

AUSTRALIAN CAPITAL TERRITORY
AGENTS (AMENDMENT) ORDINANCE 1985

ORDINANCE NO. 6 OF 1985

EXPLANATORY STATEMENT

The Agents Ordinance 1968 (the Principal Ordinance) provides for the licensing of Real Estate, Stock and Station and Business Agents in the Territory. Part IV of the Principal Ordinance, inter alia, makes provision for the introduction of educational qualifications to be held by an applicant seeking registration as an agent under the Ordinance. Section 21 provides that a date may be prescribed after which applicants for registration are to hold the educational qualifications required by the regulations.

It is proposed that 1 March 1985 be the date after which applicants for registration as agents will be required to hold a prescribed educational qualification. The Agents (Amendment) Ordinance 1985 deems an agent licensed or registered as an agent under the law of a state or another Territory to have the qualifications for registration as an agent under the Principal Ordinance including the educational qualification provided that the agent satisfies the Agents Board that he has an adequate knowledge of the duties, obligations and rights of an agent in the category of agent in respect of which he seeks registration.

The effect of each of the provisions in the Ordinance is outlined in the attachment.

Ord 73/84

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Sections 1, 2 and 3 are interpretation provisions.

Section 4 repeals section 20 of the Principal Ordinance which provides for the interpretation of 'prescribed date' in part IV and inserts a new interpretation.

Section 5 amends section 21 of the Principal Ordinance. Section 21 provides that regulations made by the Minister may specify a date after which applicants for registration are to hold prescribed educational qualifications. Section 5 ensures that section 21 does not apply to prescribed persons.

Section 6 amends section 22 of the Principal Ordinance. Section 22 provides that regulations made by the Minister may prescribe the educational qualifications applicants for registration are to have after a date prescribed pursuant to section 21. Section 6 also ensures that section 22 does not apply to prescribed persons.

Section 7 amends section 26 of the Principal Ordinance by the addition of a new sub-section - sub-section 26(2). Section 26 specifies the qualifications an applicant for registration as a real estate agent is to have after such date as is prescribed in the regulations. An applicant for registration as a real estate agent will be required to hold the educational qualifications to be prescribed in the regulations. Sub-section 26(2) provides that an applicant who applies for registration as a real estate agent after the prescribed date is deemed to have the required qualifications for registration as a real estate agent if he is licensed or registered as a real estate agent under the law of a State or another Territory providing for the licensing or registration of real estate agents and if he satisfies the Agents Board that he has an adequate knowledge of the duties, obligations and rights of a real estate agent.

Section 8 amends section 30 of the Principal Ordinance by the addition of a new sub-section - sub-section 30(2). Section 30 specifies the qualifications an applicant for registration as a stock and station agent is to have after such date as is prescribed in the regulations. An applicant for registration as a stock and station agent will be required to hold the educational qualifications to be prescribed in the regulations. Sub-section 30(2) provides that an applicant who applies for registration as a stock and station agent after the prescribed date is deemed to have the required qualifications for registration as a stock and station agent if he is licensed or registered as a stock and station agent under the law of a State or another Territory providing for the licensing or registration of stock and station agents and if he satisfies the Agents Board that he has an adequate knowledge of the duties, obligations and rights of a stock and station agent.

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Section 9 amends section 34 of the Principal Ordinance by the addition of a new sub-section - sub-section 34(2). Section 34 specifies the qualifications an applicant for registration as a business agent is to have after such date as is prescribed in the regulations. An applicant for registration as a business agent will be required to hold the educational qualifications to be prescribed in the regulations. Sub-section 34(2) provides that an applicant who applies for registration as a business agent after the prescribed date is deemed to have the required qualifications for registration as a business agent if he is licensed or registered as a business agent under the law of a State or another Territory providing for the licensing or registration of business agents and if he satisfies the Agents Board that he has an adequate knowledge of the duties, obligations and rights of a business agent.

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