

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Red Tape Reduction Legislation Amendment Bill 2014

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Red Tape Reduction Legislation Amendment Bill 2014

A Bill for

An Act to amend legislation for the purpose of red tape reduction

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Red Tape Reduction Legislation Amendment Act*
4 *2014*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Casino Control Act 2006](#)
- 12 • [Fair Trading \(Motor Vehicle Repair Industry\) Act 2010](#)
- 13 • [Gaming Machine Act 2004](#)
- 14 • [Hawkers Act 2003](#)
- 15 • [Magistrates Court \(Fair Trading Motor Vehicle Repair Industry](#)
16 [Infringement Notices\) Regulation 2012](#)
- 17 • [Magistrates Court \(Sale of Motor Vehicles Infringement](#)
18 [Notices\) Regulation 2005](#)
- 19 • [Pawnbrokers Act 1902](#)
- 20 • [Planning and Development Regulation 2008](#)
- 21 • [Public Unleased Land Act 2013](#)
- 22 • [Race and Sports Bookmaking Act 2001](#)
- 23 • [Registration of Deeds Act 1957](#)

- 1 • *Sale of Motor Vehicles Act 1977*
- 2 • *Second-hand Dealers Act 1906*
- 3 • *Second-hand Dealers Regulation 2002*
- 4 • *Security Industry Act 2003*
- 5 • *Tobacco Act 1927.*

1 **Part 2 Casino Control Act 2006**

2 **4 Issue of casino employee licence**
3 **Section 45 (3)**

4 *substitute*

5 (3) A casino employee licence is for not more than 3 years.

6 **5 Renewal of casino employee licence**
7 **Section 47 (4) (b)**

8 *substitute*

9 (b) is for not more than 3 years.

1 **Part 3** **Fair Trading (Motor Vehicle**
2 **Repair Industry) Act 2010**

3 **6** **Licensee advertising without details**
4 **Section 47**

5 *omit*

1 **Part 4 Gaming Machine Act 2004**

2 **7 Display of licence at licensed premises**
3 **Section 41 (1)**

4 *substitute*

- 5 (1) It is a condition of a licence that the licensee displays the licence, or
6 a copy of the licence, in a prominent position at 1 entrance
7 (the *main entrance*) to each gaming area of the licensed premises.

Part 5 Hawkers Act 2003

8 Section 13

substitute

13 Licensed hawkers licence to be produced on request by authorised person

(1) A licensed hawker commits an offence if—

(a) the licensee carries on business as a hawker in a public place; and

(b) the licensee is asked by an authorised person to produce the licensee's licence for inspection; and

(c) the licensee does not produce the licence for inspection.

Maximum penalty: 10 penalty units.

(2) A licensed hawker commits an offence if—

(a) someone else carries on business as a hawker for the licensee in a public place; and

(b) the person in paragraph (a) is asked by an authorised person to produce the licensee's licence for inspection; and

(c) the person in paragraph (a) does not produce the licence (or a copy of the licence) for inspection.

Maximum penalty: 10 penalty units.

(3) An offence against this section is a strict liability offence.

9 Restriction on hawking near commercial premises Section 14 (1), note

omit

s 14 and

10 Section 16*substitute***16 Commercial premises—exemption to be produced on request by authorised person**

- (1) This section does not apply to a licensed hawker.

Note A licensed hawker must produce their licence on request by an authorised person. The licence shows any exemption held by the licensee (see s 13 and s 21).

- (2) An exempt person for commercial premises commits an offence if—

- (a) the person carries on business as a hawker at a location in a public place within 180m of the premises; and
- (b) the person is asked by an authorised person to produce the person's exemption for inspection; and
- (c) the person does not produce the exemption for inspection.

Maximum penalty: 5 penalty units.

Note An exempt person may carry on business as a hawker within 180m of the commercial premises to which the exemption applies (see s 14 and s 28).

- (3) An exempt person for commercial premises commits an offence if—

- (a) someone else carries on business as a hawker for the exempt person at a location in a public place; and
- (b) the location is within 180m of the premises to which the exemption applies; and

- 1 (c) the person in paragraph (a) is asked by an authorised person to
2 produce the exempt person's exemption for inspection; and
3 (d) the person in paragraph (a) does not produce the exemption (or
4 a copy of the exemption) for inspection.
5 Maximum penalty: 5 penalty units.
6 (4) An offence against this section is a strict liability offence.

1 **Part 6** **Magistrates Court (Fair Trading**
2 **Motor Vehicle Repair Industry**
3 **Infringement Notices) Regulation**
4 **2012**

5 **11 Fair Trading (Motor Vehicle Repair Industry) Act 2010**
6 **infringement notice offences and penalties**
7 **Schedule 1, item 4**

8 *omit*

1 **Part 7** **Magistrates Court (Sale of Motor**
2 **Vehicles Infringement Notices)**
3 **Regulation 2005**

4 **12** **Sale of Motor Vehicles Act infringement notice offences**
5 **and penalties**
6 **Schedule 1, item 11**

7 *omit*

1	Part 8	Pawnbrokers Act 1902
2	13	Name of pawnbroker etc to be displayed on premises
3		Section 7
4		<i>omit</i>

Part 9 Planning and Development Regulation 2008

14 Schedule 1, new division 1.3.4A

insert

Division 1.3.4A Exempt developments—outdoor eating or drinking places

1.79 Definitions—div 1.3.4A

In this division:

outdoor eating or drinking place—see the *Smoke-Free Public Places Act 2003*, section 9A.

public unleased land—see the *Public Unleased Land Act 2013*, section 8.

1.80 Application—div 1.3.4A

This division applies to an outdoor eating or drinking place if it is established on—

- (a) unleased territory land under a licence granted under the Act, part 9.11 (Licences for unleased land); or
- (b) public unleased land for which a permit has been issued under the *Public Unleased Land Act 2013*.

- 1 **1.81 Outdoor eating or drinking places—general exemption**
2 **criteria**
- 3 Unless otherwise stated in a provision, a development to which this
4 division applies must comply with the general exemption criteria,
5 other than section 1.18 (Criterion 8—compliance with other
6 applicable exemption criteria), that are applicable to the
7 development.
- 8 *Note General exemption criteria*, for a development—see s 1.10.
- 9 **1.82 Outdoor eating or drinking places—removable objects**
- 10 (1) A designated development for building or installing an object in an
11 outdoor eating or drinking place if the object (a ***removable object***)
12 can, within 48 hours and with or without limited mechanical
13 assistance, be removed from the outdoor eating or drinking place to
14 return that place to the condition it was in immediately before the
15 object was installed.
- 16 **Examples—removable objects**
- 17
 - 18 • awnings
 - 19 • glass screens
 - 20 • portable barriers
 - 21 • serving stations
 - 22 • umbrellas attached to the ground
- 23 *Note 1 Designated development*, in relation to land—see s 1.2.
- 24 *Note 2 An example is part of the regulation, is not exhaustive and may extend,*
25 *but does not limit, the meaning of the provision in which it appears (see*
 [Legislation Act](#), s 126 and s 132).

- 1 (2) In this section:
- 2 *limited mechanical assistance* includes the use of a crowbar, a
- 3 pallet jack, or a trolley but does not include the use of an excavator,
- 4 a forklift, or a jackhammer.
- 5 *removable object* includes any of the following:
- 6 (a) an object that is attached to the ground, a building or structure;
- 7 (b) a socket, sleeve, bracket or similar device that attaches an
- 8 object to the ground, a building or a structure;
- 9 (c) an object that, though not attached, remains in place when the
- 10 outdoor eating or drinking place is not in use.

- 1 **Part 10** **Public Unleased Land Act 2013**
- 2 **15** **Public unleased land permit—application**
- 3 **Section 45 (2) (d)**
- 4 *substitute*
- 5 (d) include a plan (a *location plan*) that—
- 6 (i) is drawn to scale; and
- 7 (ii) clearly shows—
- 8 (A) the location, boundaries and dimensions of the
- 9 public unleased land for the permit; and
- 10 (B) the position of the activity on the public unleased
- 11 land.

Part 11 Race and Sports Bookmaking Act 2001

16 Section 10 and note

substitute

10 Term of race bookmaking licence

A race bookmaking licence is issued for the period of not more than 3 years stated in the licence.

17 Section 16 and note

substitute

16 Term of race bookmaker's agent licence

A race bookmaker's agent licence is issued for the period of not more than 3 years stated in the licence.

18 Section 38 and note

substitute

38 Term of sports bookmaker's agent licence

A sports bookmaker's agent licence is issued for the period of not more than 3 years stated in the licence.

19 Internally reviewable decisions Schedule 1, item 4

substitute

4	30	issue licence for shorter period than applied for	applicant for licence
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Part 12 Registration of Deeds Act 1957

**20 Registration of deeds
New section 4 (2A)**

insert

(2A) The statutory declaration mentioned in subsection (2) (a) is not required if the deed—

(a) is a power of attorney; and

(b) includes the certificate required under the *Powers of Attorney Act 2006*, section 22.

21 New section 4 (6)

insert

(6) In this section:

power of attorney—see the *Powers of Attorney Act 2006*, dictionary.

1 **Part 13** **Sale of Motor Vehicles Act 1977**

2 **22** **Display of licence and notice**
3 **Section 73 (4)**

4 *omit*

5 **23** **Section 73 (5)**

6 *omit*

7 In addition to the notice required by subsection (4), a licensed

8 *substitute*

9 A licensed

10 **24** **Section 73 (8)**

11 *omit*

12 (2), (4) and (5)

13 *substitute*

14 (2) and (5)

15 **25** **Advertisements by licensed dealers**
16 **Section 79 (1)**

17 *omit*

18 **26** **Section 79 (4)**

19 *omit*

20 **27** **Advertisements by licensed car market operators**
21 **Section 79A**

22 *omit*

1 **Part 14** **Second-hand Dealers Act 1906**

2 **28** **Name of dealer etc to be displayed on premises**
3 **Section 5**

4 *omit*

1 **Part 15** **Second-hand Dealers Regulation**
2 **2002**

3 **29** **Requirement for displayed lettering—Act, s 5**
4 **Section 5B**

5 *omit*

- 1 **Part 16** **Security Industry Act 2003**
- 2 **30 Advertising**
- 3 **Section 40 (1)**
- 4 *substitute*
- 5 (1) A person commits an offence if—
- 6 (a) the person advertises that the person carries on, or is willing to
- 7 carry on, a security activity; and
- 8 (b) the person is not the holder of a licence that authorises the
- 9 person to carry on the security activity mentioned in the
- 10 advertisement.
- 11 Maximum penalty: 30 penalty units.

1 **Part 17** **Tobacco Act 1927**

2 **31** **Display of licence details**
3 **Section 64 (4) definition of *licence details notice*,**
4 **paragraph (c)**

5 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 5 June 2014.

2 Notification

Notified under the [Legislation Act](#) on 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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