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

**JUSTICE AND COMMUNITY SAFETY LEGISLATION (RED TAPE REDUCTION
NO. 1 – LICENCE PERIODS) AMENDMENT BILL 2013**

EXPLANATORY STATEMENT

**Presented by
Simon Corbell MLA
Attorney-General**

JUSTICE AND COMMUNITY SAFETY LEGISLATION (RED TAPE REDUCTION NO. 1 – LICENCE PERIODS) AMENDMENT BILL 2013

Overview of the Bill

The Justice and Community Safety Legislation (Red Tape Reduction No. 1 – Licence Periods) Amendment Bill 2013 (the Bill) makes minor and uncontroversial amendments to a number of laws within the Justice and Community Safety portfolio.

The Bill extends the maximum validity period for a number of licences and registrations issued by the Office of Regulatory Services (ORS) from one year to three years.

The Bill is in response to a recommendation from the ACT Government's Red Tape Reduction Panel, which found that the administration of annual licence renewals is time consuming and costly for business. The Panel recommended a risk based approach to licence and registration terms, with a view to moving away from annual renewals wherever possible, towards longer licence terms.

The ORS has identified a number of licences and registrations where the maximum validity period can appropriately be extended without any adverse impact on public safety. Licence or registration periods have not been amended where there are public safety, health or other considerations to justify an annual assessment of the applicant's suitability to hold a licence or registration.

The Bill provides for an increase of the maximum licence or registration period from one year to three years. The ORS will retain a discretion to issue a licence or registration for a period that is less than the maximum period.

The following laws will be amended by this Bill:

- *Agents Act 2003*;
- *Agents Regulation 2003*;
- *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*;
- *Fair Trading (Motor Vehicle Repair Industry) Act 2010*;
- *Hawkers Act 2003*;
- *Pawnbrokers Act 1902*;
- *Sale of Motor Vehicles Act 1977*; and
- *Second-hand Dealers Act 1906*.

All of these laws currently mandate a maximum licence or registration period of one year.

Human Rights Implications

There are no human rights implications associated with this Bill.

CLAUSE NOTES

Clause 1—Name of Act

This Act is the *Justice and Community Safety Legislation (Red Tape Reduction No. 1 – Licence Periods) Amendment Bill 2013*.

Clause 2—Commencement

This clause states that the Act will commence on the day after its notification day.

Clause 3—Legislation amended

This clause states the legislation amended by this Act.

Part 2 —Agents Act 2003

Clause 4—Term of licences—Section 35

This clause amends the maximum term of an agents licence, issued by the commissioner for fair trading, from 1 year to 3 years.

Clause 5—Continuation of existing licences until the renewal applications decided— Section 37 (2)

Section 37 provides that an agents licence remains in force until an application to renew the licence is decided, even if it causes the existing licence to be in force for longer than 1 year (the original period for which the licence was in force). This clause will amend section 37 (2) so that an agents licence remains in force in that circumstance even if the licence will be in force longer than 3 years, which will be the new maximum period for which an agents licence can be issued under section 35 (as amended).

Clause 6—Term of registration—Section 59

This clause amends the maximum term of registration as a salesperson, granted by the commissioner for fair trading, from 1 year to 3 years.

Clause 7—Continuation of existing registrations until renewal applications decided— Section 61(2)

Section 61 provides that a salesperson registration remains in force until an application to renew the registration is decided, even if it causes the existing registration to be in force for longer than 1 year (the original period for which the registration was in force). This clause will amend section 61 (2) so that a salesperson registration remains in force in those circumstance even if the registration will be in force longer than 3 years, which will be the new maximum period for a salesperson registration under section 59 (as amended).

Part 3—*Agents Regulation 2003*

Clause 8—Eligibility of unqualified real estate salespeople for registration— Act, s 49 (2) Section 8A (2) (b) and note

This clause is consequential to the amendments to the *Agents Act 2003*, and provides that the commissioner for fair trading may renew the registration of a unqualified real estate salesperson, who can be registered under the conditions set out in sections 8A (1) and (2) (a), provided that the period of renewal, and the earlier period of registration, does not exceed more than 3 years in total, instead of the previous 1 year limit.

Part 4—*Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*

Clause 9—Term of licence—Section 54G

This clause amends the term for which an X 18+ film licence issued by the commissioner for fair trading is in force, from not longer than 1 year, to not longer than 3 years.

Clause 10—Renewal of licence—Section 54H (3)

This clause amends the period for which an X 18+ film licence can be renewed, under section 54H, from 1 year to 3 years.

Part 5—*Fair Trading (Motor Vehicle Repair Industry) Act 2010*

Clause 11—Licence term—Section 16

This clause amends the maximum term for a motor vehicle repair licence, issued by the commissioner for fair trading, from 12 months to 3 years.

Part 6—*Hawkers Act 2003*

Clause 12—Term of licence—Section 19

This clause amends the maximum term of a hawkers licence, issued by the director-general, from a period not longer than 1 year, to a period not longer than 3 years.

Clause 13—Procedure for amendment etc of licence—other grounds—Section 25 (3) (a)

This clause amends the maximum period of time that the director-general may suspend a hawkers licence under section 25 from 1 year to 3 years. This clause does not alter the existing power of the director-general to suspend a hawkers licence for the entire term of the licence, it merely reflects the extension, as per clause 12, to the maximum term of a hawkers licence.

Part 7—*Pawnbrokers Act 1902*

Clause 14—Issue of licences—Section 5 (3)

This clause amends the maximum term for a pawnbrokers licence, issued by the commissioner for fair trading, from 1 year to 3 years.

Part 8—*Sale of Motor Vehicles Act 1977*

Clause 15—Applications for licences by individuals—Section 10 (1) (d)

This clause amends the period for which a dealer, wholesaler or car market operator licence may be sought by a person, other than a corporation, under section 10 from not longer than 12 months, to not longer than 3 years.

Clause 16—Applications for licences by corporations—Section 11 (1) (f)

This clause amends the period for which a dealer, wholesaler or car market operator licence may be sought by a corporation under section 11 from not longer than 12 months, to not longer than 3 years.

Clause 17—Issue of licences —Section 14 (3)

This clause amends the period for which the commissioner for fair trading may issue a dealer, wholesaler or car market operator licence, from 12 months or the shorter period requested in the application or the commissioner allows, to 3 years or the shorter period requested in the application or the commissioner allows.

Clause 18—Applications for renewal of licences—Section 14B (b)

This clause amends the maximum licence renewal period that a dealer, wholesaler or car market operator licensee can apply for, from not longer than 12 months, to not longer than 3 years.

Clause 19—Renewal of licences—Section 14D (2)

This clause amends the period of time for which the commissioner for fair trading can renew a dealer, wholesaler or car market operator licence, from 12 months or the shorter period specified in the application or the commissioner allows, to 3 years or the shorter period specified in the application or the commissioner allows. This clause also amends the period for which these licences can subsequently be renewed by the commissioner, from 12 months to 3 years.

Part 9—*Second-hand Dealers Act 1906*

Clause 20—Issue of licences—Section 3 (3)

This clause amends the maximum period for a second-hand dealers licence, issued by the commissioner for fair trading, from 1 year to 3 years.