



NSW Legislative Assembly Hansard

Statute Law (Miscellaneous Provisions) Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 23 May 2006.

Second Reading

Mr PAUL McLEAY (Heathcote—Parliamentary Secretary) [10.32 p.m.], on behalf of Mr Morris Iemma: 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 honourable 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. This year the bill includes an additional schedule to deal specifically with statute law revision amendments consequential on the enactment of the Legal Profession Act 2004. 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 40 Acts. 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 makes amendments to the Agricultural Scientific Collections Trust Act 1983 that will allow scientific and historical collections held by the trust to include non-agricultural collections relating to fishing, forestry and mining held by the Department of Primary Industries. This will provide further protection to these collections. The schedule makes various amendments to the Ports Corporatisation and Waterways Management Act 1995 to change the name of the Waterways Authority to the Maritime Authority of New South Wales. The new name is considered to better reflect the functions of that body. The Companion Animals Act 1998 will be amended to ensure that "restricted dogs" include those kinds, types or breeds whose importation into Australia is prohibited under the Commonwealth Customs Act 1901. This will ensure a more uniform approach to the restriction of dangerous dogs.

It is proposed to amend the Conveyancing Act 1919 to allow regulations to be made to provide for the refund or waiver of fees taken by the Registrar General under various Acts. Similar amendments are proposed in respect of the Non-Indigenous Animals Act 1987 and the Water Management Act 2000. Schedule 1 also amends the Commercial Agents and Private Inquiry Agents Act 2004 to remove a requirement that a person be under immediate supervision for the first year that the person holds an operator licence under that Act. Immediate supervision is onerous, costly and unnecessary for routine activities. New licensees will still be required to be under supervision during their first year. The Independent Commission Against Corruption Act 1988 is amended to clarify that the Inspector of the commission may investigate complaints about former officers of the commission, as well as the conduct of current officers. This ensures that the Inspector has appropriate oversight powers.

Amendments to the Environmental Planning and Assessment Act 1979 are proposed to clarify that declarations of development as major infrastructure and other projects to which part 3A of the Act applies can be made in respect of a class of development as well as in respect of a particular development. That Act is also amended to clarify that, following recent amendments, the Minister and the Director General of the Department of Planning retained their power to give orders for the enforcement of the Act in connection with matters for which they are the consent authority under part 4. Amendments to the Gene Technology (GM Crop Moratorium) Act 2003 will update the names of organisations that may nominate members to the New South Wales Advisory Council on Gene Technology to reflect name changes. They also provide that nominations are to be made by the organisation itself rather than a specified officer of the organisation.

Schedule 1 amends the Game and Feral Animal Control Act 2002 to exempt an employee of a person who owns or occupies land from the need to obtain a game hunting licence to hunt on the land. The amendments also allow the Game Council to delegate to its chief executive officer the administrative function of issuing identification cards to inspectors under the Act. Amendments to the Liquor Act 1982 and the Registered Clubs Act 1976 also provide for the delegation of functions; in those cases the amendments permit the Director General of the Department of the Arts, Sport and Recreation to delegate his or her functions in relation to key officials and former key officials to the Commissioner of the New South Wales Office of Liquor, Gaming and Racing. This amendment will allow appropriate administrative arrangements to be made for the exercise of these functions in the new department.

Offences relating to the release of balloons into the air under the Protection of the Environment Operations Act 1997 are to be amended. Currently, it is an offence to release 20 or more lighter-than-air balloons at the same time, and it is an aggravated offence if 100 or more balloons are released. The amendments will increase the number of balloons to 100 or more and 300 or more respectively. This arises from a recent case where, as an

unforeseen consequence of this law, the release of balloons at a funeral was prevented. It is not expected to have adverse environmental effects.

Finally, an amendment to the Terrorism (Police Powers) Act 2002 will streamline the oversight function of the Ombudsman, by permitting him to combine reports on the use of preventative detention and the use of covert search warrants into a single document to be presented to the Minister for Police and the Attorney General. 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, those correcting duplicated numbering and those updating terminology.

Schedule 3 contains statute law revision amendments that are consequential on the enactment of the Legal Profession Act 2004. Examples of amendments in schedule 3 include standardising terms used in other Acts so that they are consistent with those used in that Act, and updating references to the Legal Profession Act 1987, which is now repealed. Schedule 4 repeals a number of Acts and regulations and provisions of Acts. The Acts and instruments that were amended by the Acts or provisions being repealed are up to date and available electronically on the legislation database maintained by the Parliamentary Counsel's Office. Schedule 5 contains general savings, transitional and other provisions. These include 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 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 provision from the bill. I commend the bill to the House.