

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2008

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Bill introduced on motion by Mr Steve Whan, on behalf of Mr Morris Iemma.**Agreement in Principle****Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [4.04 p.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill 2008 continues the established statute law revision program that is recognised 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. 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. That schedule contains amendments to 41 Acts. I will mention some of the amendments to give members an indication of the kinds of amendments that are included in the schedule.

Schedule 1 makes a number of amendments relating to the constitution of various entities. These include amendments to the Australian Museum Trust Act 1975 to increase the number of trustees from 9 to 11 and to require at least one of the trustees to have knowledge of, or experience in, Australian Indigenous culture. The Poultry Meat Industry Act 1986 is amended to enable the members of the Poultry Meat Industry Advisory Group who represent poultry growers to be appointed from persons nominated rather than elected. This amendment streamlines the process for appointing the advisory group and is supported by the advisory group and the Poultry Meat Industry Committee.

Amendments to the Guardianship Act 1987 will enable the appointment of more than one deputy president of the Guardianship Tribunal. Schedule 1 also makes a number of amendments to the Nature Conservation Trust Act 2001. These amendments arise from recommendations made in a statutory review of that Act that was tabled in Parliament last year and are intended to improve the functioning of the trust. The Ombudsman Act 1974 is proposed to be amended to improve the operation of the Ombudsman's office. This amendment will allow the Ombudsman to delegate to a special officer of the Ombudsman the largely administrative reporting function of keeping complainants informed of the progress of the Ombudsman's investigations in relation to their complaints. Currently that function may only be delegated to an Assistant Ombudsman.

Schedule 1 also amends a number of as yet uncommenced amendments to the Road Transport (General) Act 2005 made by the Road Transport Legislation Amendment (Car Hoons) Act 2008. These include amendments to ensure that an appropriate person will be available to receive a vehicle involved in a street racing or burnout offence when it is produced, as required by the Act, following the giving of a production notice. They also clarify the circumstances in which a court may order that a vehicle be clamped, instead of being impounded in an area where clamping is being trialled. The amendments in schedule 1 to the Police Act 1990 will permit the Commissioner of Police or the Ombudsman when deciding whether a complaint against a police officer needs to be investigated to use additional information from the complainant and any existing relevant information to which they can readily gain access. The Ombudsman supports these amendments.

The amendment made by schedule 1 to the State Records Act 1998 will confirm the power of the State Records Authority to enter into an arrangement for providing access to State archives to enable a party to the arrangement—for example, an organisation providing genealogical services—to make copies of those archives or to publish or provide other persons with access to copies of those archives. The proposed amendment does not give the authority power to override any right in the nature of copyright and does not give any power to do anything that would be an infringement of copyright. The last schedule 1 matter I will mention is an amendment to the Zoological Parks Board Act 1973. The amendment will give statutory authority for the use of the name "Taronga Conservation Society Australia" by the Zoological Parks Board. 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. Most of these amendments involve standardising terms used in other Acts. Schedule 4 repeals a number of Acts and instruments and provisions of Acts and instruments that are redundant or of no

practical utility. These include Acts that formerly regulated the incorporation of companies and their management, acquisition of shares and other dealings in securities and the future and securities industries, being matters that are now regulated by the Commonwealth. The repeal also extends to amending Acts or provisions 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 Office of Parliamentary Counsel.

Schedule 5 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, saving clauses for the repealed Acts, and a power to make regulations for savings and transitional matters, if necessary. The schedule also contains, for abundant caution, a power for the Governor, by proclamation, to revoke the repeal of any Act repealed by the bill. The various amendments are explained in detail in the 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, members should seek information from the responsible Minister. If necessary, Ministers will arrange for government officers to provide additional information. 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.