

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.03 a.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill 2010 continues the established statute law revision program, dealing with only minor amendments, many of them cleaning up the legislation currently on the books, and also dealing with small policy changes that would not justify stand-alone bills. 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 are considered to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 27 Acts and two regulations. I will mention some of the amendments to give members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends the Guardianship Act 1987 to help streamline the process for service of applications and notices under the Act. The amendments will allow an application to the Guardianship Tribunal to be served separately from a notice specifying the time, date and place set down for the tribunal's hearing of that application. This will remove the current requirement that the notice and application be served simultaneously, which can delay service of the application on the parties. The amendments will allow also notices under the Act to be served on relevant parties by electronic means.

The Fisheries Management Act 1994 is amended by schedule 1 to make it clear that the term "premises" includes boats for the purposes of a provision of the Act that allows the Minister to require the owner or occupier of premises within a quarantine area to take certain action as a consequence of the area's quarantine status. The amendments to the Act will also allow regulations to prescribe what is a lawful purpose for an existing defence under the Act to the offence of possession of illegal fishing gear.

The amendments made by schedule 1 to the Ombudsman Act 1974 will extend to the Office of Information Commissioner certain provisions that are ancillary to the Joint Parliamentary Committee's current power under the Act to veto proposed appointments to that office. The provisions concerned require the joint committee to take evidence relating to such proposed appointments in private and to protect its deliberations from being improperly disclosed.

Schedule 1 makes various amendments to the Children and Young Persons (Care and Protection) Act 1998. Among these are amendments that will confirm that the parents of a child or young person subject to an application for a care order are to be served with a copy of any report supporting the application, in addition to the application, and any other supporting documentation. Also included are amendments that will enable a division, or a part of a division, of the government service, or a part of an organisation, rather than just a whole department or organisation, to be accredited as a designated agency or registered as a relevant agency under the Act. The amendments also will confirm that the Act does not regulate voluntary arrangements for out-of-home care provided to children or young persons outside of New South Wales.

Schedule 1 amends the Animal Research Act 1985 to extend the duration of licences for the supply of animals for research purposes from 12 months to 36 months, unless sooner cancelled. This will bring the duration of those licences into line with the duration of accreditation as animal research establishments. The amendments to the Act will update various references and make it clear that the existing power to make regulations for or with respect to fees or charges payable under the Act includes the making of regulations for or with respect to the waiver or refund of those fees or charges.

Amendments made by schedule 1 to the Public Finance and Audit Act 1983 will make it clear that a controlled entity of a statutory body or government agency is required to have separate financial reports that are prepared and audited in accordance with the same general auditing requirements as apply to statutory bodies and government agencies under the Act. Ultimately, these amendments will ensure that the separate financial reports of controlled entities are included in the annual report tabled in Parliament of the relevant statutory body or agency.

Schedule 1 amends the Commission for Children and Young People Act 1998 to clarify that as the review of the Commission for Children and Young People Act already commenced in March 2010, a further review does not need to commence in December 2010. The amendments will confirm also that the review of the Act is to be tabled in Parliament within 12 months of being commenced. There is an amendment to the Australian Museum Trust Act 1975 to make it clear that the Australian Museum Trust has the capacity to engage in commercial activities and to exercise its powers, authorities, duties and functions outside of New South Wales.

The last schedule 1 matter I will mention is an amendment to the Real Property Act 1900. Currently, in creating a folio of the register for land, the Registrar General must record, among other things, the date of birth of any

proprietor of the relevant estate or interest that the Registrar General knows to be a minor. To reduce the risk of fraudulent use of this information, the proposed amendment to the Act omits this requirement and instead requires the Registrar General to record only the fact that such a proprietor is a minor.

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 repeals an Act, and provisions of other Acts and instruments, that are redundant or of no practical utility. The repeals also extend to provisions of Acts that contain only amendments that have commenced. The Acts and instruments that were amended by the amending Acts or provisions being repealed are up-to-date and available electronically on the legislation database maintained by the Parliamentary Counsel's office.

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 schedule also contains, for abundant caution, a power for the Governor, by proclamation, to revoke the repeal of any Act or instrument repealed by the bill. 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 our attention. If necessary, I will arrange for government officers to provide additional information on the matters raised. As has been the tradition in Statute Law debates, if any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government will consider withdrawing the matter from the bill. I commend the bill to the House.