

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2008

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Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.38 p.m.], on behalf of the Hon. Michael Costa: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

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.

The Hon. DON HARWIN [5.38 p.m.]: The Statute Law (Miscellaneous Provisions) Bill 2008 makes minor amendments to more than 40 Acts, including the Australian Museum Trust Act, the Forestry and National Park Estate Act, the Pharmacy Practice Act and the Waste Avoidance and Resource Recovery Act. The changes to these statutes, which are minor and non-controversial, are designed to improve operational efficiency and cost effectiveness. The Opposition will not oppose them. Among the statutes to be amended is the State Records Act 1988. The bill provides for the insertion of a new section 36A into the principal Act. This new section will confirm that the State Records Authority has the power to enter into arrangements for the provision of access to State Archives for the purpose of enabling a party to make copies of archives and to then publish those copies or grant other persons access to those copies.

New section 36A will not allow the authority to override or infringe copyright. It is important that the State Records Authority has the powers and scope of action necessary for it to operate as a modern and innovative twenty-first century organisation. Unnecessary restrictions on the authority's operations will only serve to hinder the services it can provide and limit the value for money received by taxpayers. As a member of the State Records Authority board, I am pleased to see unnecessary limitations rescinded. It can only be of benefit to the authority and to the people of New South Wales who avail themselves of its services.

The authority continues to improve the preservation rate of public sector records and is well regarded for its effective records management approach and its processes for protecting sensitive public sector information. Nearly a million people visited the authority's website last year, during which time the number of archive items accessible online topped two million. More than 60,000 people visited the authority's reading room, while attendance at the authority's public programs increased to more than 4,000. The authority continues to make invaluable contributions to published historical texts, exhibitions and documentaries.

Recently, I had the honour of attending the opening of the touring version of the authority's In Living Memory Exhibition at the Shoalhaven City Arts Centre in Nowra—the first stop in a planned 2½-year itinerary. In Living Memory is an exhibition of photographs selected from the collection obtained by the authority in 1977 from the former New South Wales Aborigines Welfare Board. The photographs cover the period from 1919 to 1966 and were taken to document the work of the board and promote its policies.

The authority consulted with elders, families and communities across the State in order to gain appropriate consent for the use of the photos from the relatives and communities of those depicted. Photographer Mervyn Bishop documented this consultation period, and it is to the authority's credit that these contemporary photographs have been made an integral part of the exhibition. This is a fascinating aspect of the exhibition and an innovative means of engaging and involving the community in the authority's work. It is fitting that the In Living Memory exhibition should commence its tour in Nowra in the weeks following the apology to the Stolen Generations, as the Bomaderry Children's Home was the oldest home of the indigenous children removed from their families and communities. Sadly, it all began there.

While preservation of records, collections and historical material is a core aspect of the State Records Authority's purpose, it is equally important that this material is not sequestered in archives unseen by the general public. In Living Memory is a commendable example of the authority using the material in its custody to bring it into public view in a way that it is appropriate and that contributes to our community's understanding of our heritage.

The changes to the State Records Act in this bill will further enable the State Records Authority to share with historians, genealogists and the public those documents and historical materials that it has worked so hard to preserve and archive. Confirming the authority's power to enter into access arrangements with other parties under which archived material can be copied and then published or shared will enhance the degree to which our State's archived heritage is accessed, seen and used. This is a desirable outcome and merits support. I commend the Bill to the House.

The Hon. HENRY TSANG (Parliamentary Secretary) [5.43 p.m.], in reply: I thank the Opposition Whip for his contribution and I commend the bill to the House.