

Legislative Council—No 103

As received from the House of Assembly and read a first time, 25 February 2016

South Australia

**Occupational Licensing National Law (South
Australia) Repeal Bill 2016**

A BILL FOR

An Act to repeal the *Occupational Licensing National Law (South Australia) Act 2011* and to provide for related matters.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Occupational Licensing National Law (South Australia) Repeal Act 2016*.

2—Commencement

This Act will come into operation, or is taken to have come into operation, on the day on which the *Occupational Licensing National Law Act 2010* of Victoria is repealed.

3—Interpretation

- 10 In this Act—

dissolution date means the date on which the *Occupational Licensing National Law Act 2010* of Victoria is repealed;

- 15 *Licensing Advisory Committee* means an Occupational Licence Advisory Committee established under section 132 of the *Occupational Licensing National Law (South Australia)*;

Licensing Authority means the National Occupational Licensing Authority established by section 97 of the *Occupational Licensing National Law (South Australia)*;

- 20 *Licensing Board* means the National Occupational Licensing Board established by section 103 of the *Occupational Licensing National Law (South Australia)*;

Occupational Licensing National Law (South Australia) means the provisions applying in this jurisdiction, before the dissolution date, because of section 4 of the *Occupational Licensing National Law (South Australia) Act 2011*.

4—Repeal of National Law Act of this jurisdiction

- 25 The *Occupational Licensing National Law (South Australia) Act 2011* is repealed.

5—Dissolution of National Licensing Authority, National Licensing Board and Advisory Committees

(1) On the dissolution date, each of the following is dissolved insofar as it is constituted under the *Occupational Licensing National Law (South Australia)*:

- 5 (a) the Licensing Authority;
 (b) the Licensing Board;
 (c) a Licensing Advisory Committee.

(2) The persons who were members of the Licensing Board or a Licensing Advisory Committee immediately before its dissolution cease to be members and are not
10 entitled to any remuneration or compensation because of the loss of that office.

(3) Any assets, rights or liabilities of the Licensing Authority, the Licensing Board or a Licensing Advisory Committee become, on its dissolution, the assets, rights and liabilities of the Crown in right of Victoria, New South Wales, Queensland, South
15 Australia, Tasmania and Northern Territory.

(4) Any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities by the Licensing Authority, the Licensing Board or a Licensing Advisory Committee is authorised or required to be done by the Secretary
15 of the NSW Treasury.

(5) In this section—

20 *assets* means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents;

25 *liabilities* means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable);

rights means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

6—Abolition of National Occupational Licensing Authority Fund

(1) On the dissolution date, the National Occupational Licensing Authority Fund
30 established under section 142 of the *Occupational Licensing National Law (South Australia)* is abolished.

(2) Any money or property standing to the credit of the Fund immediately before its abolition are assets of the Licensing Authority to which section 5 applies.

7—Final Licensing Authority financial statements

(1) The Secretary of the NSW Treasury is to make arrangements for the preparation, auditing and publication of financial statements of the Licensing Authority in
35 accordance with Australian Accounting Standards for the period before its dissolution for which financial statements have not been prepared, audited and published.

(2) The Secretary may, for that purpose, require any persons who were members of the
40 Licensing Board before its dissolution to exercise any functions with respect to those financial statements that they would have been required to exercise if the Licensing Authority and Licensing Board had not been dissolved.

8—Transfer of certain records to NSW Treasury

- (1) The records of an entity dissolved by this Act are transferred by the operation of this section to the custody of the NSW Treasury.
- (2) The *State Records Act 1998* of New South Wales and the other laws of New South Wales apply to those records, and so apply as they were the records of NSW Treasury.
- (3) The *State Records Act 1997* of this State does not apply to any records within the ambit of subsection (1) or (2).
- (4) In this section—
records has the same meaning it has in the *State Records Act 1998* of New South Wales.

9—Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (3) Any such provision may, if the regulations so provide, take effect from the date of commencement of this Act or a later date.
- (4) To the extent to which any such provision takes effect from a day that is earlier than the day of the relevant regulation's publication in the Gazette, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of publication; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.