



Legislative Assembly

Business Licences Repeal And Miscellaneous Amendments Bill

06/03/2001

Hansard Extract

Second Reading

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [7.20 p.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to repeal the Business Licences Act 1990 and to make consequential amendments to the Dangerous Goods Act 1975 and Regulations, the Motor Vehicle Repairs Act 1980 and Regulations, the Road Transport (Vehicle Registration) Regulation 1998, and the Statute Law (Miscellaneous Provisions) Act (No 2) 1991. The Business Licences Act was enacted by the former Government to cover five business licences across the New South Wales public sector. These were the Petroleum Retailers Licence, administered by State Revenue; the Tobacco Retailers Licence, administered by State Revenue; the Keeping of Dangerous Goods Licence, administered by WorkCover; the Motor Vehicle Repairers Licence, administered by the Motor Vehicle Repair Industry Council; and the Authorised Inspection Station Licence, administered by the Roads and Traffic Authority.

The Department of Business and Consumer Affairs and its successors operated the process, known as the Master Licensing Scheme. However, in 1997 the High Court handed down its decision in *Ngo Ngo Ha v New South Wales* (1997). In that matter the High Court was called upon to consider the constitutionality of the New South Wales Business Franchise Licences (Tobacco) Act 1987 in the context of section 90 of the Australian Constitution. The High Court found that the material provisions of the New South Wales legislation, having the effect of levying excises, were unconstitutional for the purposes of section 90. As a result, the New South Wales Government enacted legislation in 1997 to amend the Business Licences Act to remove reference to the petroleum and tobacco retailers' licences. The removal of these two licences rendered the remaining licensing arrangements under the Business Licences Act ineffective. This being the case, the Department of Fair Trading disbanded the Master Licensing Scheme in December 1998 and administration of the licences was returned to the originating agencies.

With the development of information technology, the principles of the former paper-based Master Licensing Scheme will be better achieved through electronic service delivery [ESD] initiatives. Members will be aware that the Government has given priority to implementation of an ESD platform under the auspices of *connect.nsw*. The Department of Fair Trading has been actively involved in projects to deliver its own services electronically. The department already delivers many of its services—such as consumer and trader information, and rental bond information—electronically. The Business Licences Act has ceased to have any practical operation. Its repeal will therefore have no impact on either business or consumers in this State. I thank the staff of the Department of Fair Trading and my ministerial staff, in particular Helen Noyes, for bringing the bill forward. I commend the bill to the House.