

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2013

Page: 22

Bill introduced on motion by the Hon. Greg Smith, read a first time and printed.**Second Reading**

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [12.30 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2013 continues the longstanding statute law revision program. Bills of this kind have featured in most sessions of Parliament since 1984; they are recognised as an effective tool for making minor policy changes, repealing redundant legislation and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. Schedule 1 contains amendments to 41 Acts and one regulation. I will mention some of the amendments to give members an indication of the kinds of amendments that are included in the schedule.

Amendments made by schedule 1 to the Interpretation Act 1987 will authorise the New South Wales *Government Gazette* to be published on the New South Wales legislation website and give official status to the online version of the gazette. Publication on that website will enable searches across multiple gazettes. The amendments will also enable the remaining government subscription service for the printed gazette to be discontinued. Schedule 1 amends the Local Government Act 1993 to enable a council to hold money paid to it with respect to an environmental upgrade charge in its consolidated fund instead of in the council's trust fund, pending its payment to a financial provider.

Schedule 1 amends the Public Finance and Audit Act 1983 to extend from seven years to eight years the term of appointment of any prospective Auditor-General. This will make for a better fit with the conduct of reviews of the Audit Office by the Public Accounts Committee, which are now required to be conducted four yearly rather than three yearly. The amendment gives effect to the committee's recommendation, which will ensure that the Auditor-General will be subject to two reviews during his or her term in office, and the Parliament will have time to implement any recommendations from the review. Amendments are made by schedule 1 to various Acts in the portfolio of the Minister for Fair Trading. Amendments to the Residential Tenancies Act 2010 will allow former co-tenants to apply to the Consumer, Trader and Tenancy Tribunal for certain orders relating to the termination of residential tenancy agreements. Other amendments to that Act will enable former co-tenants to retrieve goods that they have left on residential premises which continue to be occupied by remaining co-tenants.

The Plumbing and Drainage Act 2011 is amended to extend certain functions, powers and exclusions that apply to local councils under that Act to apply also to county councils. Amendments to the Community Land Management Act 1989 and the Strata Schemes

Management Act 1996 will remove the requirement for the Commissioner for Fair Trading to prepare annual reports of operations under those Acts, which will instead be included in the annual report of the Department of Finance and Services. An amendment is made by schedule 1 to a provision of the Aboriginal Land Rights Act 1983 that applies to the transfer of assets, rights and liabilities of local Aboriginal land councils endorsed as deductible gift recipients. The amendment will make the provision consistent with the requirements of the Commonwealth Income Tax Assessment Act 1997 for endorsement as a deductible gift recipient. Schedule 1 makes a number of amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993. These include an amendment ensuring that persons who have been approved as service providers under the National Disability Insurance Scheme may be reviewed and monitored as service providers under the Act.

Schedule 1 also amends the Sydney Cricket and Sports Ground Act 1978. National Rugby League Limited constructed a new headquarters, New South Wales Rugby League Central, on land at Moore Park under the control of the Sydney Cricket Ground Trust, following ministerial approval granted in 2010 under section 16A of the Act. The amendments will enable the Sydney Cricket and Sports Ground Trust to lease the land on which the new headquarters stand to National Rugby League Limited for a total period not exceeding 80 years. An amendment to the Tattoo Parlours Act 2012 will enable the Commissioner of Fair Trading to issue certificates relating to licences, permits and interim closure orders that are admissible in any proceedings as evidence of the truth of the statements they contain. This is consistent with evidentiary provisions of other Acts that create a licensing or registration regime.

The final schedule 1 matter I mention are the amendments to the Real Property Act 1900. The amendments will modify a record-keeping requirement that applies to a mortgagee in line with requirements of the Commonwealth Anti-Money Laundering and Counter-terrorism Financing Act 2006. The amendments will make it clear that certain notices relating to foreclosure orders must be served on various parties in accordance with the Conveyancing Act 1919. 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 that correct numbering and typographical errors and those that update terminology. For example, the amendment to the Adoption Act 2000 relates to section 124A (3) and the definition of "guardian ad litem panel". It omits "Department of Justice and Attorney General" and inserts instead "Department of Attorney General and Justice".

Schedule 3 repeals Acts, instruments and provisions of instruments that are redundant. Schedule 4 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. I am sure members will appreciate the

straightforward and non-controversial nature of the provisions contained in the bill. However, 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.

Debate adjourned on motion by Mr Richard Amery and set down as an order of the day for a future day.