

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.35 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2012 continues the statute law revision program that is recognised as an effective 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. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the amendment to the legislation considers to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 28 Acts. I will mention some of them to give members an indication of the kinds of amendments that are included in the schedule. Schedule 1 amends the Barangaroo Delivery Authority Act 2009 to remove the requirement for the Secretary to the Treasury to be a member of the board of the authority and to increase the number of persons that the Premier may appoint to the board from four to five persons.

The schedule makes a number of amendments to the Environmental Planning and Assessment Act 1979 including amendments to extend a right of appeal to persons who have deposited security with a council in accordance with a complying development certificate and are dissatisfied with the council's failure to release the security. Other amendments to that Act will enable joint regional planning panels to advise the Director General of the Department of Planning and Infrastructure, and not just the Minister, as is currently the case. The Firearms Act 1996 is amended to authorise police officers to seize licences and permits that are not in force, consistent with the existing obligation to immediately surrender licences and permits when they cease to be in force. Another amendment to that Act will reduce red tape by enabling licensed dealers to sell or otherwise deal with imitation firearms under the authority of their licence rather than having also to obtain a permit.

Schedule 1 contains miscellaneous amendments to the Fisheries Management Act 1994. These include an amendment to make it clear that the Minister may cancel an aquaculture lease if the leased area is not used for aquaculture. Schedule 1 amends the Health Care Complaints Act 1993 and the Health Records and Information Privacy Act 2002 to update terminology so that it is consistent with the national scheme for the regulation of health practitioners. For example, the term "nursing services" is replaced with the term "nursing and midwifery services" in recognition of the fact that nursing services are distinct from midwifery services under the national scheme.

The Interpretation Act 1987 is amended to confirm existing law to the effect that a delegation by an office holder generally continues to have effect even though the person who made the delegation has ceased to hold the relevant office. The new office holder may vary or revoke the existing delegation. Schedule 1 also amends the Liquor Act 2007 in relation to the operation of the three-strikes disciplinary scheme that currently applies in respect of convictions for certain offences, or the payment of penalty notices for alleged offences, at licensed premises. The amendments will ensure that a strike is also incurred if a penalty notice enforcement order is made because a licensee or manager fails to pay under a penalty notice and does not elect to have the penalty notice offence dealt with by a court. The

amendments also enable a strike to be revoked if a court election is made after payment under a penalty notice or if a penalty notice or enforcement order is withdrawn or annulled.

Finally, in relation to schedule 1, I mention the miscellaneous amendments to the Residential Tenancies Act 2010. One of these amendments will ensure that it is not an offence for a landlord or agent to receive a rental bond from a tenant before the tenant signs a residential tenancy agreement. However, it will remain an offence for the landlord or agent to require the bond to be paid before the agreement is signed.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that 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 makes amendments, by way of pure statute law revision, to forms of statutory declarations and affidavits. These amendments are consequent upon recent changes to the Oaths Act 1900 under which witnesses of statutory declarations or affidavits must certify that they have complied with requirements concerning the identification of the persons making the declarations or affidavits.

Schedules 4 and 5 continue the program of repealing Acts and instruments that are redundant or of no practical utility and consolidating Acts that have ongoing operation. Schedule 5 repeals 28 Acts and one instrument in their entirety and various provisions of Acts and instruments. Schedule 4 contains amendments that include the transfer into various Acts of the provisions of Acts repealed by schedule 5. 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 by the bill of any Act or instrument and to restore its operation.

Schedule 6 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 made by the bill 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 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.