

First print



New South Wales

Motor Vehicle Repairs Amendment Bill 1998

Explanatory note

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

This Bill is cognate with the *Fair Trading Amendment Bill 1998*.

Overview of Bill

The object of this Bill is to amend the *Motor Vehicle Repairs Act 1980* to increase the size of the Motor Vehicle Repair Industry Council, to update the Act to reflect the amalgamation of certain unions, and to make consequential and other minor amendments.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

Schedule 1 Amendments

Schedule 1 [1]–[5] amend section 8 (1) of the Principal Act as follows:

- to provide for an overall increase in the size of the Motor Vehicle Repair Industry Council (the Council) from 9 to 11 members,
- to revise the reference to the General Council of the Service Station Association so that it refers to a national rather than a state association,
- to replace the 2 members of the Council nominated by the New South Wales Branch of the Vehicle Builders' Employees Federation of Australia and State Council of The Amalgamated Metal Workers' and Shipwrights' Union, with a member nominated by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch (the first-mentioned Unions now forming part of the latter Union),
- to replace the member of the Council nominated by the State Executive of the Australasian Society of Engineers with a member nominated by The Australian Workers' Union, New South Wales (the first-mentioned Union now forming part of the latter Union),
- to provide for an additional 3 members on the Council to be chosen by the Minister for their expertise appropriate to the functions of the Council.

Schedule 1 [6] amends Schedule 2 to provide for an increase in quorum for the Council consequent on the amendments made by Schedule 1 [1] and [3]–[5].

Schedule 1 [7] and [9] amend Schedule 3 to allow for representation on the Disputes Committee by nominees of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch and The Australian Workers Union, New South Wales, and by one of the proposed 3 additional members of the Council, consequent on the amendments made by Schedule 1 [1] and [3]–[5].

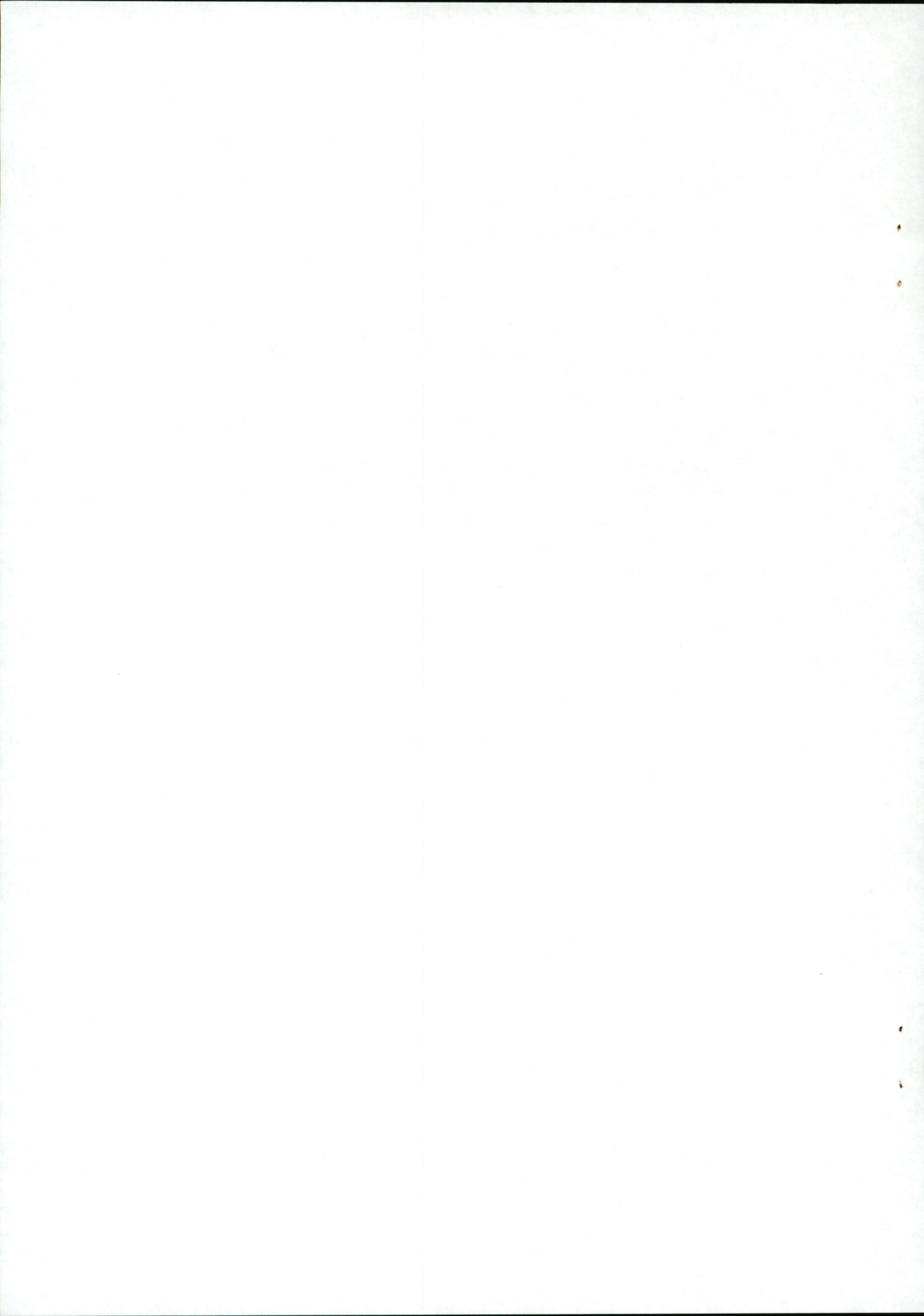
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Explanatory note

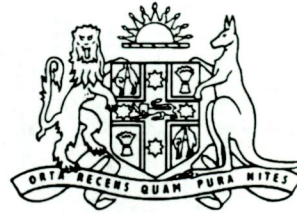
Schedule 1 [8] amends Schedule 3 to revise the reference to the General Council of the Service Station Association so that it refers to a national rather than a state association.

Schedule 1 [10] amends Schedule 5 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [11] amends Schedule 5 to provide for savings or transitional provisions as a consequence of amendments made by the proposed Act.



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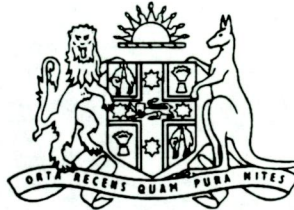


New South Wales

Motor Vehicle Repairs Amendment Bill 1998

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New South Wales

Motor Vehicle Repairs Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Motor Vehicle Repairs Act 1980* in relation to the constitution and membership of the Motor Vehicle Repair Industry Council and the Motor Vehicle Repair Disputes Committee; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Motor Vehicle Repairs Amendment Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Motor Vehicle Repairs Act 1980 No 71

The *Motor Vehicle Repairs Act 1980* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 8 Members of the Council

Omit "9 members" from section 8 (1). Insert instead "11 members".

[2] Section 8 (1) (d)

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Omit "the General Council of the Service Station Association of New South Wales".
Insert instead "Service Station Association Ltd".

[3] Section 8 (1) (f)

Omit "State Council of the New South Wales Branch of the Vehicle Builders' Employees Federation of Australia". 10
Insert instead "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch".

[4] Section 8 (1) (g)

Omit "the State Executive of the Australasian Society of Engineers". 15
Insert instead "The Australian Workers' Union, New South Wales".

[5] Section 8 (1) (h)

Omit the paragraph. Insert instead:

(h) 3 shall be persons chosen by the Minister who have, in the opinion of the Minister, expertise 20
appropriate to the functions of the Council, and

[6] Schedule 2 Provisions relating to meetings of the Council

Omit "5" from clause 1. Insert instead "6".

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Schedule 1 Amendments

- [7] **Schedule 3 Provisions relating to the constitution and membership of the Disputes Committee**
- Omit clause 1 (1) (b). Insert instead:
- (b) 1 shall be a person (who may be one of the three members of the Council referred to in section 8 (1) (h)) appointed by the Minister, 5
- [8] **Schedule 3, clause 1 (1) (d) (ii)**
- Omit "the General Council of the Service Station Association of New South Wales".
- Insert instead "Service Station Association Ltd". 10
- [9] **Schedule 3, clause 1 (1) (e)**
- Omit the paragraph. Insert instead:
- (e) 1 shall be a person appointed by the Minister from a panel of 2 persons:
- (i) 1 of whom is nominated by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch, and 15
- (ii) 1 of whom is nominated by The Australian Workers' Union, New South Wales. 20
- [10] **Schedule 5 Savings and transitional provisions**
- Insert at the end of clause 1 (1):
- Motor Vehicle Repairs Amendment Act 1998*
- [11] **Schedule 5, clause 2**
- Insert after clause 1: 25
- 2 Provision consequent on enactment of Motor Vehicle Repairs Amendment Act 1998**
- (1) Any person holding office immediately before the commencement of this clause as a member of the Council under section 8 (1) (h) ceases to hold that office on the commencement and is not entitled to any remuneration or compensation because of losing that office. 30

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- (2) Any such person is eligible to be appointed to the Council if otherwise qualified.
- (3) Any person holding office immediately before the commencement of this clause as a member of the Council under section 8 (1) (f) or (g) continues to hold that office, for the remainder of the existing term, as representative of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch, and The Australian Workers' Union, New South Wales, respectively.
- (4) Nothing in the amendments made by the *Motor Vehicle Repairs Amendment Act 1998* to Schedule 3 (constitution and membership of the Disputes Committee) affects any person holding office as a member of that Committee immediately before the commencement of this clause.

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