

Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [4.59 p.m.]: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2011 continues the statute law provision 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 provision 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 24 Acts and one regulation.

I will mention some of the amendments to give members an indication of the kinds of amendments that are included in this schedule. An amendment made by schedule 1 will update the definition of "dog" in the Companion Animals Act 1998 by adopting the recently reclassified species name for dingoes to ensure that dingoes continue to be regulated under that Act. I expect my friend the member for Charlestown will give us his wisdom and learning on aspects of that amendment. Schedule 1 amends various Acts in the portfolios of the Minister for Fair Trading and the Minister for Finance and Services. An amendment to the Residential Parks Act 1998 will remove an offence relating to the contravention of a rent order, which is similar to an offence contained in the Consumer, Trader and Tenancy Tribunal Act 2001. Amendments to the Residential Tenancies Act 2010 will clarify that a rent increase is taken to be validly imposed for the purposes of the Act if the 12-month period prescribed for bringing proceedings to challenge the increase has expired without a challenge being made.

Schedule 1 makes a number of amendments to the Security Industry Act 1997. These include clarifying the types of bodyguard and crowd control activities that are security activities requiring a licence under the Act. Other amendments to that Act will clarify that patrolling or protecting property is a security activity if it involves the use of any dog, not just a patrol dog. Amendments to that Act, as well as to the Explosives Act 2003 and the Commercial Agents and Private Inquiry Agents Act 2004, will clarify that the restructure within the New South Wales Police Force that involved the replacement of the Security Industry Registry with the Security Licensing and Enforcement Directorate does not affect the delegation of the functions of the Commissioner of Police under those Acts.

Amendments made by schedule 1 to the National Parks and Wildlife Act 1974 will provide a defence to prosecution for environmental offences, such as picking native plants where the

act was done with the authority of a licence issued under the Act to enable work to be done for scientific, educational or conservation purposes. The Road Transport (Vehicle Registration) Act 1997 amendments allow the Roads and Traffic Authority, or its successor, to cancel the registration of a vehicle immediately if it becomes a written-off vehicle rather than after 14 days notice has been given to the registered operator of the vehicle. However, a person does not commit an offence for driving an unregistered vehicle until the registered operator is notified of the cancellation of registration of the vehicle.

Amendments to the Superannuation Act 1916 replace references to HealthQuest, which was dissolved as a statutory health corporation in 2009. The amendments will enable the SAS Trustee Corporation to have regard to the medical advice of persons nominated by the corporation in determining whether a contributor is incapable of performing his or her duties and will enable persons nominated by the corporation to conduct medical examinations of employees retired through infirmity. Schedule 1 also amends the Innovation Council Act 1996 to change the name of the "New South Wales Innovation Council" to the "New South Wales Innovation and Productivity Council" to better reflect the current work of the council. Finally, in relation to schedule 1, I mention the amendments to the Water Management Act 2000. Schedule 1 includes a number of miscellaneous amendments to that Act to improve the operation of various provisions in relation to water entitlements and access licences.

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 of other legislation, those correcting numbering and typographical errors and those updating terminology. Schedule 3 makes amendments by way of statute law revision consequent on the renaming of the Police Service Act 1990 to the Police Act 1990 and on the change of name of the policing organisation in New South Wales to the New South Wales Police Force. Schedules 4 and 5 continue the program of repealing Acts and instruments that are redundant or of no practical utility and consolidating Acts and instruments that have ongoing operation.

Schedule 4 contains amendments that enable or are consequential on the repeal of Acts and instruments by schedule 5. The amendments include the transfer into various Acts of the provisions of Acts and instruments repealed by schedule 5. Schedule 5 repeals 61 principal Acts and regulations and various provisions of Acts and instruments, including those that contain only amendments that have commenced. For abundant caution, the bill, in conjunction with section 29A of the Interpretation Act 1987, continues to provide a power for the Governor, by proclamation, to revoke the repeal of any Act or instrument repealed by the bill and restore its operation. Schedule 6 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 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 end 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 matter from the bill. I commend the bill to the House.