



New South Wales

Occupational Licensing National Law Repeal Bill 2015

Explanatory note

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

This Bill is cognate with the *Regulatory Reform and Other Legislative Repeals Bill 2015*.

Overview of Bill

The object of this Bill is to terminate the involvement of NSW in a scheme to replace State and Territory based licensing arrangements with a national occupational licensing scheme (*NOLS*), initially for air-conditioning and refrigeration, electrical, plumbing, gasfitting and property-related occupations. The Bill:

- (a) repeals the *Occupational Licensing (Adoption of National Law) Act 2010*, and
- (b) dissolves the national entities that have been established under the Occupational Licensing National Law, and
- (c) enacts savings and transitional arrangements consequent on that dissolution.

This Bill gives effect in NSW to the decision of the Council of Australian Governments to terminate the national occupational licensing reform in favour of jurisdictions minimising licensing impediments to labour mobility. For that purpose, the *Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014* has been enacted in NSW to provide for the automatic mutual recognition of certain occupational licences issued in other jurisdictions so that an individual who holds a recognised licence from another jurisdiction is taken to hold the equivalent NSW licence.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act commences, or is taken to have commenced, on the date on which the *Occupational Licensing National Law Act 2010* of Victoria (the *Victorian Act*) is repealed.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 repeals the *Occupational Licensing (Adoption of National Law) Act 2010* of New South Wales (the *NSW Act*) that applies the text of the Occupational Licensing National Law set out in the Victorian Act as a law of New South Wales.

Clause 5 dissolves the following entities established under the Occupational Licensing National Law in so far as they are constituted by the NSW Act:

- (a) the National Occupational Licensing Authority,
- (b) the National Occupational Licensing Board,
- (c) each Occupational Licence Advisory Committee.

Each of those entities was separately established by the Victorian Act, the NSW Act and the adoption Acts of the other participating States and Territories. However, the relevant Parliaments adopting the Occupational Licensing National Law declared their intention that the Law has the effect of establishing a single national entity.

Clause 5 also provides that:

- (a) the members of the Licensing Board or a Licence Advisory Committee cease to be members and are not entitled to any remuneration or compensation as a result, and
- (b) any remaining assets, rights or liabilities (if any) of the dissolved entities become, on their dissolution, the assets, rights and liabilities of the Crown in right of the participating States and Territories, and
- (c) any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities by the dissolved entities is authorised or required to be done by the Secretary of the NSW Treasury.

Clause 6 abolishes the National Occupational Licensing Authority Fund established under the Occupational Licensing National Law and provides that any money or property standing to the credit of the Fund immediately before its abolition are assets to be dealt with under clause 5.

Clause 7 makes provision for any final financial statements of the National Occupational Licensing Authority for the period before its dissolution that have not been prepared, audited and published to be prepared, audited and published after its dissolution by the Secretary of the NSW Treasury.

Clause 8 transfers to the custody of the NSW Treasury the records of the entities dissolved by the proposed Act and provides that the *State Records Act 1998* of New South Wales and other laws of New South Wales apply to those records as if they were the records of NSW Treasury.

Clause 9 provides for the making of regulations, including regulations that contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

Clause 10 omits a provision of the *Civil and Administrative Tribunal Act 2013* that allocates the functions of the Civil and Administrative Tribunal of New South Wales in relation to the Occupational Licensing National Law.

Clause 11 omits a provision of the *Criminal Procedure Regulation 2010* that requires the relevant Department to pay court fees in relation to offences against the Occupational Licensing National Law.