

2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Consumer Affairs)

Fair Trading and Other Justice Legislation Amendment Bill 2022

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2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Consumer Affairs)

Fair Trading and Other Justice Legislation Amendment Bill 2022

A Bill for

An Act to amend fair trading legislation, and for other purposes

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 *Fair Trading and Other Justice Legislation*
4 *Amendment Act 2022*.

5 **2 Commencement**

6 (1) The following provisions commence on the day after this Act's
7 notification day:

- 8 • section 3
- 9 • section 110
- 10 • parts 4 to 9.

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

13 (2) The remaining provisions commence on 1 July 2022.

14 **3 Legislation amended**

15 This Act amends the following legislation:

- 16 • [Agents Act 2003](#)
- 17 • [Agents Regulation 2003](#)
- 18 • [Gaming Machine Act 2004](#)
- 19 • [Gaming Machine Regulation 2004](#)
- 20 • [Race and Sports Bookmaking Act 2001](#)
- 21 • [Race and Sports Bookmaking Regulation 2001](#)
- 22 • [Retirement Villages Act 2012](#)
- 23 • [Retirement Villages Regulation 2013](#).

24 *Note* This Act also amends other legislation (see sch 1).

1 **Part 2** **Agents Act 2003**

2 **4** **New section 7A**

3 *insert*

4 **7A** **Meaning of *licensed property agent***

5 In this Act:

6 *licensed property agent* means—

- 7 (a) a licensed business agent; or
8 (b) a licensed real estate agent; or
9 (c) a licensed stock and station agent.

10 **5** **Carrying on business as real estate agent**
11 **Section 8 (2) (a)**

12 *substitute*

- 13 (a) buying, selling (other than by auction), exchanging, leasing,
14 assigning or otherwise disposing of land;

15 **6** **New section 8 (2) (ca)**

16 *insert*

- 17 (ca) managing property under a lease;

18 **7** **Carrying on business as stock and station agent**
19 **Section 9 (2)**

20 *substitute*

- 21 (2) Each of the following is a *stock and station agent service*:

- 22 (a) buying, selling (other than by auction), exchanging, leasing,
23 assigning or otherwise disposing of rural land;

- 1 (b) negotiating with, or inducing or attempting to induce, a person
2 to—
- 3 (i) buy, sell, exchange, lease, assign or otherwise dispose of
4 rural land; or
- 5 (ii) enter into, or make or accept an offer to enter into, a
6 contract to buy, sell, exchange, lease, assign or otherwise
7 dispose of rural land;
- 8 (c) introducing a buyer or lessee of rural land to another licensed
9 agent or to the owner, or an agent of the owner, of rural land;
- 10 (d) collecting payments under a lease of rural land;
- 11 (e) managing rural property under a lease;
- 12 (f) buying, selling (including by auction) or otherwise disposing of
13 livestock;
- 14 (g) negotiating with , or inducing or attempting to induce, a person
15 to—
- 16 (i) buy, sell, auction, exchange or otherwise dispose of
17 livestock; or
- 18 (ii) enter into, or make or accept an offer to enter into, a
19 contract to buy, sell, auction, exchange or otherwise
20 dispose of livestock;
- 21 (h) providing agistment for livestock or collecting fees for the
22 agistment of livestock;
- 23 (i) any other service prescribed by regulation for this section.

1 **8 New section 11**

2 *insert*

3 **11 Carrying on business as land auctioneer**

4 (1) A person *carries on business as a land auctioneer* if the person
5 provides, or offers to provide, a land auctioneer service for a
6 principal.

7 (2) Each of the following is a *land auctioneer service*:

8 (a) acting as an auctioneer of land, including rural land;

9 (b) any other service prescribed by regulation for this section.

10 **9 Sections 16 and 17**

11 *substitute*

12 **16 Application—div 3.1**

13 This division does not apply to an administrator appointed under
14 section 139.

15 **17 Meaning of *licensed*—div 3.1**

16 In this division:

17 *licensed*, in relation to an agent, does not include an agent whose
18 licence is suspended.

10 **New section 21**

2 *insert*

21 **Land auctioneers must be licensed**

- 4 (1) A person commits an offence if—
- 5 (a) the person is not a licensed land auctioneer; and
- 6 (b) the person—
- 7 (i) carries on business as a land auctioneer; or
- 8 (ii) pretends to be a licensed land auctioneer.

9 Maximum penalty: 100 penalty units.

- 10 (2) Subsection (1) (b) (i) does not apply if the person elects, or is taken,
- 11 to be 1 or more of the following licensed property agents under
- 12 section 229, section 230 or section 231:
- 13 (a) a class 1 licensed real estate agent;
- 14 (b) a class 1 licensed stock and station agent;
- 15 (c) a class 2 licensed real estate agent;
- 16 (d) a class 2 licensed stock and station agent.

17 *Note* The defendant has an evidential burden in relation to the matters

18 mentioned in s (2) (see [Criminal Code](#), s 58).

- 19 (3) An offence against this section is a strict liability offence.
- 20 (4) Subsection (2) and this subsection expire on 30 June 2024.

11 New sections 23A and 23B

in division 3.1, insert

23A Classes of property agent licence

A property agent licence may be a class 1 or class 2 licence.

Note The qualifications and experience needed for each class of property agent licence are declared under s 25.

23B Property agents must have correct class of licence

(1) A person commits an offence if the person—

- (a) is not a class 1 licensed agent of a particular kind; and
- (b) pretends to be a class 1 licensed agent of that kind.

Maximum penalty: 100 penalty units.

Example

A person is not a class 1 licensed real estate agent but pretends to be a class 1 licensed real estate agent.

(2) A person commits an offence if—

- (a) the person is not a class 2 licensed agent of a particular kind; and
- (b) pretends to be a class 2 licensed agent of that kind.

Maximum penalty: 100 penalty units.

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

(4) In this section:

class 1 licensed agent, of a particular kind, means a person who holds a class 1 licence to carry on business as one of the following agents:

- (a) a business agent;
- (b) a real estate agent;

1 (c) a stock and station agent.

2 ***class 2 licensed agent***, of a particular kind, means a person who holds
3 a class 2 licence to carry on business as one of the following agents:

4 (a) a business agent;

5 (b) a real estate agent;

6 (c) a stock and station agent.

7 **12 Division 3.2 heading**

8 *substitute*

9 **Division 3.2 Eligibility, qualifications and**
10 **disqualification—agents**

11 **13 Eligibility for licences**
12 **Section 24 (1)**

13 *substitute*

14 (1) An individual is eligible to be licensed as an agent if the
15 commissioner for fair trading is satisfied that the individual—

16 (a) is an adult; and

17 (b) has the qualifications required under section 25 for—

18 (i) the kind of licence; and

19 (ii) for a property agent licence—the class of licence; and

20 (c) has the experience required under section 25 for—

21 (i) the kind of licence; and

22 (ii) for a property agent licence—the class of licence; and

1 (d) is not disqualified under section 27 (People disqualified from
2 being licensed) or section 51 (People disqualified from being
3 registered).

4 (1A) For subsection (1) (b), the commissioner for fair trading may decide
5 that a higher qualification, equivalent qualification or substantially
6 equivalent qualification meets the qualifications required under
7 section 25 for—

8 (a) the kind of licence; and

9 (b) for a property agent licence—the class of licence.

10 **14 Section 24 (2) and (3)**

11 *after*

12 licensed

13 *insert*

14 as an agent

15 **15 Section 25**

16 *substitute*

17 **25 Qualifications and experience for licences**

18 (1) The commissioner for fair trading may declare the qualifications and
19 experience required for—

20 (a) a licence, or renewal of a licence, for an agent; and

21 (b) each class of property agent licence.

22 (2) A declaration is a disallowable instrument.

23 (3) A declaration may apply, adopt or incorporate a law of another
24 jurisdiction or instrument as in force from time to time.

1 (4) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation
2 to the law of another jurisdiction or instrument applied, adopted or
3 incorporated under a declaration.

4 *Note* Laws of another jurisdiction and instruments mentioned in s (4) do not
5 need to be notified under the [Legislation Act](#) because s 47 (5) and (6)
6 does not apply (see [Legislation Act](#), s 47 (7)).

7 (5) In this section:

8 *law of another jurisdiction*—see the [Legislation Act](#), section 47 (10).

9 **16 People disqualified from being licensed**
10 **Section 27 (1)**

11 *after 1st mention of*

12 licensed

13 *insert*

14 as an agent

15 **17 Suitability—real estate agents**
16 **Section 27A (3) (e)**

17 *omit*

18 salesperson

19 *substitute*

20 assistant real estate agent

21 **18 Division 3.3 heading**

22 *substitute*

23 **Division 3.3 Licence procedures and details—**
24 **agents**

1 **19 Advertising intended licence applications**
2 **Section 28 (1)**

3 *after 1st mention of*

4 licence

5 *insert*

6 as an agent

7 **20 Section 28 (2)**

8 *substitute*

9 (2) The notice must—

10 (a) state the kind of licence the person intends to apply for; and

11 (b) for a property agent licence—state the class of licence the person
12 intends to apply for; and

13 (c) include any other information prescribed by regulation.

14 **21 Licence applications**
15 **New section 29 (1A)**

16 *insert*

17 (1A) An application must be in writing and state—

18 (a) the kind of licence applied for; and

19 (b) for a property agent licence—the class of licence applied for.

20 **22 Decisions on licence applications**
21 **New section 33 (3A)**

22 *insert*

23 (3A) If the licence is a property agent licence, the licence must state the
24 class of licence.

- 1 **23 Section 44**
- 2 *substitute*
- 3 **44 Meaning of *registered*—div 4.1**
- 4 In this division:
- 5 *registered*, in relation to an assistant property agent, does not include
- 6 an assistant property agent whose registration is suspended.
- 7 **24 Section 45 heading**
- 8 *substitute*
- 9 **45 Assistant real estate agents must be registered**
- 10 **25 Section 45 (1) (a)**
- 11 *omit*
- 12 real estate salesperson
- 13 *substitute*
- 14 assistant real estate agent
- 15 **26 Section 45 (3)**
- 16 *substitute*
- 17 (3) This section does not apply to the provision of a service by a person
- 18 who is otherwise licensed or registered to provide the service.
- 19 *Note* The defendant has an evidential burden in relation to the matters
- 20 mentioned in s (3) (see [Criminal Code](#), s 58).

- 1 **27 Section 46 heading**
- 2 *substitute*
- 3 **46 Assistant stock and station agents must be registered**
- 4 **28 Section 46 (1) (a)**
- 5 *omit*
- 6 stock and station salesperson
- 7 *substitute*
- 8 assistant stock and station agent
- 9 **29 Section 46 (3)**
- 10 *substitute*
- 11 (3) This section does not apply to the provision of a service by a person
- 12 who is otherwise licensed or registered to provide the service.
- 13 *Note* The defendant has an evidential burden in relation to the matters
- 14 mentioned in s (3) (see [Criminal Code](#), s 58).
- 15 **30 Section 47 heading**
- 16 *substitute*
- 17 **47 Assistant business agents must be registered**
- 18 **31 Section 47 (1) (a)**
- 19 *omit*
- 20 business salesperson
- 21 *substitute*
- 22 assistant business agent

32 Section 47 (3)

substitute

- (3) This section does not apply to the provision of a service by a person who is otherwise licensed or registered to provide the service.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

33 Section 48

substitute

48 Assistant property agents must be registered to recover fees etc

- (1) A person is not entitled to bring a proceeding to recover salary, or a commission, fee or reward, for a service provided by the person if, in providing the service, the person contravened any of the following provisions:

- (a) section 45 (Assistant real estate agents must be registered);
- (b) section 46 (Assistant stock and station agents must be registered);
- (c) section 47 (Assistant business agents must be registered).

- (2) Subsection (1) applies whether or not anyone has been convicted of an offence against section 45, section 46 or section 47.

34 Division 4.2 heading

substitute

Division 4.2 Eligibility, qualifications and disqualification—assistant property agents

1 **35 Eligibility for registration**
2 **Section 49 (1)**

3 *substitute*

- 4 (1) An individual is eligible to be registered as an assistant property agent
5 if the commissioner for fair trading is satisfied that the individual—
6 (a) is an adult; and
7 (b) has the qualifications required under section 50 for the kind of
8 registration; and
9 (c) has the experience required under section 50 for the kind of
10 registration; and
11 (d) is not disqualified under section 27 (People disqualified from
12 being licensed) or section 51 (People disqualified from being
13 registered).
- 14 (1A) For subsection (1) (b), the commissioner for fair trading may decide
15 that a higher qualification, equivalent qualification or substantially
16 equivalent qualification meets the qualifications required under
17 section 50 for the kind of registration.

18 **36 Section 50**

19 *substitute*

20 **50 Qualifications and experience for registration**

- 21 (1) The commissioner for fair trading may declare the qualifications and
22 experience required for registration, or renewal of registration, of an
23 assistant property agent.
24 (2) A declaration is a disallowable instrument.
25 (3) A declaration may apply, adopt or incorporate a law of another
26 jurisdiction or instrument as in force from time to time.

1 (4) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation
2 to the law of another jurisdiction or instrument applied, adopted or
3 incorporated under a declaration.

4 *Note* Laws of another jurisdiction and instruments mentioned in s (4) do not
5 need to be notified under the [Legislation Act](#) because s 47 (5) and (6)
6 does not apply (see [Legislation Act](#), s 47 (7)).

7 (5) In this section:

8 *law of another jurisdiction*—see the [Legislation Act](#), section 47 (10).

9 **37 People disqualified from being registered**
10 **Section 51 (1)**

11 *after 1st mention of*

12 registered

13 *insert*

14 as an assistant property agent

15 **38 Section 51 (1) (a) and (b)**

16 *omit*

17 a real estate salesperson

18 *substitute*

19 an assistant real estate agent

20 **39 Section 51A heading**

21 *substitute*

22 **51A Suitability—assistant real estate agents**

1 **40 Section 51A (2)**

2 *omit*

3 a real estate salesperson

4 *substitute*

5 an assistant real estate agent

6 **41 Section 51A (3) (d)**

7 *omit*

8 a salesperson

9 *substitute*

10 an assistant real estate agent

11 **42 Section 51A (3) (e)**

12 *omit*

13 salesperson

14 *substitute*

15 assistant real estate agent

16 **43 Division 4.3 heading**

17 *substitute*

18 **Division 4.3 Registration procedures and details—**
19 **assistant property agents**

1 **44 Advertising intended registration applications**
2 **Section 52 (1)**

3 *after 1st mention of*
4 registration
5 *insert*
6 as an assistant property agent

7 **45 Section 52 (2)**

8 *substitute*
9 (2) The notice must—
10 (a) state the kind of registration the person intends to apply for; and
11 (b) include any other information prescribed by regulation.

12 **46 Registration applications**
13 **New section 53 (1A)**

14 *insert*
15 (1A) An application must be in writing and state the kind of registration
16 applied for.

17 **47 Section 64**

18 *substitute*

19 **64 Meaning of *registered assistant property agent*—div 4.4**

20 In this division:

21 *registered assistant property agent* means a registered assistant
22 property agent or a former registered assistant property agent.

48 Sections 65 (1) (c) and (f) and 67 (1)

omit

salesperson's

substitute

assistant property agent's

49 Sections 69 and 70

substitute

68A Licensed agent in charge to have class 1 property agent licence

(1) A person commits an offence if the person—

(a) is responsible for the day-to-day management of a place of business of a licensed property agent; and

(b) is not a class 1 licensed property agent.

Maximum penalty: 50 penalty units.

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

(3) A licensed property agent may be exempted from this section under section 71 (Class 1 licensed property agent to be in charge of business—exemptions).

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

69 Property agent place of business to have class 1 licensed property agent in charge

(1) A class 1 licensed property agent commits an offence if—

(a) the licensed property agent is an individual; and

- 1 (b) the licensed property agent carries on business at 2 or more
2 places of business; and
- 3 (c) the licensed property agent does not employ, at each place of
4 business where the licensed property agent is not responsible for
5 the day-to-day management of the business, an individual
6 who—
- 7 (i) is a class 1 licensed property agent; and
8 (ii) is responsible for the day-to-day management of the place
9 of business.
- 10 Maximum penalty: 50 penalty units.
- 11 (2) A class 2 licensed property agent commits an offence if—
- 12 (a) the licensed property agent is an individual; and
- 13 (b) the licensed property agent does not employ, at each place of
14 business where the licensed property agent carries on business,
15 an individual who—
- 16 (i) is a class 1 licensed property agent; and
17 (ii) is responsible for the day-to-day management of the place
18 of business.
- 19 Maximum penalty: 50 penalty units.
- 20 (3) A licensed property agent commits an offence if—
- 21 (a) the licensed property agent is a corporation; and
- 22 (b) the licensed property agent does not employ, at each place of
23 business where the licensed property agent carries on business,
24 an individual who—
- 25 (i) is a class 1 licensed property agent; and

1 (ii) is responsible for the day-to-day management of the place
2 of business.

3 Maximum penalty: 50 penalty units.

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

5 (5) A licensed property agent may be exempted from this section under
6 section 71.

7 *Note* The defendant has an evidential burden in relation to the matters
8 mentioned in s (5) (see [Criminal Code](#), s 58).

9 **70 Class 1 licensed property agent to be in charge of 1 place**
10 **of business**

11 (1) A class 1 licensed property agent commits an offence if the licensed
12 property agent is responsible for the day-to-day management of 2 or
13 more places of business.

14 Maximum penalty: 50 penalty units.

15 (2) A class 1 licensed property agent commits an offence if—

16 (a) the licensed property agent—

17 (i) is employed to be responsible for the day-to-day
18 management of another licensed property agent's place of
19 business; and

20 (ii) provides services for 2 or more licensed property agents at
21 the place; and

22 (b) the licensed property agents to whom the services are provided
23 are not in partnership with each other.

24 Maximum penalty: 50 penalty units.

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

1 (4) A class 1 licensed property agent may be exempted from this section
2 under section 71.

3 *Note* The defendant has an evidential burden in relation to the matters
4 mentioned in s (4) (see [Criminal Code](#), s 58).

5 **50 Section 71 heading**

6 *substitute*

7 **71 Class 1 licensed property agent to be in charge of**
8 **business—exemptions**

9 **51 Section 71 (1)**

10 *substitute*

11 (1) The commissioner for fair trading may, in writing, exempt a licensed
12 property agent from the following provisions:

13 (a) section 68A (Licensed agent in charge to have class 1 property
14 agent licence);

15 (b) section 69 (Property agent place of business to have class 1
16 licensed property agent in charge);

17 (c) section 70 (Class 1 licensed property agent to be in charge of 1
18 place of business).

19 **52 Division 5.3 heading, except note**

20 *substitute*

21 **Division 5.3 Offences—assistant property agents**

- 1 **53 Section 75 heading**
- 2 *substitute*
- 3 **75 Licensed property agent may only employ licensed**
- 4 **property agent or registered assistant property agent**
- 5 **54 Section 75 (1)**
- 6 *omit*
- 7 **55 New section 75A**
- 8 *insert*
- 9 **75A Assistant property agents must not sign agency**
- 10 **agreements**
- 11 (1) A person commits an offence if the person—
- 12 (a) is a registered assistant property agent; and
- 13 (b) signs an agency agreement.
- 14 Maximum penalty: 100 penalty units.
- 15 (2) Subsection (1) does not apply if the person is taken to be a registered
- 16 assistant property agent under section 234.
- 17 *Note* The defendant has an evidential burden in relation to the matters
- 18 mentioned in s (2) (see [Criminal Code](#), s 58).
- 19 (3) An offence against this section is a strict liability offence.
- 20 (4) Subsection (2) and this subsection expire on 30 June 2023.
- 21 (5) In this section:
- 22 ***agency agreement***—see section 100 (1) (a).

1	56	Division 5.4 heading
2		<i>substitute</i>
3	Division 5.4	Conflicts of interest—real estate and
4		stock and station agents
5	57	Section 77 heading
6		<i>substitute</i>
7	77	Licensed real estate and stock and station agents must
8		not act for buyer and seller of land
9	58	Section 77 (1)
10		<i>omit</i>
11		An agent
12		<i>substitute</i>
13		A licensed real estate agent or licensed stock and station agent
14	59	Section 85 heading
15		<i>substitute</i>
16	85	Assistant property agents must disclose certain
17		information
18	60	Section 85 (1)
19		<i>omit everything before paragraph (a), substitute</i>
20		(1) An assistant property agent commits an offence if the assistant
21		property agent—

- 1 **61 Section 85 (3)**
- 2 *omit everything before paragraph (a), substitute*
- 3 (3) An assistant property agent commits an offence if the assistant
- 4 property agent—
- 5 **62 Section 87 heading**
- 6 *substitute*
- 7 **87 Assistant property agents must not obtain beneficial**
- 8 **interest in land**
- 9 **63 Section 87 (1)**
- 10 *omit*
- 11 A salesperson
- 12 *substitute*
- 13 An assistant property agent
- 14 **64 Section 87 (2)**
- 15 *omit*
- 16 a salesperson
- 17 *substitute*
- 18 an assistant property agent
- 19 **65 Sections 88 (2) (b) and 89 (1)**
- 20 *omit*
- 21 salesperson's
- 22 *substitute*
- 23 assistant property agent's

1 **66 Proposed contracts for sale of residential property**
2 **Section 89A (2)**

3 *omit*

4 A salesperson

5 *substitute*

6 An assistant property agent

7 **67 Division 5.9 heading**

8 *substitute*

9 **Division 5.9 Other offences—agents and assistant**
10 **property agents**

11 **68 Lending registration certificate**
12 **Section 98 (1), (2) and (4)**

13 *omit*

14 salesperson's

15 *substitute*

16 assistant property agent's

17 **69 Part 7 heading**

18 *substitute*

19 **Part 7 Trust accounts—licensed**
20 **property agents**

- 1 **70** **New section 101**
- 2 *in division 7.1, insert*
- 3 **101** **Meaning of *licensed property agent*—pt 7**
- 4 In this part:
- 5 *licensed property agent* includes any of the following:
- 6 (a) a person who is no longer a licensed property agent but holds
- 7 trust money received while licensed;
- 8 (b) the personal representative of a licensed property agent who
- 9 died while holding trust money, if the representative holds the
- 10 trust money;
- 11 (c) the liquidator of a corporation that went into liquidation while
- 12 being a licensed property agent and holding trust money, if the
- 13 corporation holds the trust money.
- 14 **71** **Meaning of *licensed agent*—divs 7.2 and 7.3**
- 15 **Section 104A**
- 16 *omit*
- 17 **72** **New section 107A**
- 18 *insert*
- 19 **107A** **Assistant property agents must not withdraw trust money**
- 20 (1) A registered assistant property agent commits an offence if the
- 21 assistant property agent withdraws money from a trust account.
- 22 Maximum penalty: 100 penalty units.
- 23 (2) An offence against this section is a strict liability offence.
- 24 (3) In this section:
- 25 *withdraw money*—see section 141 (4).

1	73	Sections 108 and 111 headings
2		<i>substitute</i>
3	108	Licensed property agents to notify of overdrawn trust
4		accounts
5	111	Quarterly statements by licensed property agents
6	74	Payment of unclaimed money to public trustee and
7		guardian
8		Section 124 (3) and (4)
9		<i>after</i>
10		licensed
11		<i>insert</i>
12		property
13	75	Division 8.2 heading
14		<i>substitute</i>
15	Division 8.2	Freezing accounts—licensed property
16		agents
17	76	Section 131
18		<i>substitute</i>
19	131	Definitions—div 8.2
20		In this division:
21		account , for a licensed property agent, means—
22		(a) a trust account; or

1 (b) any other account in which the licensed property agent has an
2 interest, including an account that is not a trust account but in
3 which trust money is held.

4 *licensed property agent* includes a former licensed property agent or
5 the personal representative of a licensed property agent.

6 *stop direction* means a direction under section 132.

7 **77 Part 10 heading**

8 *substitute*

9 **Part 10 Consumer compensation fund—**
10 **licensed property agents**

11 **78 Sections 147 and 148**

12 *substitute*

13 **147 Definitions—div 10.2**

14 In this division:

15 *claimant*—see section 149 (Entitlement to claim compensation).

16 *licensed property agent* includes a former licensed property agent.

17 **148 Application—div 10.2**

18 This division applies in relation to a person who was a licensed
19 property agent only in relation to anything that happened while the
20 person was licensed.

- 1 **79 Register information**
2 **Section 161 (g)**
- 3 *substitute*
- 4 (g) any exemption under section 71 (Class 1 licensed property agent
5 to be in charge of business—exemptions);
- 6 **80 False or misleading statements**
7 **Section 169 (1) (g) and (h)**
- 8 *substitute*
- 9 (g) an application for an exemption under section 71 (Class 1
10 licensed property agent to be in charge of business—
11 exemptions);
- 12 (h) information or a document required or permitted to be given
13 under part 7 (Trust accounts—licensed property agents);
- 14 **81 Rules of conduct**
15 **Section 171 (1)**
- 16 *omit*
- 17 or registered salespeople
- 18 *substitute*
- 19 , licensed land auctioneers or registered assistant property agents
- 20 **82 New section 171 (2A)**
- 21 *insert*
- 22 (2A) A licensed land auctioneer must not contravene a rule of conduct
23 applying to the auctioneer.

83 **New part 22***insert***Part 22** **Transitional—Fair Trading and
Other Justice Legislation
Amendment Act 2022****228** **Definitions—pt 22**

In this part:

additional class 1 training means the following VET course units of competency:

- (a) CPPREP5001 (Manage compliance in the property industry);
- (b) CPPREP5002 (Establish and monitor property industry trust account management practices);
- (c) CPPREP5003 (Manage ethical practice in the property industry);
- (d) CPPREP5004 (Manage a safe workplace in the property industry);
- (e) CPPREP5005 (Manage teams in the property industry);
- (f) CPPREP5006 (Manage operational finances in the property industry);
- (g) CPPREP5007 (Develop a strategic business plan in the property industry).

commencement day means the day the *Fair Trading and Other Justice Legislation Amendment Act 2022*, part 2 commences.

1 **completes** additional class 1 training—a person **completes** additional
2 class 1 training if a registered training organisation issues the person
3 with a statement of attainment or qualification, confirming that the
4 person has satisfied the requirements of the additional class 1
5 training.

6 **licensed property agent**, of a particular kind, means a person who
7 holds a licence to carry on business as 1 of the following agents:

- 8 (a) a business agent;
9 (b) a real estate agent;
10 (c) a stock and station agent.

11 **owners corporation managing agent**—see section 109A (3).

12 **registered training organisation**—see the *National Vocational
13 Education and Training Regulator Act 2011* (Cwlth), section 3.

14 **statement of attainment** means a VET statement of attainment under
15 the *National Vocational Education and Training Regulator
16 Act 2011* (Cwlth), section 3.

17 **unqualified real estate salesperson** means a person—

- 18 (a) to whom section 49 (1) (a) and (c) as in force immediately
19 before the commencement day applied; and
20 (b) who immediately before the commencement day did not have
21 the qualifications prescribed under section 50 as in force
22 immediately before the commencement day.

23 **VET course**—see the *National Vocational Education and Training
24 Regulator Act 2011* (Cwlth), section 3.

1 **229 Licensed agents**

- 2 (1) This section applies to a person if, immediately before the
3 commencement day, the person was a licensed agent under section 33
4 of the kind mentioned in table 229, column 2.
- 5 (2) On the commencement day, the person is taken to be a class 2
6 licensed property agent of the kind mentioned in table 229, column 3.

7 **Table 229**

column 1 item	column 2 old kind of licensed agent	column 3 new kind and class of licensed property agent
1	licensed business agent	class 2 licensed business agent
2	licensed real estate agent	class 2 licensed real estate agent
3	licensed stock and station agent	class 2 licensed stock and station agent

- 8 (3) This section is subject to section 231.

9 **230 Licensed agents in charge**

- 10 (1) This section applies if—
- 11 (a) immediately before the commencement day, a person was a
12 licensed agent under section 33 of the kind mentioned in
13 table 230, column 2; and
- 14 (b) at any time before the commencement day, the person was
15 responsible for the day-to-day management of a place of
16 business of the same kind of licensed agent.
- 17 (2) On the commencement day, the person is taken to be a class 1
18 licensed property agent of the kind mentioned in table 230, column 3.

1 **Table 230**

column 1 item	column 2 old kind of licence—licensed agent in charge	column 3 new kind and class of licensed property agent
1	licensed business agent	class 1 licensed business agent
2	licensed real estate agent	class 1 licensed real estate agent
3	licensed stock and station agent	class 1 licensed stock and station agent

- 2 (3) The licence of a person taken to be a class 1 licensed property agent
3 under subsection (2) is automatically subject to the condition that the
4 person must complete additional class 1 training before 1 July 2024.

5 **231 Experienced property agents who elect to become class 1**
6 **licensed property agent**

- 7 (1) This section applies if a person—
8 (a) is taken to be a class 2 licensed property agent of a particular
9 kind under section 229; and
10 (b) immediately before the commencement day, had at least 2 years
11 experience as a licensed agent of the same kind.
- 12 (2) The person may elect to be a class 1 licensed property agent of that
13 kind.
- 14 (3) The licence of a person who elects to be a class 1 licensed property
15 agent under subsection (2) is automatically subject to the condition
16 that the person must complete additional class 1 training on or before
17 30 June 2024.
- 18 (4) A person who elects to be a class 1 licensed property agent must give
19 the commissioner for fair trading written notice about their election.
- 20 (5) The notice must be given to the commissioner before 1 July 2023.

- 1 **232 Conditional real estate agent licences—acting as**
2 **auctioneer of land**
- 3 (1) This section applies to a person if, immediately before the
4 commencement day—
- 5 (a) the person was a licensed real estate agent under section 33; and
6 (b) the licence held by the person was subject to a condition under
7 section 34 that the person act only as an auctioneer of land.
- 8 (2) On the commencement day, the person is taken to be a licensed land
9 auctioneer.
- 10 (3) The licence of a person taken to be a licensed land auctioneer under
11 subsection (2) is automatically subject to the condition that the person
12 must complete additional auctioneer training before 1 July 2024.
- 13 (4) In this section:
- 14 ***additional auctioneer training*** means the following VET course
15 units of competency:
- 16 (a) CPPREP4161 (Undertake pre-auction processes);
17 (b) CPPREP4162 (Conduct and complete sale by auction);
18 (c) CPPREP4163 (Complete post-auction process and contract
19 execution).
- 20 ***completes*** additional auctioneer training—a person ***completes***
21 additional auctioneer training if a registered training organisation
22 issues the person with a statement of attainment or qualification,
23 confirming that the person has satisfied the requirements of the
24 additional auctioneer training.

- 1 **233 Conditional stock and station agent licences—acting as**
2 **auctioneer of rural land**
- 3 (1) This section applies to a person if, immediately before the
4 commencement day—
- 5 (a) the person was a licensed stock and station agent under
6 section 33; and
- 7 (b) the licence held by the person was subject to a condition under
8 section 34 that the person act only as an auctioneer of rural land.
- 9 (2) On the commencement day, the person is taken to be a licensed land
10 auctioneer.
- 11 (3) The licence of a person taken to be a licensed land auctioneer under
12 subsection (2) is automatically subject to the following conditions:
- 13 (a) the person act only as an auctioneer of rural land;
- 14 (b) the person must complete additional auctioneer training before
15 1 July 2024.
- 16 (4) In this section:
- 17 *additional auctioneer training*—see section 232 (4).
- 18 *completes, additional auctioneer training*—see section 232 (4).
- 19 **234 Registered salespeople**
- 20 (1) This section applies to a person if, immediately before the
21 commencement day, the person was a registered salesperson under
22 section 57 of the kind mentioned in table 234, column 2.
- 23 (2) On the commencement day, the person is taken to be a registered
24 assistant property agent of the kind mentioned in table 234, column 3.

1 **Table 234**

column 1 item	column 2 old kind of registered salesperson	column 4 new kind of registered assistant property agent
1	registered business salesperson	registered assistant business agent
2	registered real estate salesperson	registered assistant real estate agent
3	registered stock and station salesperson	registered assistant stock and station agent

2 **235 Unqualified real estate salespeople**

- 3 (1) This section applies to a person if, immediately before the
4 commencement day, the person was an unqualified real estate
5 salesperson who held registration as a real estate salesperson in the
6 circumstances mentioned in the *Agents Regulation 2003*,
7 section 8A (1) as in force immediately before the commencement
8 day.
- 9 (2) On the commencement day, the person's registration as a real estate
10 salesperson continues, and is automatically subject to the condition
11 that the registration ends on the earlier of—
- 12 (a) the day any of the circumstances mentioned in subsection (1)
13 change; and
- 14 (b) 31 October 2023.
- 15 (3) The provisions of this Act and the *Agents Regulation 2003* apply to
16 the person as if a reference to an assistant real estate agent were a
17 reference to a real estate salesperson.

- 1 **236 Owners corporation managing agents—licensed agent in**
2 **charge**
- 3 (1) This section applies to a person if—
- 4 (a) the person was—
- 5 (i) immediately before the commencement day, a licensed
6 real estate agent under section 33; and
- 7 (ii) at any time before the commencement day, responsible for
8 the day-to-day management of a place of business of an
9 owners corporation managing agent; and
- 10 (b) the licence held by the person was subject to a condition under
11 section 34 that the person act only as an owners corporation
12 managing agent.
- 13 (2) On the commencement day, the person is taken to be a class 1
14 licensed real estate agent.
- 15 (3) The licence of a person taken to be a class 1 licensed real estate agent
16 under subsection (2) is automatically subject to the following
17 conditions:
- 18 (a) the person act only as an owners corporation managing agent;
- 19 (b) the person must complete additional class 1 training before
20 1 July 2024.
- 21 **237 Owners corporation managing agents**
- 22 (1) This section applies to a person if, immediately before the
23 commencement day—
- 24 (a) the person was a licensed real estate agent under section 33; and
- 25 (b) the licence held by the person was subject to a condition under
26 section 34 that the person act only as an owners corporation
27 managing agent.

- 1 (2) On the commencement day—
 2 (a) the person is taken to be a class 2 licensed real estate agent; and
 3 (b) the person’s licence is automatically subject to the condition that
 4 the person act only as an owners corporation managing agent.

5 **238 Transitional regulations**

- 6 (1) A regulation may prescribe transitional matters necessary or
 7 convenient to be prescribed because of the enactment of the *Fair*
 8 *Trading and Other Justice Legislation Amendment Act 2022*.
 9 (2) A regulation may modify this part (including in relation to another
 10 territory law) to make provision in relation to anything that, in the
 11 Executive’s opinion, is not, or is not adequately or appropriately,
 12 dealt with in this part.
 13 (3) A regulation under subsection (2) has effect despite anything
 14 elsewhere in this Act or another territory law.

15 *Note* A transitional provision under s (1) continues to have effect after its
 16 repeal, however, a modification under s (2) has no ongoing effect after its
 17 repeal (see [Legislation Act](#), s 88).

18 **239 Expiry—pt 22**

19 This part expires on 30 June 2025.

20 *Note* A transitional provision is repealed on its expiry but continues to have
 21 effect after its repeal (see [Legislation Act](#), s 88).

22 **84 Reviewable decisions**
 23 **Schedule 1, item 5**

24 *substitute*

5	36 (2) (b)	refuse to renew licence	licensed agent
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1 **85 Schedule 1, items 11 to 15**2 *substitute*

10A	71 (1)	refuse to exempt person from being class 1 licensed property agent	person responsible for management of business of licensed property agent
11	71 (1)	refuse to exempt from having class 1 licensed property agent in charge of business	licensed property agent who owns business
12	71 (1)	refuse to exempt class 1 licensed property agent from requirement to manage not more than 1 business	applicant for exemption owner of each business

13	71 (1)	refuse to exempt class 1 licensed property agent in charge of a business from requirement to not provide service to another agent	applicant for exemption owner of each business
14	71 (2)	put condition on exemption from prohibition on managing, or providing services, to more than 1 business	licensed property agent exempted owner of each business
15	71 (2)	amend a condition on exemption from prohibition on managing, or providing services, to more than 1 business	licensed property agent exempted owner of each business

86 Dictionary, definition of *account* etc

2 *substitute*

3 ***account***, for a licensed property agent, for division 8.2 (Freezing
4 accounts—licensed property agents)—see section 131.

5 ***agent***—

6 (a) for this Act generally, means a person who carries on business
7 as any of the following:

8 (i) a business agent;

9 (ii) a land auctioneer;

10 (iii) an employment agent;

11 (iv) a real estate agent;

12 (v) a stock and station agent; and

13 (b) for division 3.4 (Occupational discipline—agents)—see
14 section 40.

15 ***agents licence*** means any of the following:

16 (a) a business agents licence;

17 (b) a land auctioneers licence;

18 (c) an employment agents licence;

19 (d) a real estate agents licence;

20 (e) a stock and station agents licence.

87 Dictionary, new definition of *assistant property agent*

1 *insert*

2 *assistant property agent* means a person who, as an employee,
3 provides—

- 4 (a) a business agent service; or
5 (b) a real estate agent service; or
6 (c) a stock and station agent service.
7

88 Dictionary, definition of *carries on business as*

8 *substitute*

9 *carries on business as*—

- 10 (a) *a business agent*—see section 10; or
11 (b) *an employment agent*—see section 12; or
12 (c) *a land auctioneer*—see section 11; or
13 (d) *a real estate agent*—see section 8; or
14 (e) *a stock and station agent*—see section 9.
15

89 Dictionary, new definitions

16 *insert*

17 *class 1 licensed business agent* means a person who holds a class 1
18 licence as a business agent.

19 *class 1 licensed property agent* means—

- 20 (a) a class 1 licensed business agent; or
21 (b) a class 1 licensed real estate agent; or
22 (c) a class 1 licensed stock and station agent.
23

1 *class 1 licensed real estate agent* means a person who holds a class 1
2 licence as a real estate agent.

3 *class 1 licensed stock and station agent* means a person who holds a
4 class 1 licence as a stock and station agent.

5 *class 2 licensed business agent* means a person who holds a class 2
6 licence as a business agent.

7 *class 2 licensed property agent* means—

8 (a) a class 2 licensed business agent; or

9 (b) a class 2 licensed real estate agent; or

10 (c) a class 2 licensed stock and station agent.

11 *class 2 licensed real estate agent* means a person who holds a class 2
12 licence as a real estate agent.

13 *class 2 licensed stock and station agent* means a person who holds a
14 class 2 licence as a stock and station agent.

15 **90 Dictionary, definition of *details***

16 *omit*

17 (Trust accounts)

18 *substitute*

19 (Trust accounts—licensed property agents)

20 **91 Dictionary, definition of *ground for occupational***
21 ***discipline, paragraph (b)***

22 *substitute*

23 (b) for a registered assistant property agent—see section 65.

92 Dictionary, new definitions

1

insert

2

3

land auctioneer means a person who carries on business as a land auctioneer.

4

5

land auctioneer service—see section 11 (2).

93 Dictionary, definitions of *licensed agent* and *licensed business agent*

6

7

8

substitute

9

licensed agent means an agent who holds a licence, and includes a land auctioneer who holds a licence.

10

11

licensed business agent means—

12

(a) a class 1 licensed business agent; or

13

(b) a class 2 licensed business agent.

94 Dictionary, new definitions

14

15

insert

16

licensed land auctioneer means a person who holds a licence as a land auctioneer.

17

18

licensed property agent—

19

(a) for this Act generally—see section 7A; and

20

(b) for part 7 (Trust accounts—licensed property agents)—see section 101; and

21

22

(c) for division 8.2 (Freezing accounts—licensed property agents)—see section 131; and

23

24

(d) for division 10.2 (Claims against compensation fund)—see section 147.

25

- 1 **95 Dictionary, definition of *licensed real estate agent* etc**
- 2 *substitute*
- 3 *licensed real estate agent* means—
- 4 (a) a class 1 licensed real estate agent; or
- 5 (b) a class 2 licensed real estate agent.
- 6 *licensed stock and station agent* means—
- 7 (a) a class 1 licensed stock and station agent; or
- 8 (b) a class 2 licensed stock and station agent.
- 9 *registered*, in relation to an assistant property agent, for division 4.1
- 10 (Assistant property agents to be registered)—see section 44.
- 11 **96 Dictionary, new definitions**
- 12 *insert*
- 13 *registered assistant business agent* means a person registered under
- 14 section 57 as an assistant business agent.
- 15 *registered assistant property agent*—
- 16 (a) for this Act generally, means—
- 17 (i) a registered assistant business agent; or
- 18 (ii) a registered assistant real estate agent; or
- 19 (iii) a registered assistant stock and station agent; and
- 20 (b) for division 4.4 (Occupational discipline—registered assistant
- 21 property agents)—see section 64.
- 22 *registered assistant real estate agent* means a person registered under
- 23 section 57 as an assistant real estate agent.
- 24 *registered assistant stock and station agent* means a person
- 25 registered under section 57 as an assistant stock and station agent.

1 **97 Dictionary**

2 *omit the definitions of*
3 *registered business salesperson*
4 *registered real estate salesperson*
5 *registered salesperson*
6 *registered stock and station salesperson*
7 *salesperson*

8 **98 Dictionary, definition of *stock and station agent service***

9 *substitute*
10 *stock and station agent service*—see section 9 (2).

11 **99 Dictionary, definition of *stop direction***

12 *omit*
13 (Freezing accounts)
14 *substitute*
15 (Freezing accounts—licensed property agents)

100 Further amendments, mentions of *salespeople*

- 1 *omit*
- 2 *omit*
- 3 salespeople
- 4 *substitute*
- 5 assistant property agents
- 6 *in*
- 7 • part 4 heading
- 8 • division 4.1 heading
- 9 • section 61 (4)
- 10 • division 4.4 heading
- 11 • sections 65, 66 and 67 headings
- 12 • part 5 heading
- 13 • section 178 (2) (d)

101 Further amendments, mentions of *salesperson*

- 14 *omit*
- 15 *omit*
- 16 salesperson
- 17 *substitute*
- 18 assistant property agent
- 19 *in*
- 20 • section 51 (1) (d) and (j)
- 21 • section 58 (3) (a)
- 22 • section 60 (1)
- 23 • section 61 (1) and (3)
- 24 • section 62 (2)
- 25 • section 63
- 26 • sections 65 and 66

- 1 • section 67 (2)
- 2 • section 72 (1) (b)
- 3 • section 82, definition of *obtains a beneficial interest*
- 4 • section 87 (1) (a) and (c), (2) (a) (i) and (b)
- 5 • section 88 (2)
- 6 • section 89 (1)
- 7 • section 89A (2) and (3) and examples
- 8 • section 89B
- 9 • section 98
- 10 • section 171 (3)
- 11 • schedule 1, items 8 to 10

12 **102 Further amendments, mentions of *licensed***

13 *after*

14 licensed

15 *insert*

16 property

17 *in*

- 18 • section 71 (3)
- 19 • section 72 heading
- 20 • section 72 (1) (1st mention)
- 21 • section 72 (3)
- 22 • section 75 (2) (1st mention)
- 23 • section 100
- 24 • section 102 (1) (a) (1st mention)
- 25 • section 102 (2)
- 26 • sections 105 to 108
- 27 • section 111

- 1 • section 113
- 2 • sections 115 to 122
- 3 • section 124 (3) and (4)
- 4 • section 149 (1)
- 5 • section 150 (1) and (3)
- 6 • section 153 (a)
- 7 • section 155 (3)
- 8 • section 159

Section 108

1	108	Section 7A (1)
2		<i>omit</i>
3		licensee
4		<i>substitute</i>
5		licensed agent
6	109	Section 7A (2)
7		<i>omit</i>
8		licensees
9		<i>substitute</i>
10		licensed agents
11	110	Sections 8A and 8B
12		<i>omit</i>
13	111	Qualifications for registration as salesperson—Act, s 50
14		Section 9
15		<i>omit</i>
16	112	Sections 10 and 10A headings
17		<i>substitute</i>
18	10	Information to be included in advertisement of intention
19		to apply for registration—Act, s 52 (2) (b)
20	10A	Registration conditions—professional development—Act,
21		s 58 (1) (a)

1 **113 Part 4 heading**

2 *substitute*

3 **Part 4 Conduct of licensed agents and**
4 **registered assistant property**
5 **agents**

6 **114 Section 13**

7 *substitute*

8 **13 Class 1 licensed property agent to be in charge of**
9 **business—exemptions—Act, s 71 (3)**

- 10 (1) In deciding whether to exempt a person from the [Act](#), section 68A
11 (Licensed agent in charge to have class 1 property agent licence), or
12 amend or revoke an exemption, the commissioner for fair trading
13 must consider the following matters:
- 14 (a) the reasons for the exemption;
 - 15 (b) the period of the exemption;
 - 16 (c) the person's experience as a licensed property agent;
 - 17 (d) fiduciary safeguards and office systems established, or to be
18 established, to provide for accountability to the licensed
19 property agent in charge;
 - 20 (e) staffing and office management arrangements established, or to
21 be established, at the place of business;
 - 22 (f) the person's record in relation to compliance with the Act or the
23 repealed Act, including compliance with any condition of a
24 licence or registration during the previous 5 years;

- 1 (g) employer references (if any) in relation to the person's
2 experience as a licensed property agent.
- 3 (2) In deciding whether to exempt a class 1 licensed property agent from
4 the [Act](#), section 69 (Property agent place of business to have class 1
5 licensed property agent in charge), or amend or revoke an exemption,
6 the commissioner for fair trading must consider the following
7 matters:
- 8 (a) the reasons for the exemption;
- 9 (b) the licensed property agent's experience as a licensed property
10 agent in charge at a place of business of a licensed property
11 agent;
- 12 (c) the licensed property agent's capacity to properly supervise the
13 conduct of business at more than 1 place of business;
- 14 (d) office systems or arrangements established, or to be established,
15 at each place of business;
- 16 (e) staffing and office management arrangements at each place of
17 business;
- 18 (f) whether there is a centralised trust account for the deposit of
19 trust money received in connection with the businesses for
20 which the licensed property agent would be the licensed
21 property agent in charge under the exemption;
- 22 (g) the licensed property agent's record in relation to compliance
23 with the Act or the repealed Act, including compliance with any
24 condition of a licence or registration during the previous 5 years;
- 25 (h) employer references (if any) in relation to the licensed property
26 agent's experience as a licensed property agent in charge.

- 1 (3) In deciding whether to exempt a class 1 licensed property agent from
2 the [Act](#), section 70 (Class 1 licensed property agent to be in charge of
3 1 place of business), or amend or revoke an exemption, the
4 commissioner for fair trading must consider the following matters:
- 5 (a) the reasons for the exemption;
- 6 (b) the licensed property agent's experience as a licensed property
7 agent in charge at a place of business of a licensed property
8 agent;
- 9 (c) the licensed property agent's capacity to properly supervise the
10 conduct of business of more than 1 licensed property agent;
- 11 (d) fiduciary safeguards and office systems established, or to be
12 established, to provide for accountability to the licensed
13 property agent in charge;
- 14 (e) whether separate trust accounts are in place for the deposit of
15 trust money received in connection with the business of each
16 licensed property agent for whom the licensed property agent
17 would act under the exemption;
- 18 (f) the licensed property agent's record in relation to compliance
19 with the Act or the repealed Act, including compliance with any
20 condition of a licence or registration during the previous 5 years;
- 21 (g) employer references (if any) in relation to the licensed property
22 agent's experience as a licensed property agent in charge.

1 **115 Part 6**

2 *substitute*

3 **Part 6 Miscellaneous**

4 **17 Rules of conduct for licensed agents—Act, s 171 (1)**

5 (1) Schedule 8 sets out the rules of conduct to be observed by licensed
6 agents and registered assistant property agents.

7 (2) Schedule 8 applies as follows:

8 (a) part 8.2 applies to all licensed agents and registered assistant
9 property agents (in addition to any other schedule applicable to
10 a particular kind of licensed agent or registered assistant
11 property agent);

12 (b) part 8.3 applies to licensed real estate agents and registered
13 assistant real estate agents they employ;

14 (c) part 8.4 applies to licensed stock and station agents and
15 registered assistant stock and station agents they employ;

16 (d) part 8.5 applies to licensed business agents and registered
17 assistant business agents they employ.

18 **18 Rules of conduct for licensed land auctioneers—Act,
19 s 171 (1)**

20 A licensed land auctioneer who advertises an auction must include
21 the auctioneer's name and licence number in the advertisement.

22 **116 Schedules 1 and 2**

23 *omit*

117 Schedule 8, section 8.1

substitute

8.1 Definitions—sch 8

In this schedule:

agent includes a registered assistant property agent.

property manager means—

- (a) for part 8.2 (General rules applying to all licensed agents and registered assistant property agents)—a person employed by an agent in relation to the management of property to which division 8.3.3 or division 8.4.2 applies; and
- (b) for division 8.3.3 (Property management—real estate agents)—a person employed by an agent in relation to the management of property to which the division applies; and
- (c) for division 8.4.2 (Property management—stock and station agents)—a person employed by an agent in relation to the management of property to which the division applies.

registered assistant property agent includes a property manager.

118 Schedule 8, part 8.2 heading

substitute

Part 8.2 General rules applying to all licensed agents and registered assistant property agents

1 **119 Knowledge of Act and other laws**
2 **Schedule 8, section 8.2**

3 *omit*

4 kind of licence or certificate of registration

5 *substitute*

6 kind and class of licence or kind of registration

7 **120 Schedule 8, section 8.2**

8 *omit*

9 his or her

10 *substitute*

11 their

12 **121 To act in accordance with client authority**
13 **Schedule 8, section 8.9**

14 *omit*

15 himself or herself

16 *substitute*

17 themselves

18 **122 Agency agreements must comply with regulation**
19 **Schedule 8, new section 8.19 (2)**

20 *insert*

21 (2) In this section:

22 ***agent*** does not include a registered assistant property agent.

23 *Note* A registered assistant property agent includes a property manager (see
24 s 8.1).

1 **123** **Schedule 8, part 8.3 heading**

2 *substitute*

3 **Part 8.3** **Rules specific to licensed real**
4 **estate agents and registered**
5 **assistant real estate agents**

6 **124** **Schedule 8, part 8.4 heading**

7 *substitute*

8 **Part 8.4** **Rules specific to licensed stock**
9 **and station agents and**
10 **registered assistant stock and**
11 **station agents**

12 **125** **Cooperation about records, access and transfer**
13 **Schedule 8, section 8.53 (1)**

14 *omit*

15 *and agent*

16 *substitute*

17 *an agent*

1 **126** **Schedule 8, part 8.5 heading**

2 *substitute*

3 **Part 8.5** **Rules specific to licensed**
4 **business agents and registered**
5 **assistant business agents**

6 **127** **Confirmation of specific instructions**
7 **Schedule 8, new section 8.60 (3)**

8 *insert*

9 (3) In this section:

10 ***agent*** does not include a registered assistant property agent.

11 *Note* A registered assistant property agent includes a property manager (see
12 s 8.1).

13 **128** **Dictionary, note 3**

14 *omit*

- 15 • agency agreement
16 • owners corporation managing agent

1 **129 Dictionary, note 3**

2 *insert*

- 3 • class 1 licensed property agent
- 4 • land auctioneer
- 5 • licensed agent
- 6 • licensed business agent
- 7 • licensed land auctioneer
- 8 • licensed real estate agent
- 9 • licensed stock and station agent
- 10 • registered assistant business agent
- 11 • registered assistant real estate agent
- 12 • registered assistant stock and station agent

13 **130 Dictionary, new definition of *agency agreement***

14 *insert*

15 *agency agreement*—see the [Act](#), section 100 (1) (a).

16 **131 Dictionary, definitions of *ANTA* and *approved***

17 *omit*

18 **132 Dictionary, definition of *business*, paragraph (b)**

19 *substitute*

20 (b) for schedule 8, part 8.5 (Rules specific to licensed business

21 agents and registered assistant business agents)—see

22 schedule 8, section 8.57.

133 Dictionary, new definitions

1 *insert*

2 *owners corporation managing agent*—see the [Act](#), section 109A (3).

3 *registered assistant property agent*—

4 (a) for this regulation generally—see the [Act](#), dictionary; and

5 (b) for schedule 8 (Rules of conduct)—see schedule 8, section 8.1.

134 Dictionary

7 *omit the definitions of*

8 *registered salesperson*

9 *registered training organisation*

10 *statement of attainment*

11 *unqualified real estate salesperson*

1 **Part 4** **Gaming Machine Act 2004**

2 **135 Eligibility of individuals**
3 **Section 6 (2) (d) (iii) and (iv)**

4 *omit*

5 **136 Section 7**

6 *substitute*

7 **7 Eligibility of corporations**

- 8 (1) For this Act, a corporation is an *eligible person* if—
- 9 (a) each influential person of the corporation is an eligible person;
- 10 and
- 11 (b) if the corporation is a club—it is an eligible club; and
- 12 (c) there is not a disqualifying ground in relation to the corporation.
- 13 (2) Each of the following is a *disqualifying ground* for a corporation:
- 14 (a) the corporation is, or at any time in the last 3 years has been, the
- 15 subject of a winding-up order;
- 16 (b) at any time in the last 3 years a controller or administrator has
- 17 been appointed for the corporation;
- 18 (c) the corporation is the subject of an auditor's opinion that it is not
- 19 able to pay all of its debts as and when they become due and
- 20 payable;
- 21 (d) the corporation is the subject of an auditor's adverse opinion or
- 22 disclaimer of opinion, within the meaning of Auditing Standard
- 23 ASA 705;

- 1 (e) at any time in the last 12 months the corporation had—
- 2 (i) an application for approval as a supplier refused, on the
- 3 basis that the corporation provided false or misleading
- 4 information, under section 72 (Application and approval
- 5 of corporation as supplier); or
- 6 (ii) approval as a supplier cancelled under section 73A
- 7 (Cancellation etc of supplier’s approval).
- 8 (3) Despite subsection (2), the commission may decide that the
- 9 corporation is an *eligible person* even though there is a disqualifying
- 10 ground in relation to the corporation if satisfied that—
- 11 (a) the operation of gaming machines by the corporation would not
- 12 adversely affect the public; and
- 13 (b) it is otherwise in the public interest that the corporation be
- 14 treated as an eligible person.
- 15 (4) In this section:
- 16 *AUASB*—see the *Australian Securities and Investments Commission*
- 17 *Act 2001* (Cwlth), section 5.
- 18 *Auditing Standard ASA 705* means Auditing Standard ASA 705
- 19 *Modifications to the Opinion in the Independent Auditor’s Report*
- 20 made by the AUASB under the *Corporations Act*, section 336 (1)
- 21 (Auditing standards).
- 22 *Note* The standard is accessible at www.legislation.gov.au.

1 **137 Computer cabinet access register**
2 **Section 71 (2)**

3 *substitute*

4 (2) If an approved technician or other person authorised in writing by the
5 commission opens or replaces the computer cabinet in a gaming
6 machine on authorised premises, the technician or other person must
7 enter the access details in the computer cabinet access register.

8 (3) If an authorised officer opens the computer cabinet in a gaming
9 machine on authorised premises, the authorised officer must enter the
10 access details in the computer cabinet access register.

11 (4) In this section:

12 *access details* means the following details:

13 (a) information that clearly identifies the gaming machine,
14 including the machine's serial number;

15 (b) the date when the computer cabinet was opened or replaced;

16 (c) a description of why the computer cabinet was opened or
17 replaced;

18 (d) the new computer cabinet seal number that was applied;

19 (e) the name and signature of the approved technician, other person
20 or authorised officer;

21 (f) the name and signature of the licensee;

22 (g) any other information prescribed by regulation.

- 1 **138 Section 72**
- 2 *substitute*
- 3 **71A Offence—supply gaming machine etc without supplier**
- 4 **approval**
- 5 A person commits an offence if the person—
- 6 (a) supplies any of the following to another person:
- 7 (i) a gaming machine;
- 8 (ii) peripheral equipment for a gaming machine;
- 9 (iii) a system (including a CMS) designed for use with a
- 10 gaming machine; and
- 11 (b) is not an approved supplier.
- 12 Maximum penalty: 100 penalty units.
- 13 **72 Application and approval of corporation as supplier**
- 14 (1) A corporation may apply, in writing, for approval as a supplier.
- 15 (2) The commission may approve the corporation as a supplier
- 16 (an *approved supplier*) if satisfied that—
- 17 (a) the corporation intends to supply, install or maintain any of the
- 18 following:
- 19 (i) a gaming machine;
- 20 (ii) peripheral equipment for a gaming machine;
- 21 (iii) a system (including a CMS) designed for use with a
- 22 gaming machine; and
- 23 (b) each influential person for the corporation is an eligible person;
- 24 and

- 1 (c) the corporation has not, in the last 12 months, provided false or
2 misleading information in an application under subsection (1);
3 and
4 (d) the corporation satisfies any other requirement prescribed by
5 regulation.
- 6 (3) If the commission approves a corporation as a supplier, the
7 commission must give the corporation a certificate stating that the
8 corporation is an approved supplier.

9 **139 Giving copy of certificate about approved supplier**
10 **Section 73 (1)**

- 11 *omit*
12 person
13 *substitute*
14 corporation

15 **140 Section 73 (3)**

- 16 *omit*
17 to supplier
18 *substitute*
19 to the supplier

1 **141 Cancellation etc of supplier's approval**
2 **Section 73A (1)**

3 *substitute*

- 4 (1) This section applies if the commission—
5 (a) stops being satisfied that an approved supplier meets the
6 conditions for approval stated in section 72 (2); or
7 (b) is satisfied that an approved supplier has contravened this Act.

8 **142 Application for approval as technician**
9 **Section 74 (1) and notes**

10 *substitute*

- 11 (1) An individual may apply, in writing, for approval as a technician for
12 1 or more approved suppliers.

13 **143 Section 74 (2) (b)**

14 *omit*

15 **144 Section 74 (2) (d)**

16 *substitute*

- 17 (d) a recent passport-size photograph of the applicant.

18 **145 Approval of technicians**
19 **Section 75 (1)**

20 *before*

21 suppliers

22 *insert*

23 approved

- 1 **146 Section 75 (1) (c)**
- 2 *substitute*
- 3 (c) the applicant is employed, or will be employed, by each
- 4 supplier.
- 5 **147 Section 75 (4)**
- 6 *omit*
- 7 a supplier
- 8 *substitute*
- 9 an approved supplier
- 10 **148 Section 75 (5)**
- 11 *omit*
- 12 **149 Section 78**
- 13 *substitute*
- 14 **78 Transfer etc of technician's approval**
- 15 (1) An approved technician may apply, in writing, to the commission—
- 16 (a) for approval as a technician for another approved supplier
- 17 (the *new supplier*); or
- 18 (b) to transfer their approval as a technician from 1 approved
- 19 supplier to another approved supplier (the *new supplier*).
- 20 (2) The application must be accompanied by a written statement by the
- 21 new supplier stating that the supplier employs, or has offered to
- 22 employ, the applicant as a technician.

- 1 (3) The commission may—
- 2 (a) for an application under subsection (1) (a)—approve the
- 3 technician for the new supplier; or
- 4 (b) for an application under subsection (1) (b)—transfer the
- 5 approval of the technician to the new supplier.

6 **150 Cancellation etc of technician’s approval**

7 **Section 79 (1) (a)**

8 *before*

9 supplier

10 *insert*

11 approved

12 **151 Section 79 (1) (b)**

13 *omit*

14 is not an approved supplier and

15 **152 Section 79 (6), definition of *approved supplier***

16 *substitute*

17 *approved supplier* does not include an approved supplier whose

18 approval is suspended.

1 **153 Giving copy of certificate about approved technician or**
2 **identity card**
3 **Section 81 (1)**

4 *substitute*

5 (1) This section applies if—

6 (a) an approved supplier tells the commission, in writing, about the
7 loss, theft or destruction of a certificate given to the supplier
8 under section 80 (2) (a); or

9 (b) an approved technician tells the commission, in writing, about
10 the loss, theft or destruction of an identity card given to the
11 technician under section 80 (2) (b).

12 **154 Section 81 (2) and (3)**

13 *omit*

14 person

15 *substitute*

16 supplier or technician

- 1 **155 Section 82**
- 2 *substitute*
- 3 **82 Approved supplier to notify commission if technician no**
4 **longer employed**
- 5 (1) An approved supplier commits an offence if the supplier—
- 6 (a) stops employing an approved technician; and
- 7 (b) does not tell the commission, in writing, within 1 week after the
8 day the supplier stops employing the technician.
- 9 Maximum penalty: 5 penalty units.
- 10 (2) An offence against this section is a strict liability offence.
- 11 **156 Renewal of technician's approval**
12 **Section 84 (1) and note**
- 13 *substitute*
- 14 (1) An approved technician may apply to the commission for renewal of
15 their approval not later than 1 month, and not earlier than 3 months,
16 before the approval expires.
- 17 **157 Approval for repossession—application**
18 **Section 107 (1)**
- 19 *omit*
- 20 a supplier
- 21 *substitute*
- 22 an approved supplier

1 **158** **Conditions on approval to repossess gaming machine**
2 **Section 109 (1)**

3 *omit*

4 person given the approval

5 *substitute*

6 approved reposessor

7 **159** **Repossessed gaming machines—amendment of**
8 **authorisation schedule**
9 **Section 109A (1)**

10 *omit*

11 a person enforcing a financial agreement or a supplier

12 *substitute*

13 an approved reposessor

14 **160** **Section 109A (2)**

15 *omit*

16 person

17 *substitute*

18 approved reposessor

19 **161** **Contravention of repossession approval conditions**
20 **Section 110 (1)**

21 *substitute*

22 (1) An approved reposessor must not contravene a requirement of a
23 condition on the approval.

24 Maximum penalty: 50 penalty units.

1 **162 Section 110 (2)**

2 *omit*

3 person

4 *substitute*

5 approved reposessor

6 **163 Section 121**

7 *substitute*

8 **121 Offence to install gaming machines etc**

9 (1) A person commits an offence if the person—

10 (a) installs any of the following on authorised premises:

11 (i) a gaming machine;

12 (ii) peripheral equipment for a gaming machine;

13 (iii) a system (including a CMS) designed for use with a
14 gaming machine; and

15 (b) is not an approved technician.

16 Maximum penalty: 50 penalty units.

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

18 **164 Operation to be subject to correct percentage payout**
19 **Section 125 (1) (a)**

20 *omit*

21 approved supplier or

165 Section 127

substitute

127 Offences—maximum stake amount

- (1) An approved supplier commits an offence if the supplier—
- (a) supplies a gaming machine; and
 - (b) intentionally sets the stake amount for the gaming machine higher than the amount prescribed by regulation under section 49 (Maximum stake amount).

Maximum penalty: 50 penalty units.

- (2) An approved technician commits an offence if the technician—
- (a) installs a gaming machine; and
 - (b) intentionally sets the stake amount for the gaming machine higher than the amount prescribed by regulation under section 49.

Maximum penalty: 50 penalty units.

166 Section 128

substitute

128 Maintaining gaming machines etc on authorised premises

- (1) A person commits an offence if the person—
- (a) maintains any of the following on authorised premises:
 - (i) a gaming machine;
 - (ii) peripheral equipment for a gaming machine;

Section 167

1 (iii) a system (including a CMS) designed for use with a
2 gaming machine; and

3 (b) is not an approved technician.

4 Maximum penalty: 50 penalty units.

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

6 **167 Interference with gaming machines**
7 **Section 129 (5)**

8 *substitute*

9 (5) Subsection (1) does not apply in relation to anything done honestly
10 for the maintenance of a gaming machine by—

11 (a) an approved technician; or

12 (b) an authorised officer; or

13 (c) someone else authorised in writing by the commission.

14 *Note* The defendant has an evidential burden in relation to the matters
15 mentioned in s (5) (see [Criminal Code](#), s 58).

16 **168 Opening computer cabinets**
17 **Section 130 (1) (b)**

18 *substitute*

19 (b) is not—

20 (i) an approved technician; or

21 (ii) an authorised officer; or

22 (iii) someone else authorised in writing by the commission.

1 **169** **Reviewable decisions**
2 **Schedule 1, items 22 to 24, column 4**

3 *omit*

4 supplier

5 *substitute*

6 approved supplier

7 **170** **Schedule 1, items 27 to 29, column 4**

8 *omit*

9 technician

10 *substitute*

11 approved technician

12 **171** **Dictionary, definition of *approved supplier***

13 *substitute*

14 ***approved supplier***—see section 72 (Application and approval of
15 corporation as supplier).

1 **Part 5** **Gaming Machine Regulation 2004**

2 **172 CMS Access**
3 **Section 26 (2) (a)**

4 *omit*

5 **173 Link equipment in single-user approvals**
6 **Section 51 (2) and (3)**

7 *substitute*

- 8 (2) If the link equipment malfunctions, the licensee of the premises must,
9 as soon as practicable, take reasonable steps to arrange for the repair
10 of the equipment by—
11 (a) an approved technician; or
12 (b) an authorised officer; or
13 (c) someone else authorised in writing by the commission.

14 **174 Link equipment**
15 **Section 61 (2)**

16 *substitute*

- 17 (2) If link equipment on authorised premises malfunctions, the
18 permit-holder must, as soon as practicable, take reasonable steps to
19 arrange for the repair of the equipment by—
20 (a) an approved technician; or
21 (b) an authorised officer; or
22 (c) someone else authorised in writing by the commission.

1 **175 Section 61 (4)**

2 *omit*

3 **176 Dictionary, note 3**

4 *omit*

- 5
 - approved supplier

1 **Part 6** **Race and Sports Bookmaking**
2 **Act 2001**

3 **177 Offences against Act—application of Criminal Code etc**
4 **Section 4A, note 1**

5 *insert*

- 6 • s 19 (Engage in sports bookmaking without licence)

7 **178 Section 19**

8 *substitute*

9 **19 Engage in sports bookmaking without licence**

- 10 (1) A person commits an offence if the person engages in sports
11 bookmaking.

12 Maximum penalty: 50 penalty units, imprisonment for 6 months or
13 both.

- 14 (2) Subsection (1) does not apply if the person—

- 15 (a) is a sports bookmaker; or
16 (b) is acting in the course of the person's duties as a director, officer
17 or employee of a sports bookmaker; or
18 (c) is a sports bookmaker's agent acting for the sports bookmaker
19 who applied for their licence.

20 *Note* The defendant has an evidential burden in relation to the matters
21 mentioned in s (2) (see [Criminal Code](#), s 58).

- 22 (3) For subsection (1), a race bookmaker does not engage in sports
23 bookmaking only because the race bookmaker receives or negotiates
24 bets on, or in relation to, sports betting events that are races.

1 **179 Maximum number of sports bookmaking licences etc**
2 **Section 24 (1)**

3 *substitute*

- 4 (1) The Minister may, in writing, determine the maximum number of
5 sports bookmaking licences that may be issued by the commission.

6 **180 Section 25**

7 *substitute*

8 **25 Application for sports bookmaking licence**

- 9 (1) A corporation may apply to the commission for a sports bookmaking
10 licence.
- 11 (2) The application must—
- 12 (a) be in writing; and
 - 13 (b) state the name and business address of the corporation; and
 - 14 (c) state the period for which the licence is sought; and
 - 15 (d) include a suitability authorisation for each director of the
16 corporation; and
 - 17 (e) if required under subsection (3)—include a suitability
18 authorisation for any influential shareholder of the corporation;
19 and
 - 20 (f) be approved by each director of the corporation; and
 - 21 (g) include anything else prescribed by regulation.
- 22 (3) The commission may, in writing, require the corporation to provide a
23 suitability authorisation for an influential shareholder of the
24 corporation.

1 (4) The commission must not decide the application until the commission
2 has received and considered a police report about the corporation's
3 directors and any influential shareholder for whom a suitability
4 authorisation has been required under subsection (3).

5 (5) In this section:

6 *suitability authorisation*, for a person, means a written authorisation
7 by the person authorising a police officer to make inquiries, and make
8 a written report to the commission, about the character, and any
9 criminal record, of the person.

10 **181 Issue or refusal of sports bookmaking licence**
11 **Section 26 (1) and (2)**

12 *substitute*

13 (1) This section applies if the commission receives a licence application
14 from a corporation under section 25.

15 (2) The commission must issue a sports bookmaking licence to the
16 corporation if satisfied that the corporation and each director of the
17 corporation meets the suitability requirements.

18 *Note* *Suitability requirements*—see s 92.

19 **182 Section 26 (3)**

20 *omit*

21 in relation to

22 *substitute*

23 of

1 **183 Section 26 (4)**

2 *omit*

3 anyone mentioned in subsection (2) in relation to the application

4 *substitute*

5 the corporation or a director of the corporation

6 **184 Section 26 (5)**

7 *omit*

8 personally or

9 **185 Conditions of sports bookmaking licence**
10 **Section 27 (2)**

11 *omit*

12 the holder of a sports bookmaking licence

13 *substitute*

14 a sports bookmaker

15 **186 Sports bookmaking licence—entry of particulars in**
16 **register**
17 **Section 28**

18 *omit*

19 person

20 *substitute*

21 corporation

1 **187 Surrender of sports bookmaking licence**
2 **Section 31 (1)**

3 *omit*

4 The holder of a sports bookmaking licence may surrender the licence
5 *substitute*

6 A sports bookmaker may surrender their licence

7 **188 Sections 32 and 33**

8 *omit*

9 **189 Effect of cancellation, surrender or suspension of sports**
10 **bookmaking licence on agent licence**
11 **Section 40 (1) and (2)**

12 *omit*

13 holder of the sports bookmaking licence

14 *substitute*

15 sports bookmaker

16 **190 Section 40 (3) (b)**

17 *substitute*

18 (b) if practicable, the sports bookmaker or former sports
19 bookmaker.

20 **191 Section 45 heading**

21 *substitute*

22 **45 Cancellation of licence on death of licensee or**
23 **dissolution etc of corporation**

192 Section 45 (1) (b)

omit

**193 How disputes about bets may be resolved
Section 55 (1)**

omit

(the *bookmaker*)

194 Section 55 (2)

before

bookmaker

insert

race

**195 Mandatory cancellation of licence
Section 68 (5) and note**

substitute

(5) If the licensee holds a sports bookmaking licence, the following criteria apply to the licensee:

(a) the corporation, any director of the corporation, or any influential shareholder of the corporation, does not meet the suitability requirements;

(b) the corporation, or any director of the corporation, has engaged in a prohibited act;

(c) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid.

Note For *prohibited act* for this subsection, see s (7).

Section 196

1 **196 Discretionary penalties**
2 **Section 69 (4) and note**

3 *substitute*

4 (4) However, the criterion mentioned in subsection (3) (f) does not apply
5 to a sports bookmaking licence.

6 *Note* For a sports bookmaking licence, see s (6) (b).

7 **197 Section 69 (6)**

8 *substitute*

9 (6) If the licensee holds a sports bookmaking licence, the following
10 criteria also apply:

11 (a) the licensee has failed to give to the commission a suitability
12 authorisation required under section 80 (5), (6) or (7) (Sports
13 bookmaker to tell commission about certain changes);

14 (b) the corporation, any director of the corporation, or any
15 influential shareholder of the corporation, has contravened a
16 provision of this Act or a corresponding law, if contravention of
17 the provision is not an offence.

18 **198 Unsigned licences—race bookmakers and race**
19 **bookmaker's agents**
20 **Section 74**

21 *omit*

22 his or her

23 *substitute*

24 their

1 **199 Section 80 heading**

2 *substitute*

3 **80 Sports bookmaker to tell commission about certain**
4 **changes**

5 **200 Section 80 (1) (a) to (c)**

6 *substitute*

- 7 (a) the name or business address of the sports bookmaker;
- 8 (b) the directors of the sports bookmaker;
- 9 (c) the name or business address of any director, or the secretary, of
10 the sports bookmaker;
- 11 (d) if the sports bookmaker is a proprietary company—the people
12 who are influential shareholders of the sports bookmaker;
- 13 (e) if another corporation is an influential shareholder of the sports
14 bookmaker—the directors, or the people who are influential
15 shareholders, of the other corporation.

16 **201 Section 80 (3)**

17 *substitute*

- 18 (3) After receiving a notice under subsection (1), the commission may,
19 in writing, require the sports bookmaker to give to the commission,
20 within 14 days or any longer period allowed by the commission,
21 further information in writing about—
- 22 (a) the directors, or any stated director, of the sports bookmaker; or
- 23 (b) the secretary of the sports bookmaker; or
- 24 (c) any stated shareholder who is an influential shareholder of the
25 sports bookmaker.

202 Section 80 (5) to (7)

2 *substitute*

3 (5) A notice under subsection (1) stating that a person has become a
4 director of the sports bookmaker must include a suitability
5 authorisation for the director.

6 (6) If a sports bookmaker gives the commission a notice under
7 subsection (1) stating that a person has become an influential
8 shareholder of the sports bookmaker, the commission may, in writing,
9 require the sports bookmaker to provide a suitability authorisation for
10 the influential shareholder.

11 (7) If a sports bookmaker gives the commission a notice under
12 subsection (1) stating that another corporation (the *incoming*
13 *corporation*) has become an influential shareholder of the sports
14 bookmaker, the commission may, in writing, require the sports
15 bookmaker to provide a suitability authorisation for each director of
16 the incoming corporation.

17 (8) In this section:

18 *suitability authorisation*, for a person, means a written authorisation
19 by the person authorising a police officer to make inquiries, and make
20 a written report to the commission, about the character, and any
21 criminal record, of the person.

**203 Evidence of licences
Section 85 (1) (b)**

24 *substitute*

25 (b) a stated person was, or was not—

26 (i) a director of a sports bookmaker; or

27 (ii) the secretary of a sports bookmaker; or

28 (iii) an influential shareholder of a sports bookmaker.

1 **204 Application of this Act if licence is held by syndicate**
2 **Section 86**

3 *omit*

4 **205 Meaning of *suitability requirements* and *security***
5 ***guarantee***
6 **Section 92 (1) (i)**

7 *omit*

8 holder of a sports bookmaking licence

9 *substitute*

10 sports bookmaker

11 **206 Section 92 (2) and (3)**

12 *substitute*

13 (2) For subsection (1), each of the following people is a ***relevant person***:

14 (a) an applicant for a sports bookmaking licence, and any director
15 or influential shareholder of the applicant;

16 (b) a sports bookmaker, and any director or influential shareholder
17 of the sports bookmaker;

18 (c) a person nominated in an application for a sports bookmaker's
19 agent licence;

20 (d) a sports bookmaker's agent.

21 (3) A ***security guarantee***, for the suitability requirements applying to a
22 corporation that applies for, or holds, a sports bookmaking licence,
23 means 1 or more documents that satisfy the commission about the
24 corporation's ability to cover the corporation's sports bookmaking
25 losses to the amount applying to the corporation under a
26 determination under section 90.

- 1 **207 Internally reviewable decisions**
2 **Schedule 1, item 32, column 2**
- 3 *omit*
4 68 (7)
- 5 *substitute*
6 68 (8)
- 7 **208 Dictionary, note 2**
- 8 *insert*
9
 - person (see s 160)
- 10 **209 Dictionary, definitions of *licensee* and *person***
- 11 *omit*
- 12 **210 Dictionary, definition of *security guarantee*, paragraph (b)**
- 13 *omit*
14 person who
15 *substitute*
16 corporation that
- 17 **211 Dictionary, definition of *sports bookmaker***
- 18 *substitute*
19 *sports bookmaker* means a corporation that holds a sports
20 bookmaking licence.
- 21 **212 Dictionary, new definition of *sports bookmaker's agent***
- 22 *insert*
23 *sports bookmaker's agent* means a person who holds a sports
24 bookmaker's agent licence.

1 **Part 7** **Race and Sports Bookmaking**
2 **Regulation 2001**

3 **213 Section 3**

4 *substitute*

5 **2 Prescribed particulars for register—Act, s 9 (a)**

- 6 (1) If the commission issues a race bookmaking licence to a person, the
7 commission must enter the following particulars in the register:
- 8 (a) the name and address of the person;
 - 9 (b) the licence number;
 - 10 (c) the date the licence was issued;
 - 11 (d) the period for which the licence was issued;
 - 12 (e) any conditions imposed on the licence.
- 13 (2) If the commission suspends or cancels a race bookmaking licence, the
14 commission must enter details of the suspension (including the period
15 of suspension) or cancellation in the register.

16 **3 Prescribed particulars for register—Act, s 28 (a)**

- 17 (1) If the commission issues a sports bookmaking licence to a
18 corporation, the commission must enter the following particulars in
19 the register:
- 20 (a) the name and business address of the corporation;
 - 21 (b) the licence number;
 - 22 (c) the date the licence was issued;
 - 23 (d) the period for which the licence was issued;
 - 24 (e) any conditions imposed on the licence.

Section 214

- 1 (2) If the commission suspends or cancels a sports bookmaking licence,
2 the commission must enter details of the suspension (including the
3 period of suspension) or cancellation in the register.

4 **214 Corresponding laws—Act, s 92 (1) (d)**
5 **Section 7 (b)**

6 *substitute*

- 7 (b) *Betting and Racing Act 1998* (NSW);

8 **215 Section 7 (j)**

9 *substitute*

- 10 (j) *Racing and Betting Act 1983* (NT).

Part 8 Retirement Villages Act 2012

216 Annual management meeting—chair Section 109 (2), except note

substitute

- (2) If the operator or representative is required to leave any part of the meeting under section 113 (4), that part of the meeting must be chaired by a resident agreed to by the residents at the meeting.

217 Meetings of residents New section 112 (1A)

insert

- (1A) A meeting of residents of a retirement village (other than an annual management meeting) must be chaired by a resident agreed to by the residents at the meeting.

218 Attendance at meetings of residents Section 113 (4)

substitute

- (4) An operator or representative who is attending a meeting of the residents (with the residents' consent), or attending an annual management meeting of the village, must leave the meeting during any vote that is taken by the residents at the meeting, but may return to the meeting after the vote.

219 Certain limitations on proxies Section 117 (1)

omit

(the *appointor*)

1 **220 Method of voting**
2 **Schedule 1, section 1.3 (1)**

3 *omit*
4 including
5 *substitute*
6 other than

7 **221 Result of vote**
8 **Schedule 1, section 1.4 (2)**

9 *omit*
10 subsection (1)
11 *substitute*
12 subsection (1) (b)

13 **222 Schedule 1, section 1.5**

14 *substitute*

15 **1.5 Written ballot required for special resolution**

16 A vote in relation to a measure or action that requires a special
17 resolution must be taken by means of a written ballot conducted in
18 the way prescribed by regulation.

19 **223 How special resolution is carried**
20 **Schedule 1, section 1.6**

21 *before*
22 ballot
23 *insert*
24 written

1 **Part 9** **Retirement Villages**
2 **Regulation 2013**

3 **224 Appointment of proxies—Act, s 116 (2)**
4 **Section 23**

5 *omit*

6 chairperson

7 *substitute*

8 chair

9 **225 Part 11**

10 *substitute*

11 **Part 11** **Consent of residents**

12 **59 Conduct of written ballots generally—Act, sch 1,**
13 **s 1.3 (1) (b)**

14 A written ballot must be conducted in accordance with schedule 4,
15 part 4.2 (Conducting a written ballot).

16 **60 When written ballot required—Act, sch 1, s 1.3 (2)**

17 (1) The residents of a retirement village may decide, by a show of hands
18 at any meeting at which a particular measure or action is discussed,
19 whether the vote on the measure or action is to be taken by a written
20 ballot.

21 (2) If 50% or more of the residents present at the meeting decide that the
22 vote is to be taken by a written ballot, the vote must be taken by a
23 written ballot.

24 *Note* A written ballot is also required if a measure or action requires a special
25 resolution (see [Act](#), sch 1, s 1.5).

- 1 **60A** **Conduct of written ballots for special resolutions—Act,**
2 **sch 1, s 1.5**
- 3 A written ballot in relation to a measure or action requiring a special
4 resolution must be conducted in accordance with schedule 4—
- 5 (a) part 4.2 (Conducting a written ballot); and
6 (b) part 4.3 (Additional requirements for special resolution).

7 **226** **Schedule 4, section 4.2**

8 *substitute*

9 **4.2** **Application—pt 4.2**

10 This part applies if a written ballot is required at a meeting of
11 residents of a retirement village.

12 *Note* A written ballot may be required under s 60 and is required for a special
13 resolution (see [Act](#), sch 1, s 1.5).

14 **227** **Election of returning officer**
15 **Schedule 4, section 4.3 (1) and (2)**

16 *substitute*

- 17 (1) The residents of a retirement village must elect a returning officer for
18 a written ballot by a show of hands at a meeting of the residents.

19 **228** **Conduct of written ballot**
20 **Schedule 4, section 4.4 (1) and (2)**

21 *substitute*

- 22 (1) The returning officer for a written ballot must prepare enough ballot
23 papers so that a ballot paper can be given to each qualified voter.

1 **229** **Schedule 4, part 4.3 heading**

2 *substitute*

3 **Part 4.3** **Additional requirements for**
4 **special resolution**

5 **230** **Special resolution—notice**
6 **Schedule 4, section 4.8 (1)**

7 *omit*

8 an action or measure

9 *substitute*

10 a measure or action

1 **Schedule 1 Consequential amendments**
2 (see s 3)

3 **Part 1.1 ACT Civil and Administrative**
4 **Tribunal Regulation 2009**

5 **[1.1] Section 9 (1) (a) and (b)**

6 *omit*
7 salespeople
8 *substitute*
9 assistant property agents

10 **[1.2] Section 9 (1) (e)**

11 *omit*
12 salesperson
13 *substitute*
14 assistant property agent

15 **[1.3] Section 9 (4), definition of *registered salesperson***

16 *substitute*
17 *registered assistant property agent*—see the [Agents Act](#), dictionary.

1 **Part 1.2** **Civil Law (Sale of Residential**
2 **Property) Act 2003**

3 **[1.4] Dictionary, definition of *agent*, paragraph (b)**

4 *omit*

5 a real estate salesperson

6 *substitute*

7 an assistant real estate agent

8 **Part 1.3** **Fair Trading (Australian**
9 **Consumer Law) Act 1992**

10 **[1.5] Section 44 (1) (d)**

11 *substitute*

12 (d) the person is a licensed property agent who has contravened, or
13 appears to have contravened, the *Agents Act 2003*, part 7 (Trust
14 accounts—licensed property agents).

15 **[1.6] Section 44 (5), new definition of *licensed property agent***

16 *insert*

17 *licensed property agent*—see the *Agents Act 2003*, section 7A.

1 **Part 1.4 Legal Profession Act 2006**

2 **[1.7] Section 16 (4) (b)**

- 3 *omit*
4 salesperson
5 *substitute*
6 assistant property agent

7 **Part 1.5 Magistrates Court (Agents**
8 **Infringement Notices)**
9 **Regulation 2003**

10 **[1.8] Schedule 1, new item 3A**

11 *insert*

3A	21 (1) (b) (i)	100	1000
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12 **[1.9] Schedule 1, items 5 to 8**

13 *substitute*

5	68A (1)	50	500
6	69 (1)	50	500
7	69 (2)	50	500
8	69 (3)	50	500
8A	70 (1)	50	500
8B	70 (2)	50	500

1 **[1.10] Schedule 1, new item 10A**

2 *insert*

10A	75A (1)	100	1000
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3 **[1.11] Schedule 1, new item 14A**

4 *insert*

14A	107A (1)	100	500
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 April 2022.

2 Notification

Notified under the [Legislation Act](#) on 2022.

3 Republications of amended laws

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