

LEGISLATIVE ASSEMBLY

Better Regulation Legislation Amendment (Miscellaneous) Bill 2021

First print

Proposed amendments

No. 1 **Fair Trading NSW—Requirements for investigators and reporting**

Page 11, Schedule 1.8. Insert after line 10—

[1] Section 11

Omit section 11. Insert instead—

11 Annual report

The annual report of the Department prepared under the *Annual Reports (Departments) Act 1985* for a financial year must include a report on the following—

- (a) the operations of the Secretary during that year,
- (b) the budget for Fair Trading NSW for that year,
- (c) the number and type of employees employed within Fair Trading NSW for that year.

[2] Section 18 Office and identification of investigator

Omit section 18(1). Insert instead—

- (1) The Secretary may, by written order, appoint an employee as an investigator for the purposes of this Act and of any other legislation administered by the Minister.
- (1A) However, the Secretary must not appoint an employee as an investigator for the purposes of this Act or the Australian Consumer Law unless the Secretary is satisfied the employee has qualifications or experience appropriate for the purpose of exercising the functions of an investigator under this Act or the Australian Consumer Law.
- (1B) The Secretary must provide each employee appointed under subsection (1) with a certificate of identification as an investigator.

No. 2 **Fair Trading NSW—Transitional arrangement for investigators**

Page 11, Schedule 1.8. Insert after line 14—

[4] Schedule 5 Savings and transitional provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

**Part Provision consequent on enactment of Better
Regulation Legislation Amendment
(Miscellaneous) Act 2021**

Appointment of particular investigators ends on 31 December 2021

- (1) This clause applies in relation to the appointment of an employee who, at the commencement of this clause, is appointed as an investigator under previous section 18(1) for the purposes of this Act or the Australian Consumer Law.
- (2) Despite the terms of the employee's appointment, the employee's appointment as an investigator for the purposes of this Act or the Australian Consumer Law ends on 31 December 2021.
- (3) The termination of the employee's appointment does not prevent the Secretary from appointing the employee as an investigator under amended section 18 for the purposes of this Act or the Australian Consumer Law if the Secretary is satisfied the employee meets the requirements for appointment under amended section 18.
- (4) In this section—
previous, in relation to a section, means the section as in force before the commencement of this clause.
amended, in relation to a section, means the section as in force from the commencement of this clause.