

[Act 2000 No 55]



New South Wales

Fair Trading Amendment (Enforcement and Compliance Powers) Bill 2000

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Fair Trading Act 1987*:

- (a) to enable the Director-General of the Department of Fair Trading to suspend, in certain circumstances, a licence, permit or other authority under any Act administered by the Minister for Fair Trading, and
 - (b) to clarify the scope of a power conferred by section 19 of the Act to inspect and copy documents.
-

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 is a formal provision giving effect to the amendments to the *Fair Trading Act 1987* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends section 8 of the Act to prevent delegation by the Director-General of the Department of Fair Trading of the power to be conferred by proposed section 64A (inserted by Schedule 1 [3]).

Schedule 1 [2] amends section 19 of the Act in relation to the power conferred by that section to inspect and copy documents evidencing a contravention of the Act. The amendment makes it clear that the power extends to documents evidencing a contravention of any legislation administered by the Minister for Fair Trading.

Schedule 1 [3] inserts a new section 64A into the Act to allow the Director-General to suspend a licence, permit or other authority granted or issued under any legislation administered by the Minister for Fair Trading, in circumstances where the Director-General is satisfied that the holder of the authority concerned is engaging in (and is likely to continue to engage in) conduct that warrants urgent suspension of the authority because of a significant danger to persons or property.

The suspension lasts for up to 60 days and may be renewed.

The suspension power conferred by the new section is additional to suspension powers already provided for in legislation administered by the Minister for Fair Trading.

Decisions of the Director-General under the proposed section are open to review by the Administrative Decisions Tribunal.