry, the Australian Consumers' Association and other interested parties.

A number of amendments are made to legislation dealing with criminal matters, such as the Crimes (Local Courts Appeal and Review) Act 2001, the Criminal Procedure Act 1986, the Justices Legislation Repeal and Amendment Act 2001 and the Local Courts Act 1982. These amendments ensure the retention of certain provisions that were inadvertently omitted or altered in the repeal and re-enactment of the Justices Act 1902 and certain other aspects of the criminal law. For example, the amendments reinstate the former right of the Environment Protection Authority to appeal to the Land and Environment Court against certain orders made by a Local Court with respect to an environmental offence for which proceedings have been taken by that authority.

Schedule 1 also makes a number of amendments to the Environmental Planning and Assessment Act 1979. Some of these amendments ensure consistency of operation by consent authorities on the one hand and the Land and Environment Court on the other when modifying development consents. Other amendments avoid possible inconsistencies between council's development control plans and State environmental planning policies or regional environmental plans. The amendments also remove any doubt as to whether the regulation-making powers under the Act extend to empower the making of regulations concerning certain procedural matters, and they extend the operation of a transitional provision that is due to expire on 1 July this year.

The last schedule 1 amendments that I will mention are the amendments to the Hunter Water Act 1991 and the Sydney Water Act 1994. The amendments to both Acts require all the conditions of a customer contract to be set out in the operating licence of the relevant water corporation. They also allow the notice that must be published in relation to a variation of a customer contract to summarise the variation instead of setting it out in full. They insert a new requirement that copies of a customer contract that has been varied be made available to the public. The amendments to the Hunter Water Act 1991 also insert a provision identical to a provision in the Sydney Water Act 1994. That provision permits the making of regulations concerning the restriction or regulation of the supply and use of water in the area of operations of the water corporation in the case of drought or accident or other special circumstances.

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 duplicated numbering and those updating terminology.

Schedule 3 repeals a number of Acts and statutory rules and provisions in Acts. The Acts that were amended by the Acts or provisions being repealed are up-to-date on the legislation database maintained by the Parliamentary Counsel's office and are available electronically.

Schedule 4 contains provisions dealing with the effect of amendments on amending provisions, savings clauses for the repealed acts and a power to make regulations for savings and transitional matters, if necessary.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts concerned. Rather than repeat the information contained in those notes, I invite honourable members to examine the various amendments and accompanying explanatory material and, if any concern or need for clarification arises, to approach me regarding the matter. 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.

[Your feedback](#) [Legal notice](#)

Refer updates to Hansard Office on 02 9230 2233 or use the feedback link above.