

2001

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

AGENTS AMENDMENT BILL 2001

EXPLANATORY MEMORANDUM

**Circulated by authority of
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Attorney-General**

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Purpose

This Bill has a two-fold purpose. First, it removes provisions in the *Agents Act 1968* inconsistent with section 175 of the *Land (Planning and Environment) Act 1991*. Secondly, it clarifies the operation of the *Agents Act 1968* concerning claims for compensation lodged with the Agents Board.

Financial Impact

Nil

Notes on Clauses

Clause 1

Formal. The Act is the *Agents Amendment Act 2001*.

Clause 2

Formal. The Act becomes operable on the day of its notification in the Gazette.

Clause 3

Formal. The Act amends the *Agents Act 1968*.

Clauses 4 to 12

Clauses 4 to 8 amend section 48 of the *Agents Act 1968*.

These amendments are consequential on the 1996 amendments to section 175 of the *Land (Planning and Environment) Act 1991* (LPEA). The 1996 amendments allow residential land to be used for operating a home business, in accordance with an approval under Part 6 of the LPEA.

Because paragraphs 48(1)(e) and 49(1)(j) of the *Agents Act 1968* are premised on the pre-1996 LPEA law, they now have the unintended consequence of preventing agents from operating a business in residential premises pursuant to section 175 of the LPEA.

The amendments in clauses 4 to 12 have the effect of removing existing paragraphs 48(1)(e) and 49(1)(j) of the *Agents Act 1968*. Note that the grant of a license under the *Agents Act* does not displace the operation of the *Land (Planning and Environment) Act 1991*.

Clause 13

Clause 13 repeals section 71ZA of the *Agents Act 1968*, setting in place requirements that must be met in making a claim for compensation under the Act. The revised provision extends the usual time in which a valid claim may be made from 6 to 12 months.

Clause 14
Formal renumbering provision.