



Statute Law (Miscellaneous Provisions) Bill.

Second Reading

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [9.32 p.m.], on behalf of Mr Bob Carr: I move:

That this bill be now read a second time.

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 of dealing with amendments of the kind included in the bill. I know that members will be very excited by the contents of this bill and will stand in awe as I go through some of the aspects of it. The form of the bill is similar to that of previous bills in the statute law revision program. Schedule 1 makes policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers too inconsequential to warrant the introduction of a separate amending bill. The schedule makes amendments to 40 Acts and five statutory rules. I will mention some of the amendments to give honourable members an indication of the kinds of amendments that are included in the schedule.

Schedule 1 amends the Real Property Act 1900 so as to require a person appealing against a determination of a boundary dispute to join all owners of the land adjoining the disputed boundary as parties to the appeal. Any adjoining owner who does not wish to take an active part in the appeal may, under current court procedure, file what is called a submitting appearance in the appeal or apply to the court to be removed as a party from the proceedings. Schedule 1 also amends the Parliamentary Electorates and Elections Act 1912, which currently imposes a penalty on a police officer who takes part in any election otherwise than by casting a vote, or who tries to influence the vote of any other elector. The amendment makes it clear that the provision does not prevent a police officer from standing as a candidate in an election or from canvassing votes as a candidate.

Schedule 1 also amends the Optometrists Act 2002 to permit the regulations under that Act to prescribe, as drugs that optometrists may use in the practice of optometry, all drugs that were prescribed for that purpose under the Optometrists Act 1930. This means that the Optometrists Drug Authority Committee, which is established under section 17B of the Poisons and Therapeutic Goods Act 1966, will not be obliged to evaluate and approve the use of drugs that optometrists have been using for many years. However, any other drugs, including any new drugs that may be developed, will require approval by that committee before they may be used in the practice of optometry.

Two private Acts are amended by schedule 1. The first is the Anglican Clergy Provident Fund (Sydney) Act 1908, a very important Act which is amended to permit the Anglican Church of Australia Synod of the diocese of Sydney to delegate to the standing committee of that synod any one or more of the synod's powers under specified sections of the Act. Those powers include the power to provide for admission to the membership of the fund established by the Act teachers in Anglican schools, officials of the Anglican diocesan registries, and certain other lay persons.

The second private Act amended by schedule 1 is the Country Women's Association of New South Wales Incorporation Act 1931. I commend the Country Women's Association for the great work it has done over many years in New South Wales. This Act tunes in to their needs. It currently requires copies of the rules of the Country Women's Association, and new rules, alterations and repeals, to be registered in the Companies Office. That office no longer exists. Accordingly, the amendment provides for another repository for those documents and makes minor consequential amendments to suit the needs of the Country Women's Association.

Schedule 1 also makes a number of amendments relating to the repeal of the Native Vegetation Conservation Act 1997 and its replacement by the Native Vegetation Act 2003. Various references in other Acts to the 1997 Act are translated. Schedule 1 also amends various Acts and statutory rules relating to road transport to reflect the fact that the Commonwealth has repealed its National Road Transport Commission Act 1991 and replaced it with the National Transport Commission Act 2003. The amendments to the road transport legislation also deal with the consequential renaming of certain bodies and the termination of certain agreements. The last schedule 1 amendment that I will mention is to the Valuation of Land Act 1916. It reinstates the appeal rights of all persons who have the right to object to a land valuation. Any such person will be entitled to appeal to the Land and Environment Court against the Valuer-General's determination of an objection to the valuation, whether or not the person was the objector. At present, only the owner of the land concerned may appeal, and only if the objection was made by the owner.

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 or repeal of other legislation and those correcting duplicated numbering and those updating terminology. Schedule 3 repeals a number of Acts and provisions of Acts and a regulation. The Acts and instruments 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, although I am happy to do so if members require, 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.

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