

First print



New South Wales

Business Franchise Licences (Repeal) Bill 1997

Explanatory note

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

This Bill is cognate with the *Appropriation (Refunds and Subsidies) Bill 1997*.

Overview of Bill

The object of this Bill is to repeal the *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987* and to amend other Acts and make other provisions in consequence of the repeal of those Acts.

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 the date of assent.

Clause 3 repeals the *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987*.

Clause 4 is a formal provision giving effect to the amendments to other Acts contained in Schedule 1.

Clause 5 is a formal provision giving effect to the savings, transitional and other provisions set out in Schedule 2.

Schedules

Schedule 1 amends other Acts as a consequence of the repeals proposed by the Bill.

Schedule 2 contains savings, transitional and other provisions as a consequence of those repeals.



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New South Wales

Business Franchise Licences (Repeal) Bill 1997

No , 1997

A Bill for

An Act to repeal the *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Business Franchise Licences (Repeal) Act 1997*.

2 Commencement

This Act commences on the date of assent.

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3 Repeals

The *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987* are repealed.

4 Consequential amendment of other Acts

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Each Act specified in Schedule 1 is amended as set out in that Schedule.

5 Savings, transitional and other provisions

Schedule 2 has effect.

1.1 Business Licences Act 1990 No 72

- ## 1.2 Health Insurance Levies Act 1982 No 159

Section 4 Definitions

Omit paragraphs (f) and (h) from the definition of *New South Wales revenue law* in section 4 (1). 20

1.3 Land Tax Management Act 1956 No 26

Section 3 Definitions

Omit paragraphs (e) and (g) from the definition of *New South Wales revenue law* in section 3 (1).

1.4 Payroll Tax Act 1971 No 22

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Section 3 Definitions

Omit paragraphs (e) and (g) from the definition of *New South Wales revenue law* in section 3 (1).

1.5 Public Health Act 1991 No 10

[1] Section 59A Liability of employers

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Omit section 59A (4) (b).

[2] Section 60 Notification of certain offences

Omit the section.

1.6 Revenue Laws (Reciprocal Powers) Act 1987 No 86

Section 3 Definitions

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Omit paragraphs (f) and (h) from the definition of *New South Wales revenue law* in section 3 (1).

1.7 Search Warrants Act 1985 No 37

Section 10 Definitions

Omit “section 54 of the *Business Franchise Licences (Petroleum Products) Act 1987*,” and “section 56 of the *Business Franchise Licences (Tobacco) Act 1987*,”.

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1.8 Stamp Duties Act 1920 No 47

Section 3 Definitions

Omit paragraphs (e) and (g) from the definition of *New South Wales revenue law* in section 3 (1).

Schedule 2 Savings, transitional and other provisions

(Section 5)

Part 1 Preliminary

1 Definitions

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In this Schedule:

Petroleum Franchise Act means the *Business Franchise Licences (Petroleum Products) Act 1987*.

Tobacco Franchise Act means the *Business Franchise Licences (Tobacco) Act 1987*.

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2 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the repeal of the Petroleum Franchise Act and the Tobacco Franchise Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date. 15
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its 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 its publication, or 20
 - (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 its publication. 25

Part 2 Provisions relating to repeal of Petroleum Franchise Act

3 Saving of authorities and permits

An authority or permit in force under Part 5A of the Petroleum Franchise Act immediately before the commencement of this Act is taken to continue in force, subject to the *Petroleum* 30

Products Subsidy Act 1997, as an authority or permit granted under that Act.

4 Immunity of officers and others

- (1) The provisions of section 27 of the Petroleum Franchise Act are taken to continue to apply in respect of anything done by the Chief Commissioner or any other officer or person before the commencement of this Act. 5
- (2) For the purpose of determining any liability of an individual, a determination in any proceedings of whether a matter or thing was done for the purpose of executing the Petroleum Franchise Act is to be made as though all the provisions of that Act were valid at the time the matter or thing was done. 10

Part 3 Provisions relating to repeal of Tobacco Franchise Act

5 Immunity of officers and others 15

- (1) The provisions of section 27 of the Tobacco Franchise Act are taken to continue to apply in respect of anything done by the Chief Commissioner or any other officer or person before the commencement of this Act.
- (2) For the purpose of determining any liability of an individual, a determination in any proceedings of whether a matter or thing was done for the purpose of executing the Tobacco Franchise Act is to be made as though all the provisions of that Act were valid at the time the matter or thing was done. 20

6 Tobacco in possession of Chief Commissioner 25

- (1) It is the duty of the Chief Commissioner to deliver to any person appearing to the Chief Commissioner to be entitled to it any tobacco that was seized in purported execution of the provisions of the Tobacco Franchise Act.
- (2) No action against the Crown, the State of New South Wales, the Chief Commissioner or any other person may be commenced or maintained for any trespass occasioned by a seizure of any tobacco in purported execution of the provisions of the Tobacco Franchise Act or for any injury, loss or damage arising from any such seizure. 30 35

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Schedule 2 Savings, transitional and other provisions

- (3) Tobacco to which no person appears to the Chief Commissioner to be entitled may be sold or otherwise disposed of in such manner as the Chief Commissioner thinks fit.