

[Act 2001 No 3]



New South Wales

Business Licences Repeal and Miscellaneous Amendments Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to repeal the *Business Licences Act 1990*, and
 - (b) to amend certain other Acts and regulations and make other provisions as a consequence of the repeal of that Act, and
 - (c) to make 2 additional amendments to the *Motor Vehicle Repairs Act 1980*.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 repeals the *Business Licences Act 1990*.

Clause 4 is a formal provision that gives effect to the amendments set out in Schedule 1.

Amendments related to repeal of Business Licences Act 1990

Schedule 1 amends certain Acts and regulations as a consequence of the repeal of the *Business Licences Act 1990*. In particular, Schedule 1:

- (a) amends the *Dangerous Goods Act 1975* and the *Motor Vehicle Repairs Act 1980* so as to restore certain provisions with respect to their licensing schemes that were in force before the amendment of those Acts by the *Business Licences Act 1990*, and
- (b) repeals uncommenced provisions of the *Statute Law (Miscellaneous Provisions) Act (No 2) 1991* that amend the *Business Licences Act 1990*.

Additional amendments

The amendments to the *Motor Vehicle Repairs Act 1980* also include 2 amendments that are not related to the repeal of the *Business Licences Act 1990*.

Schedule 1.3 [14] repeals and re-enacts a provision concerning the surrender of licences and certificates under the *Motor Vehicle Repairs Act 1980*. The provision as proposed to be re-enacted includes a new subsection preventing the surrender of such a licence or certificate by a licence-holder or certificate-holder who is the subject of disciplinary proceedings under that Act until after the Motor Vehicle Repair Industry Council has made a determination in respect of those proceedings. The proposed provision is similar to section 20D (2A) of the *Motor Dealers Act 1974*.

Schedule 1.3 [21] repeals an outdated provision.