

South Australia

Occupational Licensing National Law (South Australia) Bill 2010

A BILL FOR

An Act to make provision for a national law to regulate the licensing of certain occupations; and for other purposes.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Occupational Licensing National Law (South Australia) Act 2010*.

5 2—Commencement

- (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or to a provision of this Act.

3—Definitions

- 10 (1) In this Act—
District Court means the Administrative and Disciplinary Division of the District Court;
Occupational Licensing National Law (South Australia) means the provisions applying in this jurisdiction because of section 4.
- 15 (2) Terms used in this Act and also in the *Occupational Licensing National Law* set out in the Schedule to the *Occupational Licensing National Law Act 2010* of Victoria have the same meanings in this Act as they have in that Law.

Part 2—Adoption of National Law

4—Adoption of Occupational Licensing National Law

The *Occupational Licensing National Law*, as in force from time to time, set out in the Schedule to the *Occupational Licensing National Law Act 2010* of Victoria—

- 5
- (a) applies as a law of this jurisdiction; and
 - (b) as so applying may be referred to as the *Occupational Licensing National Law (South Australia)*; and
 - (c) so applies as if it were a part of this Act.

5—Exclusion of legislation of this jurisdiction

10 The following Acts of this jurisdiction do not apply to the *Occupational Licensing National Law (South Australia)* or to instruments made under that Law:

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- (a) the *Acts Interpretation Act 1915*;
 - (b) the *Freedom of Information Act 1991*, other than to the extent that functions are being exercised under the Law by a State entity;
 - (c) the *Ombudsman Act 1972*, other than to the extent that functions are being exercised under the Law by a State entity;
 - (d) the *Public Finance and Audit Act 1987*;
 - (e) the *Public Sector Act 2009*;
 - (f) the *Public Sector (Honesty and Accountability) Act 1995*, other than to the extent that functions are being exercised under the Law by a State entity;
 - (g) the *Subordinate Legislation Act 1978*.
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6—Relevant tribunal or court

For the purposes of the definition of *relevant tribunal or court* in section 4 of the *Occupational Licensing National Law (South Australia)*—

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- (a) the District Court and the Magistrates Court of South Australia are both declared to be a relevant court for this jurisdiction for the purposes of section 13 of that Law; and
 - (b) the District Court is declared to be the relevant court for this jurisdiction for the purposes of sections 58, 59, 60, 93 and 94 of that Law.

7—Corresponding prior Acts

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- (1) For the purposes of section 21 of the *Occupational Licensing National Law (South Australia)*, the District Court is declared to be a corresponding disciplinary body.
 - (2) For the purposes of section 21 of the *Occupational Licensing National Law (South Australia)*, the following are declared to be corresponding prior Acts:
- 35
- (a) the *Building Work Contractors Act 1995*;
 - (b) the *Land Agents Act 1994*;
 - (c) the *Plumbers, Gas Fitters and Electricians Act 1995*.

8—Disciplinary proceedings before court

Part 3 Division 5 of the *Occupational Licensing National Law (South Australia)* applies to licensees carrying out a licensed occupation under that Law.

Part 3—Miscellaneous

5 9—Penalty at end of provision

In the *Occupational Licensing National Law*, a penalty specified at the end of a provision indicates that a contravention of the provision constitutes an offence punishable on conviction by a penalty not more than the specified penalty.

10—Parliamentary scrutiny of national regulations

- 10 (1) This section applies despite section 5(g).
- (2) In connection with the operation of section 164 of the *Occupational Licensing National Law (South Australia)*, the Minister must, after a regulation made under that Law is tabled in each House of Parliament, forward a copy of the regulation to the Legislative Review Committee of the Parliament for inquiry and report as if the
- 15 regulation had been made under an Act of South Australia.

11—Regulations—saving and transitional provisions

- (1) The Governor may, by regulation, make provisions of a saving or transitional nature consequent on—
- 20 (a) the commencement of the operation of the *Occupational Licensing National Law (South Australia)*; or
- (b) the change from the operation of a law of this jurisdiction relating to the licensing of persons carrying out licensed occupations to the operation of the *Occupational Licensing National Law (South Australia)*.
- 25 (2) A provision of a regulation made under subsection (1) may, if the regulation so provides, have retrospective operation to a day that is not earlier than the participation day for this jurisdiction.