



New South Wales

Business Franchise Licences (Repeal) Act 1997 No 109

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Business Franchise Licences (Repeal) Act 1997 No 109

Act No 109, 1997

An Act to repeal the *Business Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987*. [Assented to 9 December 1997]

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.

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Franchise Licences (Petroleum Products) Act 1987* and the *Business Franchise Licences (Tobacco) Act 1987* are repealed.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

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

5 Savings, transitional and other provisions

Schedule 2 has effect.

Schedule 1 Consequential amendment of other Acts

(Section 4)

1.1 Business Licences Act 1990 No 72

[1] Section 6 Grant etc of business licences by Director under this Act instead of by licensing authority

Omit section 6 (3).

[2] Section 16 Applications for renewal of licences

Omit section 16 (10).

[3] Section 25 Fees under Business Franchise Licences Acts not affected

Omit the section.

[4] Section 30 Common expiry day for component licences

Omit section 30 (7).

[5] Schedule 1 Business licences to which Act applies

Omit items 1 and 2 from Part 2.

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).

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

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

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

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*,”.

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

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*.

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.
- (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
 - (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.

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*

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.
- (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.

Part 3 Provisions relating to repeal of Tobacco Franchise Act

5 Immunity of officers and others

- (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.

6 Tobacco in possession of Chief Commissioner

- (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.

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.

[Minister's second reading speech made in—

Legislative Assembly on 12 November 1997

Legislative Council on 26 November 1997]

BY AUTHORITY