

# NORTHERN TERRITORY OF AUSTRALIA

## COMMERCIAL AND PRIVATE AGENTS LICENSING ACT 1979

As in force at 27 November 2023

### Table of provisions

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Short title .....	1
2	Commencement .....	1
3	Interpretation .....	1
4	Application .....	3
<b>Part 2</b>	<b>Licensing of agents</b>	
<b>Division 1</b>	<b>Offences</b>	
5	No activities as agent unless licensed .....	4
6	Breach of terms or conditions of licence .....	5
<b>Division 2</b>	<b>Grant of licence</b>	
7	Application for licence .....	5
8	Director may require additional information .....	5
9	Objections to application .....	6
10	Inquiry by Director .....	6
11	Grounds for refusing to grant licence to individual .....	6
12	Grounds for refusing to grant licence to corporation .....	7
13	Grant of licence .....	9
14	Term and renewal of licence .....	9
15	Other terms and conditions of licence .....	9
16	Notification of Director's decision, appeal etc. ....	9
17A	Issue of licence and payment of licence fee .....	10
17B	Duration of licence .....	10
<b>Division 3</b>	<b>Miscellaneous matters</b>	
17C	Variation of licence .....	11
17D	Renewal of licence .....	12
17E	Agent's manager to be approved by Director .....	12
17F	Death of agent .....	13
17G	Changes in officers of corporation .....	14
17H	Licence not transferable .....	15
17J	Surrender of licence .....	15

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<b>Part 3</b>	<b>Suspension and cancellation etc. of licence</b>	
17K	Director may vary, suspend or cancel licence .....	16
17L	Inquiry before exercise of power.....	16
17M	Result of inquiry .....	17
17P	Disqualification resulting from cancellation or suspension of licence .....	18
<b>Part 6</b>	<b>Trust accounts and prescribed records</b>	
23	Moneys held on trust .....	18
24	Moneys not liable for attachment.....	19
25	Prescribed records .....	19
26	Inspection of prescribed records.....	19
27	Restriction on disposition of moneys .....	20
28	Investigation of trust accounts .....	20
28A	Audit .....	21
29	Suspension of licences .....	22
<b>Part 7</b>	<b>Employment, powers and duties of private bailiffs</b>	
30	Employment of private bailiff.....	22
31	Nomination of private bailiff .....	23
32	Private bailiff to accept warrant.....	23
33	Rights and powers of private bailiff .....	23
33A	Recovery of costs on execution of warrant.....	23
<b>Part 7A</b>	<b>Director</b>	
33B	Director .....	24
33C	Powers of entry.....	24
33D	Powers exercisable after entry .....	25
33E	Warrants .....	25
33F	Delegation .....	27
33G	Approved forms .....	27
<b>Part 8</b>	<b>General</b>	
34	Director may waive or refund fee.....	27
35	Review by NTCAT .....	27
38	Multiple licences .....	28
39	Employee to be licensed.....	28
40	Fees for agents.....	28
41	Rights not affected by licence.....	28
42	Offence to exceed power.....	29
43	Commercial agent to report on motor vehicles .....	29

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44	Offence to use harassing tactics.....	29
45	Civil remedies not affected .....	29
46A	Infringement notices .....	29
46B	Service of notice etc. on corporation .....	30
47	Regulations.....	31

**Part 9 Transitional matters for Red Tape Reduction (Miscellaneous Amendments) Act 2016**

48	Definitions.....	31
49	Term and renewal of existing licence .....	31
50	Existing application.....	31

**Part 10 Transitional matters for Justice and Licensing Legislation Further Amendment Act 2022**

51	Definitions.....	32
52	Delegation .....	32
53	Pending applications .....	32
54	Pending appeals.....	32
55	Appeals not yet commenced .....	33
56	Continuation of ongoing documents and actions.....	33
57	Offence provisions – before and after commencement .....	34

**Part 11 Transitional matters for Statute Law Amendment (NATCAT Conferral of Jurisdiction) Act 2023**

58	Definitions.....	34
59	NATCAT review limited to decisions made after commencement....	35
60	Appeals not instituted before commencement.....	35
61	Appeals not determined before commencement .....	35

**Schedule Reviewable decisions**

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 27 November 2023

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## COMMERCIAL AND PRIVATE AGENTS LICENSING ACT 1979

An Act to provide for the licensing of commercial and private agents

### Part 1 Preliminary matters

#### 1 Short title

This Act may be cited as the *Commercial and Private Agents Licensing Act 1979*.

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3 Interpretation

(1) In this Act:

***affected person***, see section 35(2).

***agent*** means a commercial agent, inquiry agent, process server or private bailiff licensed under this Act.

***approved form*** means a form approved under section 33G.

***commercial agent*** means a person who, for monetary or other consideration, performs any of the following functions:

- (a) ascertaining the whereabouts of, or repossessing any goods or chattels that are the subject of a hire purchase agreement or bill of sale;
- (b) collecting, or requesting the payment of, debts;
- (c) executing any legal process for the enforcement of any judgment or order of a court;
- (d) executing any distress for the recovery of rates, taxes or moneys;
- (e) obtaining evidence for the purpose of any legal proceedings;

(f) searching for missing persons;

on behalf of any other person.

**Director** means the person holding or occupying the office of Director mentioned in section 33B.

**document** includes book, record, register, account, paper and card.

**harassing tactics** means any act or conduct that tends to intimidate, embarrass, ridicule or shame any person, and without limiting the generality of the foregoing, includes:

- (a) any act or omission (including the positioning of a vehicle) from which it might reasonably be inferred by a person visiting or passing any premises that an occupant of the premises is being visited, or is under surveillance by, an agent; and
- (b) unduly frequent visiting of premises or communication with the occupants of premises; and
- (c) any suggestion made to, or intended to be communicated to, a debtor that if the debtor fails to pay any debt action may be taken that would embarrass or shame the debtor, or prejudice the debtor in his or her employment.

**inquiry agent** means a person who, for monetary or other consideration, performs any of the following functions:

- (a) obtaining or providing information as to the personal character or actions of any person, or as to the business or occupation of any person;
- (b) obtaining evidence for the purpose of any legal proceedings;
- (c) searching for missing persons;

on behalf of any other person.

**licence** means a licence granted under Part 2, Division 2 to carry on business as one of the following kinds of agent:

- (a) a commercial agent;
- (b) inquiry agent;
- (c) process server;
- (d) private bailiff.

**officer** in relation to a corporation, means any director, manager or secretary of the corporation.

**order** includes decision, direction or declaration.

**prescribed** means prescribed by regulation.

**private bailiff** means a person who holds a licence as a private bailiff under this Act.

**process server** means a person who, for monetary or other consideration, performs the function of serving any writ, summons or other legal process on behalf of any other person.

**registrar**, see section 3 of the *Local Court Act 2015*.

**reviewable decision**, see section 35(1).

*Note for section 3(1)*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

- (2) A reference in this Act to a category of licence is a reference to:
- (a) a licence by the kind of agent that the licence authorises to carry on business; or
  - (b) all licences authorising the same kind of agents to carry on business.

#### **4 Application**

- (1) This Act does not apply to:
- (a) a police officer or member of the Australian Federal Police acting in accordance with the police officer or member's duties; or
  - (b) a Chief Executive Officer or public sector employee while acting in the performance of the Chief Executive Officer or employee's functions under the *Public Sector Employment and Management Act 1993*; or
  - (c) an employee of the Crown or any instrumentality of the Crown while acting in the performance of the employee's functions as such an employee; or
  - (ca) an employee of the Power Retail Corporation established under the *Power Retail Corporation Act 2014* while acting in the performance of the employee's functions as such an employee; or

- (d) a legal practitioner acting in the ordinary course of the practitioner's profession; or
  - (e) a clerk of a legal practitioner while acting in the ordinary course of the clerk's employment as a clerk of the practitioner; or
  - (f) an accountant while acting in the ordinary course of the accountant's profession; or
  - (g) an officer of any court while acting in the performance of the officer's functions as an officer of that court; or
  - (h) a trustee company, an ADI or a person carrying on the business of insurance, insurance broking, insurance adjustment or deposit-taking, while acting in the ordinary course of business as such or an employee of any such body or person while acting in the ordinary course of the employee's employment; or
  - (i) a person employed under a contract of service by a person who is not an agent while acting in the ordinary course of that employment; or
  - (j) a person authorised by the Power and Water Corporation, established by the *Power and Water Corporation Act 1987*, to request and receive payment of money due and owing to it by members of an Aboriginal community or group while acting in the ordinary course of requesting and receiving those payments.
- (2) The Regulations under this Act may exempt to the extent prescribed any class of persons from the operation of this Act.

## **Part 2            Licensing of agents**

### **Division 1        Offences**

#### **5                  No activities as agent unless licensed**

Subject to this Act, a person must not carry on business as a commercial agent, an inquiry agent, a process server or a private bailiff unless he or she has been issued a licence of the appropriate category.

Maximum penalty:        500 penalty units.



**6            Breach of terms or conditions of licence**

An agent must not contravene a term or condition of his or her licence.

Maximum penalty:        500 penalty units.

**Division 2            Grant of licence**

**7            Application for licence**

(1) A person may apply to the Director for a licence to carry on business as a commercial agent, inquiry agent, private bailiff or process server.

(2) An applicant may be:

(a) an agent applying for a category of licence other than the category the agent holds; or

(b) a person who is employed by an agent; or

(c) any other person.

(3) An applicant may apply for one licence or a number of licences of different categories.

(4) An application is to:

(a) be in an approved form; and

(ab) specify a licence period of 3 or 5 years; and

(b) contain the information that is indicated by the form or otherwise prescribed; and

(c) be accompanied by the prescribed processing fee.

**8            Director may require additional information**

(1) The Director may request an applicant for a licence to provide any one or more of the following in support of the application:

(a) information additional to that contained in his or her application;

(b) a document relating to the information contained in the application or the additional information.

- (2) The Director may request the applicant or, if the applicant is a corporation, an officer of the applicant to:
  - (a) appear personally before the Director; and
  - (b) provide further information in connection with the application.
- (3) The applicant must comply with a request of the Director made under this section.

## **9            Objections to application**

- (1) On receiving an application for a licence, the Director must give to the Commissioner of Police a copy of it and any accompanying documents other than statements relating to the material and financial resources of the applicant.
- (4) The Commissioner of Police must, within 28 days of receiving the copy of the application and any accompanying documents, give to the Director a notice in writing that either supports the application or objects to the grant of a licence to the applicant on the grounds that the applicant or, if the applicant is a corporation, an officer of the applicant may not be a fit and proper person.
- (5) An objection to the grant of a licence is to state the reasons for the objection.

## **10           Inquiry by Director**

If:

- (a) an objection is made under section 9 to the grant of a licence;  
or
- (b) the Director considers that there may be grounds for refusing to grant the licence;

the Director must hold an inquiry as to whether to grant the application.

## **11           Grounds for refusing to grant licence to individual**

- (1) The Director must refuse to grant a licence on an application made by an individual if:
  - (a) the applicant is less than 18 years of age; or
  - (b) the applicant is disqualified under section 17P from holding a licence; or

- (c) the applicant is taking the benefit of a law for the relief of bankrupt or insolvent debtors or is a person whose remuneration is being assigned for the benefit of creditors; or
  - (d) the applicant fails to comply with a request of the Director under section 8; or
  - (e) the applicant does not comply with the prescribed qualifications or other prescribed requirements; or
  - (f) in the opinion of the Director, the applicant is not likely to carry on the business as agent the subject of the application honestly and fairly; or
  - (g) in the opinion of the Director, the applicant is in any other way not a fit and proper person to hold a licence; or
  - (h) in the opinion of the Director, a person with whom it appears the applicant would, if granted the licence, carry on the business as an agent in partnership is a person to whom the Director would, if that person were the applicant, refuse to grant the licence.
- (2) Without limiting subsection (1)(f) and (g), in determining whether an applicant is a fit and proper person to hold a licence, the Director must have regard to whether the applicant:
- (a) has, during the period of 10 years immediately before the date the applicant made his or her application, been found guilty of or served a part of a term of imprisonment for an offence (wherever committed) involving fraud, dishonesty or physical violence; or
  - (b) was, at the time the application was made, the subject of a charge in relation to such an offence or bound in relation to such an offence by a recognisance; or
  - (c) has at any time been found guilty of an offence against this Act, the Regulations or any other enactment administered by the Minister.

## **12            Grounds for refusing to grant licence to corporation**

- (1) The Director must refuse to grant a licence on an application made by a corporation if:
- (a) a person concerned in the management of the corporation is less than 18 years of age; or

- (b) the applicant is disqualified under section 17P from holding a licence; or
  - (c) the applicant fails to comply with a request of the Director under section 8; or
  - (d) the applicant does not comply with the prescribed qualifications or other prescribed requirements; or
  - (e) in the opinion of the Director, the applicant is not likely to carry on the business as agent the subject of the application honestly and fairly; or
  - (f) in the opinion of the Director, the reputation of the applicant is such that the applicant is not a fit and proper person to hold a licence; or
  - (g) in the opinion of the Director, an officer of the applicant is not of good reputation or character and, if he or she were the applicant, would not be a fit and proper person to hold a licence; or
  - (h) in the opinion of the Director, any person (other than an officer of the corporation) who appears to have control or substantial control of the applicant is not of good reputation or character or is not likely to exercise that control honestly and fairly; or
  - (j) in the opinion of the Director, a person with whom it appears the applicant would, if granted the licence, carry on business as an agent in partnership is a person to whom the Director would, if that person were the applicant, refuse to grant the licence.
- (2) Without limiting subsection (1)(e), (f), (g) or (h), in determining any matter mentioned in those paragraphs, the Director must have regard to whether the applicant, any other person mentioned in those paragraphs or a person who is an associate of the applicant:
- (a) has, during the period of 10 years immediately preceding the date the applicant made the application, been found guilty of or served a part of a term of imprisonment for an offence (wherever committed) involving fraud, dishonesty or physical violence; or
  - (b) was, at the time the application was made, either the subject of a charge in relation to such an offence ; or
  - (c) has at any time been found guilty of an offence against this Act, the Regulations or any other enactment administered by the Minister.

- (3) In this section:

**associate**, see Part 1.2, Division 2 of the Corporations Act 2001.

### **13        Grant of licence**

- (1) Unless the Director is required to refuse to grant a licence under section 11 or 12, the Director must grant a licence to an applicant.
- (2) The Director must not grant a licence to an applicant unless it is of the same category as applied for by the applicant.
- (3) The Director may not grant a licence that authorises the carrying on of the business of more than one kind of agent.

### **14        Term and renewal of licence**

- (1) A licence granted by the Director, if issued under section 17A, has effect for the licence period specified in the application for the grant of the licence.
- (2) A licence issued under section 17A may be renewed in accordance with section 17D.

### **15        Other terms and conditions of licence**

- (1) The Director may, subject to this Act, grant a licence subject to the other terms and conditions, including conditions relating to the conduct of audits of an agent's business, as he or she considers appropriate.
- (2) It is a term of a licence that the agent's business authorised by the licence is to be carried on at a place specified in the licence.
- (3) If more than one place of business is specified in a licence, the licence must specify which is the agent's principal place of business.
- (4) The terms and conditions imposed on a licence by or under this section are to be specified on the licence.

### **16        Notification of Director's decision, appeal etc.**

- (1) The Director must, within 45 days after receiving an application for a licence, notify the applicant in writing that:
- (a) the Director has granted the licence to the applicant and that the applicant will be issued the licence on paying the prescribed licence fee; or
- (b) the Director has refused to grant the licence.

- (2) A notice under subsection (1)(a) is to:
  - (a) specify the terms and conditions that the Director proposes to impose on the licence; and
  - (b) invite the applicant to make to the Director, within the period of not more than 14 days specified in the notice, oral or written submissions regarding the proposed terms and conditions of the licence.
- (3) After considering the applicant's submissions, the Director may impose the terms and conditions the Director considers appropriate on the licence, whether or not as proposed in the notice under subsection (2)(a).
- (4) A notice under subsection (1)(b) must:
  - (a) set out the Director's reasons for the decision; and
  - (b) state that the applicant may make an application to NTCAT for review of the decision under section 35.

**17A        Issue of licence and payment of licence fee**

- (1) If a person who receives a notice under section 16(1)(a) pays the prescribed licence fee, the Director must issue the licence to the person.
- (2) The Director must not issue the licence before the person pays the prescribed licence fee.
- (3) The licence issued to the person must state the licence period for which it has effect.
- (4) For subsection (3), the licence period:
  - (a) is the licence period specified in the application for the grant of the licence; and
  - (b) starts on the day on which the licence is issued.

**17B        Duration of licence**

A licence has effect:

- (a) until the end of the licence period specified in the licence; or
- (b) until it is cancelled; or
- (c) until it is surrendered; or

- (d) unless it is suspended; or
- (e) if it is granted to an individual (but subject to section 17F) – unless the agent dies; or
- (f) if it is granted to a corporation – unless the agent is dissolved; as the case may require.

### **Division 3            Miscellaneous matters**

#### **17C            Variation of licence**

- (1) Subject to this section, the Director may:
  - (a) on his or her own motion; or
  - (b) on the application of an agent;by notice in writing given to the agent, vary a term or condition of the agent's licence.
- (2) Before varying a licence under subsection (1)(a) the Director must give the agent written notice:
  - (a) specifying the proposed variation; and
  - (b) specifying the reasons for the variation; and
  - (c) inviting the agent to, within the period of not less than 28 days specified in the notice, submit reasons why the variation should not be made.
- (3) If, after considering the agent's submissions, the Director continues to consider that the variation is appropriate, the Director may vary the licence, whether or not as proposed in the notice under subsection (2).
- (4) An agent's application for variation of the agent's licence under subsection (1)(b) is to be in an approved form and accompanied by the prescribed fee.
- (5) A licence may be varied by the addition of a new term or condition or the substitution or deletion of any of its existing terms and conditions.
- (6) If an agent applies under subsection (1)(b) to vary the licence by deleting, adding or substituting a place at which the agent is authorised to carry on business under the licence or the place which is the agent's principal place of business, the Director must

vary the licence accordingly on being satisfied that to do so would not result in the agent contravening a law in force in the Territory.

- (7) A variation of a licence takes effect on:
- (a) the date notice of the variation is given to the licensee; or
  - (b) the date specified for that purpose in the notice;
- whichever last occurs.
- (8) On receiving the notice of the variation, the agent must produce the licence to the Director for endorsement of the variation on the licence.
- (9) Subsections (2), (3), (4), (5), (6) and (7) do not apply if the variation is for a formal or clerical reason that does not alter the effect of the licence.

#### **17D        Renewal of licence**

- (1) If an agent wants to continue to carry on business as agent after the end of the licence period specified in the agent's licence, the agent may apply to the Director to renew the agent's licence.
- (2) Unless the Director agrees to allow an agent to make an application to renew the agent's licence less than 3 months before the commencement of the next licence period, the agent must apply to renew the licence at least 3 months, but not more than 6 months, before the end of the current licence period.
- (3) This Part applies, to the extent necessary, to and in relation to the renewal of a licence as if references in this Part to an application for a licence, the grant of a licence or a licence include references to an application to renew a licence, the renewal of a licence or a renewed licence.

#### **17E        Agent's manager to be approved by Director**

- (1) An agent must not carry on business at a place unless there is present and in charge of the operations of the business at the place:
- (a) if the agent is a corporation – an individual approved by the Director to be the manager of the place; or



- (b) if the agent is an individual – either the agent or another individual approved by the Director to be the manager of the place.

Maximum penalty: 500 penalty units.

(2) The Regulations may:

- (a) make provision with respect to applications to the Director for approvals for this section; or
- (b) specify the period within which the Director must approve or refuse to approve a person as manager; or
- (c) specify the manner in which approval or refusal to approve a person as manager is to be made and notice of the approval or refusal is to be given and require the Director to specify reasons if he or she refuses to approve a person as manager; or
- (d) specify the grounds on which the Director must refuse to approve a person as a manager; or
- (e) enable the Director to make enquiries and seek advice concerning the suitability of an individual to be a manager and prescribe information that the Director may consider in determining the person's suitability; or
- (f) prescribe conditions that the Director may impose on approvals and enable the Director to impose the prescribed conditions that he or she considers appropriate for each approval; or
- (g) specify the period for which an approval has effect; or
- (h) empower the Director to revoke an approval and prescribe the grounds on which an approval may be revoked; or
- (k) prescribe the fees payable when applying for the approval of a person as manager and when the approval is granted and the time for and manner of the payment of the fees.

**17F Death of agent**

- (1) If an agent dies, a person who is or who is named as or who intends to apply to be a legal personal representative of the deceased agent may, within 28 days after the death or any longer period that the Director agrees to, apply to the Director to carry on the deceased agent's business as an agent for the period ending:

- (a) 6 months after the date of the agent's death; or
- (b) immediately before the next succeeding anniversary of the date of the grant of the licence;

whichever last occurs.

- (2) The Director may authorise or refuse to authorise the person to carry on the deceased agent's business as an agent.
- (3) If the Director authorises the person to carry on the deceased agent's business, he or she may impose the conditions relating to the conduct of the business that he or she considers appropriate.
- (4) On a person being authorised to carry on the business of a deceased agent, the person:
  - (a) has all the rights, authorities, powers, functions and obligations of the deceased agent; and
  - (b) is to be taken to be the holder of the deceased agent's licence.
- (5) If the Director imposes conditions on the conduct of the business of a deceased agent by the person authorised to carry on the business under this section, the person must as, soon as reasonably possible after being authorised to carry on the business, produce the licence to the Director to endorse the conditions on the licence.

Maximum penalty:     50 penalty units.

## **17G        Changes in officers of corporation**

- (1) If, for an agent that is a corporation, a person becomes an officer of the agent in addition to or in place of an existing officer, the agent must give notice of that fact to the Director within 28 days of the date the person became an officer of the agent.
- (2) Notice under subsection (1) is to:
  - (a) state the full name, date of birth and present residential address of the person; and
  - (b) give the date on which the person became an officer of the agent; and
  - (c) state any other addresses where the person resided during the 3 year period immediately before the date of the notice; and

- (d) state whether the person has (whether in the Territory or elsewhere) previously carried on business as an agent or been employed by an agent and, if so, give particulars of that business or employment; and
  - (e) be accompanied by a certificate signed by 2 other persons to the effect that the person would, if that person were an applicant for a licence, be a fit and proper person to hold a licence.
- (3) On receiving a notice under subsection (1), the Director must give a copy of the notice to the Commissioner of Police.
- (4) The Commissioner of Police must, within 14 days of receiving the notice, give to the Director a notice in writing that does one of the following:
- (a) objects to the agent continuing to hold a licence on the ground that the person who became the officer of the agent would, if that person were an applicant for a licence, not be a fit and proper person to hold a licence;
  - (b) states that nothing is known about the person that is a ground for objecting to the agent continuing to hold a licence.

**17H        Licence not transferable**

A licence is not transferable.

**17J        Surrender of licence**

- (1) An agent may surrender his or her licence by notice in writing to the Director.
- (2) On the surrender of a licence, the licence ceases to have effect but the person who surrendered the licence remains liable for:
- (a) paying all outstanding debts and any other liability incurred by or obligation imposed before the surrender on the person as agent; and
  - (b) an act or omission done, caused, permitted or made by the person as agent before the surrender.

**Part 3                      Suspension and cancellation etc. of licence****17K                      Director may vary, suspend or cancel licence**

- (1) If the Director considers that:
- (a) a licence is obtained by misrepresentation; or
  - (ab) an agent has used harassing tactics when performing a function as an agent; or
  - (b) an agent is a person who would, if the agent were an applicant for a licence, be refused a licence under section 11 or 12; or
  - (c) an agent that is a corporation has failed to give notice under section 17G(1) of a change in the officers of the agent;

the Director may, subject to this Part:

- (d) vary a term or condition of the licence or impose a new term or condition; or
  - (e) suspend the licence for a specified period; or
  - (f) cancel the licence.
- (2) The Director is not required to exercise a power conferred by subsection (1) if he or she considers that, in the circumstances of a particular case, it is not necessary in the public interest.

**17L                      Inquiry before exercise of power**

- (1) The Director must not exercise a power conferred by section 17K(1) unless he or she has held an inquiry under this section.
- (2) If the Director considers that there may be grounds on which to exercise a power under section 17K(1), the Director must give written notice that he or she proposes to hold an inquiry to:
- (a) the agent concerned; and
  - (b) if the Director considers that a person other than the agent may be affected by the exercise of the power – to that other person.
- (3) The notice is to:
- (a) state the ground or grounds that the Director considers may authorise the exercise of the power; and

- (b) request the agent to make written and oral submissions to the Director regarding the inquiry; and
  - (c) specify the date (which is not to be less than 7 clear days after the date on which the notice is given to the agent) by which the Director is to have received the agent's written submissions; and
  - (d) specify a date after the date mentioned in paragraph (c) when the Director will hear the agent's oral submissions.
- (4) If the Director considers it necessary in the public interest, the Director may, by the notice given under subsection (2), suspend the agent's licence from the date on which that notice is given to the agent until notice is given to the agent under section 17M.

**17M Result of inquiry**

- (1) If, after holding an inquiry under section 17L, the Director decides to take no further action in respect of the matter, the Director must give written notice of the Director's decision to the agent.
- (2) If, after holding the inquiry, the Director decides that there are grounds for the exercise of a power under section 17K(1) and that the Director will exercise the power, the Director must give notice in writing of the Director's decision to the agent:
  - (a) stating the decision of the Director; and
  - (b) stating the ground or grounds for the exercise of the power; and
  - (c) if the Director decides to vary a term or condition of or impose a new condition on a licence – requiring the agent to produce the licence to the Director for endorsement of its variation and specifying the time within which the agent must produce the licence to the Director; and
  - (d) if the Director decides to suspend the licence – stating the period of suspension; and
  - (e) stating the agent may make an application to NTCAT for review of the Director's decision under section 35.

**17P Disqualification resulting from cancellation or suspension of licence**

- (1) If the Director suspends a licence under this Part and, on review, NTCAT confirmed the Director's decision, the agent under the licence must not during the period of suspension:
  - (a) carry on business as an agent; or
  - (b) be employed or otherwise engaged in the business of another agent.

Maximum penalty: 500 penalty units.

- (2) If the Director cancels a licence under this Part and, on review, NTCAT confirmed the Director's decision, the person who was the agent under the licence is disqualified from holding a licence for a period of 12 months from the date when the cancellation took effect.

- (3) A person who is disqualified from holding a licence under subsection (2) must not during the period of disqualification be employed or otherwise engaged in the business of an agent.

Maximum penalty: 500 penalty units.

- (4) An agent must not employ or otherwise engage in the agent's business an agent whose licence has been suspended or a former agent whose licence has been cancelled during the period of disqualification mentioned in subsection (1) or (2).

Maximum penalty: 500 penalty units.

**Part 6 Trust accounts and prescribed records****23 Moneys held on trust**

- (1) Subject to this Act, all moneys received for or on behalf of a person by an agent must be held by the agent exclusively for that person.
- (2) All moneys received by an agent on behalf of any person must be paid into and held in a trust account with an ADI in the Territory in the name of the agent.
- (3) An agent must pay into the agent's trust account any moneys required to be paid into that trust account within 2 working days of receipt of those moneys.

- (4) If an agent receives money from a person upon whom he or she has served a summons or against whom he or she has executed a warrant, the agent must immediately notify the Director of the receipt of that money.
- (5) Money must not be paid out of an agent's trust account otherwise than to or as directed by the person on whose behalf the agent holds the money.

Maximum penalty: 20 penalty units or imprisonment for 12 months.

#### **24 Moneys not liable for attachment**

- (1) Moneys held in an agent's trust account are not liable to be attached or taken in execution under an order or process of any court at the instance of any creditor other than a creditor of the person on whose behalf the moneys were received by the agent.
- (2) This section does not prevent the removal of moneys from the trust account to satisfy a lawful claim or lien that the agent has upon those moneys.

#### **25 Prescribed records**

- (1) An agent must keep or cause to be kept fully and correctly prescribed records and other prescribed documents in relation to the functions performed by the agent in his or her capacity as an agent.

Maximum penalty: 50 penalty units.

- (1A) An offence against subsection (1) is a regulatory offence.
- (2) An agent must not destroy, falsify or mutilate any record or other document kept for subsection (1) or cause or permit any such record or other document to be destroyed, falsified or mutilated within the period of 5 years after it was made or to be removed from the agent's possession during that period.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

#### **26 Inspection of prescribed records**

- (1) All prescribed records and other prescribed documents of an agent or a person who has ceased to be an agent must at all reasonable times be open to inspection by the Director or a police officer or by a person authorised in writing by the Director to inspect those records or those other documents.

- (2) The Director, a police officer or a person authorised by the Director may require an agent or, if the agent is a corporation, the person who manages the business of the corporation conducted under the licence, or in the absence of that person, any person having apparent control of the business:
- (a) to produce for inspection all or any prescribed records and other prescribed documents; and
  - (b) to provide such other documents in his or her custody or control as may be reasonably required for the purpose of ascertaining whether there has been any contravention of this Act or any other Act or law in connection with trust moneys.
- (3) The Director, a police officer, or a person authorised to do so may take any copies or extracts from or make any notes concerning any records or other documents subject to inspection.
- (4) A person must not:
- (a) wilfully delay or obstruct any inspection under this section; or
  - (b) wilfully mutilate or destroy, or in any way alter any record or other document to delay or obstruct any inspection under this section; or
  - (c) on demand refuse or fail to comply with a requirement duly made of him or her under this section.

Maximum penalty: 100 penalty or imprisonment for 6 months.

## **27 Restriction on disposition of moneys**

- (1) The Director may by written notice served upon an ADI or other person having the custody or control of trust moneys affected by the provisions of this Part, restrict or prohibit any dealing in or disposition of those moneys.
- (2) A person who acts in contravention of an order under subsection (1) is guilty of an offence and liable to a penalty on being found guilty not exceeding 100 penalty units or imprisonment for 6 months.

## **28 Investigation of trust accounts**

- (1) If the Director:
- (a) has considered a report of an investigation into the trust account of an agent; and



- (b) is satisfied that the agent has received moneys for or on behalf of a person and has not properly accounted for those moneys in the agent's trust account;

the Director may, by written notice to the manager or other principal officer of an ADI, being the body with which the agent has deposited any money in a trust account in the agent's capacity as agent, direct that, until the Director revokes the notice, no moneys are to be drawn from the trust account without the Director's consent.

- (2) The manager or other principal officer of an ADI that receives a notice mentioned in subsection (1) must give effect to the direction of the Director.

## **28A      Audit**

- (1) The Director may appoint a person to carry out an audit of the books, accounts, records and other documents of an agent that relate to the conduct of the agent's business.
- (2) The Director must not appoint a person under subsection (1) unless he or she is satisfied that the person is suitably qualified or has suitable experience to enable him or her to conduct the audit.
- (3) In conducting an audit, the person:
- (a) is entitled at all reasonable times to full and free access to a licensee's books, accounts and records as necessary to complete the audit; and
  - (b) may request the agent or the manager of a place where the agent is carrying on business to answer a question or to produce any document relating to the agent's records that is under his or her custody or control; and
  - (c) may make copies of or take extracts from a book, account or record or other document to which the auditor has access or that is produced for the auditor.
- (4) The costs and expenses of the person carrying out the audit are payable by and recoverable from the agent.
- (5) A person must not hinder, obstruct or interfere with a person appointed under subsection (1) who is carrying out an audit in the proper manner.

Maximum penalty:      100 penalty units or imprisonment for 12 months.

**29 Suspension of licences**

- (2) If a licence is suspended under this Act, the Director must cause a notice to be published in a newspaper circulating in the area where the agent carried on business in the Northern Territory fixing a date by which time any person having a claim against the trust account of the agent whose licence has been suspended must lodge a claim form with the Director.
- (3) Any person who fails to claim within the time specified in the advertisement published under subsection (2) is not entitled to share in the distribution of moneys payable from the trust account unless the Director otherwise directs.
- (4) The Director or some other person appointed by the Minister must admit or reject proof of claims made against moneys in the trust account and no action lies against the Director or a person so appointed for any decision made in good faith in relation to such claims.
- (5) If the moneys standing to the credit of the trust account are insufficient to satisfy the amount of all admitted claims the Director must make pro rata payments to the claimants and must by notice in writing demand from the agent payment of the balance required to meet admitted claims.
- (7) The cost of administering the trust account in accordance with this section is a debt due by the agent and is recoverable in a court of competent jurisdiction.

**Part 7 Employment, powers and duties of private bailiffs****30 Employment of private bailiff**

- (1) A private bailiff may be employed by a person or a legal practitioner acting for a person who is entitled to the issue of a warrant under the *Local Court (Civil Procedure) Act 1989* to execute that warrant.
- (2) If a private bailiff is employed under subsection (1) the person employing the bailiff must inform a registrar.
- (3) The registrar (2) must issue the warrant to the private bailiff so nominated.

**31 Nomination of private bailiff**

- (1) If a person is entitled to the issue of a warrant of execution or arrest under the *Local Court (Civil Procedure) Act 1989* and has not nominated a private bailiff, a registrar may require the person to nominate a private bailiff to execute that warrant.
- (2) If a registrar requires a person to nominate a private bailiff under subsection (1), the registrar must issue the warrant to the private bailiff.
- (3) If a person fails to nominate a private bailiff after the registrar has required the person to do so, the registrar may appoint a private bailiff to execute the warrant.

**32 Private bailiff to accept warrant**

A private bailiff must not without reasonable excuse refuse to accept a warrant of execution or arrest issued by a registrar to him or her.

Maximum penalty: 10 penalty units.

**33 Rights and powers of private bailiff**

- (1) If a private bailiff is employed under section 30, the fees for service or execution payable under the *Local Court Act 2015* are not payable to a Registrar by the person entitled to the issue of the warrant, and the private bailiff is entitled only to such amount as is agreed between the private bailiff and the person employing him or her.
- (1A) If a private bailiff is employed under section 31, the fees payable under the *Local Court Act 2015* must be paid to the Local Court by the person entitled to the issue of the warrant, and the private bailiff, subject to the approval of a registrar, is entitled to those fees.
- (4) A private bailiff is not an employee of the Northern Territory.
- (5) A private bailiff is, in the execution of a warrant issued to him or her under this Act and in respect of any money recovered under such a warrant, subject to the direction of a registrar.

**33A Recovery of costs on execution of warrant**

- (1) Subject to subsection (2) but despite section 33(1), a person employing a private bailiff may recover the fees for service or execution payable under the *Local Court Act 2015* from the person against whom a warrant is executed.

- (2) When a person employing a private bailiff pays the private bailiff an amount exceeding the fees for service or execution payable under the *Local Court Act 2015*, the person against whom a warrant is executed is not liable for the excess so paid.

## **Part 7A Director**

### **33B Director**

- (1) The Minister must, in writing, appoint a public sector employee to be the Director.
- (2) The Minister may, in writing, determine that the Director be known by another name.
- (3) If the Minister determines under subsection (2) that the Director be known by another name, a reference in this Act to the Director is taken to be a reference to that name.
- (4) For subsection (1), the Minister may appoint:
  - (a) a public sector employee by name; or
  - (b) a public sector employee by reference to the office, position or designation held or occupied by the employee; or
  - (c) a public sector employee from time to time holding, acting in or performing the duties of a named office, position or designation.

### **33C Powers of entry**

- (1) Subject to subsection (2), the Director may, at any reasonable time for the purposes of ascertaining whether a provision of this Act or of the Regulations is being or has been complied with, enter any place which the Director knows or believes on reasonable grounds to be a place where:
  - (a) a person carries on a business as an agent; or
  - (b) a document or thing relating to any such business is kept.
- (2) The Director is not entitled to enter any place used for residential purposes except:
  - (a) with the consent of the occupier; or
  - (b) under the authority of a search warrant.

- (3) The Director may exercise the powers conferred by section 33E in relation to a place entered under subsection (1).

### **33D Powers exercisable after entry**

- (1) If the Director enters a place under section 33C, the Director may, as far as is applicable to that place, do any of the following:
- (a) seize without payment, and detain, any goods which the Director believes on reasonable grounds to be in the possession of the agent as part of a business carried out under this Act;
  - (b) ask questions of any person found at the place;
  - (c) require the production of documents;
  - (d) require the production of passwords for the purposes of gaining access to computers or other electronic devices or documents;
  - (e) inspect and require explanations of any document;
  - (f) take copies of or extracts from any document or, if in the Director's opinion it is not appropriate for copies or extracts to be taken at the place, remove a document for a reasonable time to enable copies or extracts to be taken.
- (2) If the Director seizes goods under subsection (1)(a), the person from whom the goods were seized is, on application to the Director, entitled to their return, if:
- (a) the period during which prosecutions for an offence under this Act may be commenced has expired and no prosecutions have been commenced; or
  - (b) proceedings for an offence under this Act have been commenced and the defendant is not, on the determination of those proceedings, found guilty of an offence.

### **33E Warrants**

- (1) The Director may apply to a justice of the peace for a warrant to enter a place mentioned in section 33C(1).
- (2) A justice of the peace who is satisfied that, for the purpose specified in section 33C(1), there is reasonable cause to permit the Director to enter the place with a view to exercising the powers conferred by section 33D may issue a warrant directed to the Director to enter the place specified in the warrant for the purpose

of exercising those powers.

- (3) A warrant issued under subsection (2) is, for a period of 1 month from its issue, sufficient authority:
  - (a) to the Director, and to all persons acting in aid of the Director, to enter the place specified in the warrant; and
  - (b) to the Director, to exercise in respect of the place specified in the warrant the powers conferred on the Director by section 33D.
- (4) If it is impracticable for the Director to apply in person for a warrant under subsection (1), the Director may make the application by telephone, and the justice of the peace may issue the warrant on that application.
- (5) If a justice of the peace issues a warrant under subsection (4):
  - (a) the justice of the peace must:
    - (i) complete and sign the warrant; and
    - (ii) inform the Director by telephone of its terms; and
    - (iii) record on the warrant the justice of the peace's reasons for issuing it; and
  - (b) the Director must:
    - (i) complete in duplicate a form of warrant in the terms issued by the justice of the peace; and
    - (ii) write on the form of warrant the name of the justice of the peace and the date and time of its issue; and
    - (iii) forward a copy to the justice of the peace.
- (6) On receiving the copy referred to in subsection (5)(b)(iii), the justice of the peace must:
  - (a) compare it with the warrant signed by the justice of the peace; and
  - (b) if satisfied that they are in substance identical – note this fact on the warrant; and
  - (c) forward both the warrant and the copy to the Director.

- (7) A form of warrant prepared by the Director under subsection (5)(b) has, if it is in accordance with the terms of the warrant signed by the justice of the peace, the same authority as a warrant issued by a justice of the peace under subsection (2).
- (8) If an application has been made to a justice of the peace under subsection (4) and the application has been refused, subject to subsection (9) the Director must not make a further application to any justice of the peace under subsection (4) in respect of that matter.
- (9) If an application under subsection (4) has been made to a justice of the peace and the application has been refused, a further application may be made to a justice of the peace if the Director satisfies the justice of the peace that the Director has, since the time of the original application, received further information or evidence which is material to an application under subsection (4).

### **33F Delegation**

The Director may, in writing, delegate any of the Director's powers and functions under this Act:

- (a) to another public sector employee; or
- (b) with the consent of the Minister, to any other person.

### **33G Approved forms**

The Director may approve forms for this Act.

## **Part 8 General**

### **34 Director may waive or refund fee**

- (1) The Director may, in a particular case, waive the whole or part of a fee payable under this Act.
- (2) The Director may, in a particular case, refund the whole or a part of a fee that accompanies an application made under this Act.

### **35 Review by NTCAT**

- (1) A **reviewable decision** is:
  - (a) a decision of the Director specified in the Schedule; or
  - (b) a decision made under the Regulations that is prescribed by regulation to be a reviewable decision for this section.

- (2) An **affected person** is:
- (a) for a reviewable decision referred to in subsection (1)(a) – a person specified in the Schedule for the decision; or
  - (b) for a reviewable decision referred to in subsection (1)(b) – a person prescribed by regulation to be an affected person for the decision.
- (3) NTCAT has jurisdiction to review a reviewable decision.
- (4) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

*Note for section 35*

*The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.*

### **38 Multiple licences**

A person may hold a number of licences of different categories simultaneously.

### **39 Employee to be licensed**

- (1) An agent must not employ a person to act as a commercial agent, an inquiry agent, a process server or a private bailiff unless the person so employed holds a licence of the category which applies to the work for which the person is employed.

Maximum penalty: 5 penalty units.

- (2) An offence against subsection (1) is a regulatory offence.

### **40 Fees for agents**

A person is not entitled to sue for, recover or retain any commission, fee, gain or reward for any service performed by the person as an agent unless at the time of performing that service the person was a holder of a licence of the category under which the person performed the service.

### **41 Rights not affected by licence**

A licence does not confer upon any person any power or authority to act in contravention of, or in disregard of any law or rights or privileges guaranteed or arising under or protected by any law.



**42 Offence to exceed power**

An agent must not:

- (a) suggest or imply that because of his or her licence the agent may exercise any power or authority which in fact the agent could not exercise if this Act had not been passed; or
- (b) use or attempt to use his or her licence to exercise any power or authority which the agent could not exercise if this Act had not been passed.

Maximum penalty: 500 penalty units.

**43 Commercial agent to report on motor vehicles**

A commercial agent who takes possession of a motor vehicle that is subject to a hire purchase agreement, chattel mortgage or bill of sale:

- (a) must as soon as practicable after taking possession of the motor vehicle inform a police officer on duty at the Police Station nearest to the place where the commercial agent took possession of the vehicle; and
- (b) within 24 hours after taking possession of the motor vehicle, deliver or send by post to the officer in charge of the Police Station nearest to the commercial agent's registered address, written particulars in duplicate of the motor vehicle including particulars of the registered number of the motor vehicle.

Maximum penalty: 20 penalty units.

**44 Offence to use harassing tactics**

An agent must not use harassing tactics when performing a function as an agent.

Maximum penalty: 500 penalty units.

**45 Civil remedies not affected**

Nothing in this Act affects any civil remedy that a person may have against an agent in respect of any matter.

**46A Infringement notices**

- (1) The Director or a person authorised by the Director may serve on a person who has allegedly committed a prescribed offence against this Act a notice providing for the payment to the Director of a

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prescribed amount instead of the penalty that may otherwise be imposed on being found guilty of committing the offence.

- (2) The notice served under subsection (1) is to:
- (a) specify the name and, if not the same, business name, the address and, for an individual, the date of birth of the person who allegedly committed the offence; and
  - (b) describe the offence and specify the provision of this Act that the person has allegedly contravened; and
  - (c) specify the date or approximate date when or period during which and the place where the offence was committed; and
  - (d) specify the amount payable to the Director; and
  - (e) specify the period after the date of the service of the notice within which the person must pay the amount to the Director, and the place where the payment should be made, to avoid prosecution in respect of the offence; and
  - (f) state that:
    - (i) in order to avoid prosecution in respect of the alleged commission of the offence the person may pay the amount specified in the notice to the Director; and
    - (ii) the payment of the amount is instead of the penalty by which the offence is otherwise punishable; and
    - (iii) on payment of the amount the person will not be liable for a penalty or costs for the offence; and
    - (iv) if the person wishes to be dealt with by a court in relation to the offence, he or she should not pay the amount to the Director; and
  - (g) describe the procedures that apply if the person does not pay the amount to the Director or wishes to be dealt with by a court.

#### **46B Service of notice etc. on corporation**

If, under this Act, a summons, notice, order or other document is required to be served on or delivered to a corporation, the summons, notice, order or document may be served on or delivered to the nominee appointed under section 10(1).

**47 Regulations**

The Administrator may make regulations under this Act.

**Part 9 Transitional matters for Red Tape Reduction  
(Miscellaneous Amendments) Act 2016**

**48 Definitions**

In this Part:

***amending provision*** means Part 2, Division 3 of the *Red Tape Reduction (Miscellaneous Amendments) Act 2016*.

***commencement*** means the commencement of the amending provision.

***existing application*** means an application for the grant or renewal of a licence that, immediately before the commencement, had not been decided.

***existing licence*** means a licence in force immediately before the commencement.

**49 Term and renewal of existing licence**

- (1) The term of an existing licence is the term that has effect in accordance with section 14 of this Act, as in force immediately before the commencement.
- (2) However, an agent may apply for the renewal of the agent's existing licence for a term of 3 or 5 years in accordance with section 17D as in force after the commencement as if the existing licence had been issued after the commencement.

**50 Existing application**

- (1) If the Commissioner decides to grant or renew a licence the subject of an existing application, this Act, as in force immediately before the commencement, continues to apply in relation to the grant, renewal and issue of the licence as if the amending provision had not commenced.
- (2) The prescribed fee payable by the applicant before the licence is issued is the fee that would have been payable under section 16 if the amending provision had not commenced.

- (3) An agent to whom a licence the subject of an existing application is issued may apply for the renewal of the licence, for a term of 3 or 5 years, in accordance with section 17D as in force after the commencement.

## **Part 10 Transitional matters for Justice and Licensing Legislation Further Amendment Act 2022**

### **51 Definitions**

**amending Act** means Part 3, Division 2 of the *Justice and Licensing Legislation Further Amendment Act 2022*.

**commencement** means the commencement of the amending Act.

**Commissioner** means the Commissioner as defined in section 3(1) as in force immediately before the commencement.

### **52 Delegation**

A delegation by the Commissioner of any of the Commissioner's powers or functions under this Act that is in force immediately before the commencement is taken to be a delegation by the Director made under section 33F.

### **53 Pending applications**

- (1) Subsection (2) applies in relation to an application if, before the commencement:
- (a) the application had been made to the Commissioner under this Act; and
  - (b) the Commissioner had not made a decision on the application.
- (2) The application must be dealt with and decided in accordance with this Act as in force immediately before the commencement.
- (3) The decision made by the Commissioner on the application is taken to be a decision made by the Director under this Act.

### **54 Pending appeals**

- (1) Subsection (2) applies in relation to an appeal if, before the commencement:
- (a) the appeal had been commenced under this Act; and
  - (b) a decision on the appeal had not been made.

- (2) The appeal must be dealt with in accordance with this Act as in force immediately before the commencement.

#### **55 Appeals not yet commenced**

- (1) Subsection (2) applies in relation to a decision if, before the commencement:
- (a) the decision had been made by the Commissioner and the period for appealing the decision had not expired; and
  - (b) an appeal had not been commenced.
- (2) A person who would have been entitled to appeal against the decision under this Act as in force immediately before the commencement may do so under this Act as in force after the commencement as if the decision had been made by the Director.

#### **56 Continuation of ongoing documents and actions**

- (1) On the commencement, an ongoing document continues with the same force and effect as if it had been issued by, or given to, the Director.
- (2) On the commencement, an ongoing action continues with the same force and effect as if it had been done by, or in relation to, the Director.
- (3) This section applies subject to the other provisions of this Part.
- (4) In this section, a reference to something done before the commencement includes a reference to something done after the commencement in accordance with this Part as if it had been done before the commencement.
- (5) In this section:

***ongoing action*** means an action or thing that:

- (a) was done by, or in relation to, the Commissioner before the commencement in or for the exercise of a power or performance of a function under this Act that, on the commencement, is conferred on the Director; and
- (b) immediately before the commencement, had ongoing effect.

**ongoing document** means a document that:

- (a) was issued by, or given to, the Commissioner before the commencement in or for the exercise of a power or performance of a function under this Act that, on the commencement, is conferred on the Director; and
- (b) immediately before the commencement, had ongoing effect.

**57 Offence provisions – before and after commencement**

- (1) The offence provisions, as amended by the amending Act, apply only in relation to offences committed after the commencement.
- (2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.
- (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.
- (4) In this section:

**offence provisions** means the provisions of this Act that create or relate to offences (including in relation to criminal responsibility, defences and penalties).

**Part 11 Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023**

**58 Definitions**

In this Part:

**amending Act** means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

**commencement** means the commencement of Part 6 of the amending Act.

**former appeal provisions** means:

- (a) sections 17 and 17N, as in force immediately before the commencement; and

- (b) regulation 10 of the Regulations, as in force immediately before the commencement.

***new review provisions*** means:

- (a) section 35, as inserted by section 49 of the amending Act; and
- (b) regulation 10 of the Regulations, as inserted by section 54 of the amending Act.

## **59 NTCAT review limited to decisions made after commencement**

The new review provisions apply only in relation to a reviewable decision that is made after the commencement.

## **60 Appeals not instituted before commencement**

- (1) This section applies to a person if, immediately before the commencement, the person:
  - (a) was entitled to appeal to the Local Court against a decision of the Director under the former appeal provisions; and
  - (b) had not yet instituted an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with the former appeal provisions, as if Part 6 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 6 of the amending Act had not commenced.

## **61 Appeals not determined before commencement**

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
  - (a) was instituted by a person under the former appeal provisions; and
  - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 6 of the amending Act had not commenced.

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**Schedule      Reviewable decisions**

section 35

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<b>Item</b>	<b>Reviewable decision</b>	<b>Affected person</b>
1	A decision under section 11 or 12 to refuse to grant a licence	The applicant for the licence
2	A decision under section 11 or 12, and with reference to section 17D(3), to refuse to renew a licence	The applicant for the renewal of the licence
3	A decision to exercise a power conferred by section 17K(1) in relation to an agent	The agent

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>bl = by-law</b>	<b>om = omitted</b>
<b>ch = Chapter</b>	<b>pt = Part</b>
<b>div = Division</b>	<b>r = regulation/rule</b>
<b>exp = expires/expired</b>	<b>renum = renumbered</b>
<b>f = forms</b>	<b>rep = repealed</b>
<b>Gaz = Gazette</b>	<b>s = section</b>
<b>hdg = heading</b>	<b>sch = Schedule</b>
<b>ins = inserted</b>	<b>sdiv = Subdivision</b>
<b>lt = long title</b>	<b>SL = Subordinate Legislation</b>
<b>N/C = not commenced</b>	<b>sub = substituted</b>

**2 LIST OF LEGISLATION*****Commercial and Private Agents Licensing Act 1979 (Act No. 41, 1979)***

Assent date	27 April 1979
Commenced	12 September 1980 (Gaz G37, 12 September 1980, p 2)

***Statute Law Revision (No. 3) 1979 (Act No. 37, 1980)***

Assent date	24 April 1980
Commenced	24 April 1980

***Commercial and Private Agents Licensing Amendment Act 1981 (Act No. 21, 1981)***

Assent date	25 March 1981
Commenced	25 March 1981

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

***Law Officers Amendment Act (No. 2) 1986 (Act No. 48, 1986)***

Assent date	10 December 1986
Commenced	19 December 1986 (Gaz S87, dated 17 December 1986)

***Statute Law Revision Act 1993 (Act No. 6, 1993)***

Assent date	18 March 1993
Commenced	18 March 1993

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and Gaz S53, 29 June 1993)

***Statute Law Revision Act (No. 2) 1993 (Act No. 70, 1993)***

Assent date	9 November 1993
Commenced	9 November 1993

**Statute Law Revision Act 1994 (Act No. 50, 1994)**

Assent date 20 September 1994  
Commenced 20 September 1994

**Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)**

Assent date 19 April 1996  
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* and *Gaz S15*,  
13 June 1996)

**Financial Institutions (Miscellaneous Amendments) Act 1997 (Act No. 23, 1997)**

Assent date 2 June 1997  
Commenced 2 June 1997

**Territory Insurance Office (Miscellaneous Amendments) Act 1998 (Act No. 37, 1998)**

Assent date 27 May 1998  
Commenced 27 May 1998

**Statute Law Revision Act 2000 (Act No. 19, 2000)**

Assent date 6 June 2000  
Commenced s 6: 4 December 1999; rem: 12 July 2000 (*Gaz G27*,  
12 July 2000, p 2)

**Commercial and Private Agents Licensing Amendment Act 2000 (Act No. 49, 2000)**

Assent date 1 November 2000  
Commenced 1 December 2001 (s 2)

**Statute Law Revision Act 2002 (Act No. 18, 2002)**

Assent date 7 June 2002  
Commenced 7 June 2002

**Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)**

Assent date 13 September 2002  
Commenced 30 October 2002 (*Gaz G43*, 30 October 2002, p 3)

**Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)**

Assent date 15 September 2004  
Commenced 27 October 2004 (*Gaz G43*, 27 October 2004, p 3)

**Statute Law Revision Act 2005 (Act No. 44, 2005)**

Assent date 14 December 2005  
Commenced 14 December 2005

**Justice Legislation Amendment Act (No. 2) 2006 (Act No. 35, 2006)**

Assent date 3 November 2006  
Commenced 3 November 2006

**Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)**

Assent date 20 May 2010  
Commenced 1 July 2010 (*Gaz G24*, 16 June 2010, p 2)

**Statute Law Revision Act 2011 (Act No. 30, 2011)**

Assent date 31 August 2011  
Commenced 21 September 2011 (*Gaz G38*, 21 September 2011, p 5)

**Power and Water Corporation Legislation Amendment Act 2014 (Act No. 13, 2014)**

Assent date 13 May 2014  
Commenced 29 May 2014 (*Gaz S29*, 29 May 2014, p 2)

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**Statute Law Revision Act 2014 (Act No. 38, 2014)**

Assent date 13 November 2014  
Commenced 13 November 2014

**Statute Law Amendment (Directors' Liability) Act 2015 (Act No. 26, 2015)**

Assent date 18 September 2015  
Commenced 14 October 2015 (Gaz G41, 14 October 2015, p3)

**Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)**

Assent date 6 April 2016  
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and Gaz S34, 29 April 2016)

**Red Tape Reduction (Miscellaneous Amendments) Act 2016 (Act No. 12, 2016)**

Assent date 10 May 2016  
Commenced 1 July 2016 (Gaz G26, 29 June 2016, p 2)

**Statute Law Revision Act 2017 (Act No. 4, 2017)**

Assent date 10 March 2017  
Commenced 12 April 2017 (Gaz G15, 12 April 2017, p 3)

**Statute Law Amendment (Territory Economic Reconstruction) Act 2022 (Act No. 5, 2022)**

Assent date 14 April 2022  
Commenced pt 7: 25 May 2023 (Gaz G11, 25 May 2023, p 2);  
rem: 25 May 2022 (Gaz G21, 25 May 2022, p 1)

**Justice and Licensing Legislation Further Amendment Act 2022 (Act No. 21, 2022)**

Assent date 31 October 2022  
Commenced pt 3: 1 February 2023; rem: 21 December 2022 (Gaz G50, 21 December 2022, p 1)

**Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023 (Act No. 24, 2023)**

Assent date 21 September 2023  
Commenced 27 November 2023 (Gaz G24, 23 November 2023, p 2)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

ss 6(2) and 17 *Commercial and Private Agents Licensing Amendment Act 2000* (Act No. 49, 2000)

### 4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 4, 30, 31, 33 and 33A.

### 5 LIST OF AMENDMENTS

pt 1 hdg amd No. 30, 2011, s 3  
s 3 amd No. 21, 1981, s 3; No. 37, 1998, s 3; No. 49, 2000, s 4; No. 38, 2002, s 6; No. 30, 2011, s 3; No. 8, 2016, s 45; No. 12, 2016, s 16; No. 21, 2022, s 20; No. 24, 2023, s 40

## ENDNOTES

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- s 4 amd No. 21, 1981, s 4; No. 28, 1993, s 3; No. 50, 1994, s 3; No. 23, 1997, s 6; No. 38, 2002, s 6; No. 54, 2004, s 7; No. 44, 2005, s 35; No. 30, 2011, s 3; No. 13, 2014, s 32; No. 8, 2016, s 45; No. 4, 2017, s 34; No. 24, 2023, s 41
- pt II hdg sub No. 49, 2000, s 5
- pt II
- div 1 hdg ins No. 49, 2000, s 5
- s 5 sub No. 49, 2000, s 5  
amd No. 12, 2010, s 3
- s 6 sub No. 49, 2000, s 5  
amd No. 12, 2010, s 3; No. 30, 2011, s 3
- pt II
- div 2 hdg ins No. 49, 2000, s 5
- s 7 amd No. 21, 1981, s 5  
sub No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 12, 2016, s 17; No. 5, 2022, s 37; No. 21, 2022, s 23
- s 8 amd No. 21, 1981, s 6; No. 17, 1996, s 6  
sub No. 49, 2000, s 5
- s 9 amd No. 21, 2022, s 23  
amd No. 48, 1986, s 9  
sub No. 49, 2000, s 5  
amd No. 5, 2022, s 38; No. 21, 2022, s 23
- s 10 amd No. 21, 1981, s 7  
sub No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 21, 2022, s 23
- s 11 amd No. 21, 1981, s 8; No. 48, 1986, s 9; No. 17, 1996, s 6  
sub No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 8, 2016, s 45; No. 21, 2022, s 23
- s 12 amd No. 18, 2002, s 6  
sub No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 8, 2016, s 45; No. 21, 2022, s 23
- s 13 sub No. 49, 2000, s 5  
amd No. 21, 2022, s 23
- s 14 sub No. 49, 2000, s 5; No. 12, 2016, s 18  
amd No. 21, 2022, s 23
- s 15 sub No. 49, 2000, s 5  
amd No. 21, 2022, s 23
- s 16 amd No. 21, 1981, s 9; No. 48, 1986, s 9; No. 17, 1996, s 6; No. 19, 2000, s 9  
sub No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 12, 2016, s 19; No. 21, 2022, s 23; No. 24, 2023, s 42
- s 17 amd No. 21, 1981, s 10  
sub No. 49, 2000, s 5  
amd No. 21, 2022, s 23  
rep No. 24, 2023, s 43
- s 17A ins No. 49, 2000, s 5  
amd No. 12, 2016, s 20; No. 21, 2022, s 23
- s 17B ins No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 12, 2016, s 21
- pt II
- div 3 hdg ins No. 49, 2000, s 5
- s 17C amd No. 30, 2011, s 3  
ins No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 21, 2022, s 23
- s 17D ins No. 49, 2000, s 5  
amd No. 12, 2016, s 22; No. 21, 2022, s 23

## ENDNOTES

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- s 17E ins No. 49, 2000, s 5  
amd No. 12, 2010, s 3; No. 30, 2011, s 3; No. 21, 2022, s 23; No. 24, 2023,  
s 44
- s 17F ins No. 49, 2000, s 5  
amd No. 12, 2010, s 3; No. 30, 2011, s 3; No. 21, 2022, s 23
- s 17G ins No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 21, 2022, s 23
- s 17H ins No. 49, 2000, s 5
- s 17J ins No. 49, 2000, s 5  
amd No. 21, 2022, s 23
- pt III hdg sub No. 49, 2000, s 5
- s 17K ins No. 49, 2000, s 5  
amd No. 35, 2006, s 7; No. 30, 2011, s 3; No. 21, 2022, s 23
- s 17L ins No. 49, 2000, s 5  
amd No. 44, 2005, s 35; No. 30, 2011, s 3; No. 21, 2022, s 23
- s 17M ins No. 49, 2000, s 5  
amd No. 30, 2011, s 3; No. 21, 2022, s 23; No. 24, 2023, s 45
- s 17N ins No. 49, 2000, s 5  
amd No. 21, 2022, s 23  
rep No. 24, 2023, s 46
- s 17P ins No. 49, 2000, s 5  
amd No. 12, 2010, s 3; No. 30, 2011, s 3; No. 21, 2022, s 23; No. 24, 2023,  
s 47
- pt IV hdg rep No. 49, 2000, s 5
- pt V hdg rep No. 5, 2022, s 39
- s 18 sub No. 21, 1981, s 11  
amd No. 49, 2000, s 6; No. 54, 2004, s 7; No. 30, 2011, s 3  
rep No. 5, 2022, s 39
- s 19 sub No. 21, 1981, s 11  
amd No. 30, 2011, s 3  
rep No. 5, 2022, s 39
- s 20 amd No. 49, 2000, s 16; No. 30, 2011, s 3; No. 38, 2014, s 2  
rep No. 5, 2022, s 39
- s 21 amd No. 30, 2011, s 3  
rep No. 5, 2022, s 39
- s 22 amd No. 49, 2000, s 16; No. 30, 2011, s 3  
rep No. 5, 2022, s 39
- s 23 amd No. 21, 1981, s 12; No. 23, 1997, s 6; No. 49, 2000, s 16; No. 38, 2002,  
s 6; No. 12, 2010, s 3; No. 30, 2011, s 3; No. 4, 2017, s 34
- s 24 amd No. 30, 2011, s 3
- s 25 amd No. 49, 2000, s 7; No. 12, 2010, s 3; No. 30, 2011, s 3
- s 26 amd No. 49, 2000, s 16; No. 12, 2010, s 3; No. 30, 2011, s 3; No. 21, 2022,  
s 23
- s 27 amd No. 17, 1996, s 6; No. 49, 2000, s 16; No. 38, 2002, s 6; No. 30, 2011,  
s 3; No. 4, 2017, s 34; No. 21, 2022, s 23
- s 28 amd No. 23, 1997, s 6; No. 49, 2000, s 8; No. 38, 2002, s 6; No. 30, 2011,  
s 3; No. 4, 2017, s 34; No. 21, 2022, s 23
- s 28A ins No. 49, 2000, s 9  
amd No. 12, 2010, s 3; No. 30, 2011, s 3; No. 21, 2022, s 23
- s 29 amd No. 49, 2000, s 10; No. 30, 2011, s 3; No. 38, 2014, s 2; No. 5, 2022,  
s 40; No. 21, 2022, s 23
- s 30 amd No. 21, 1981, s 13; No. 19, 2000, s 9; No. 49, 2000, s 16; No. 30, 2011,  
s 3; No. 38, 2014, s 2; No. 8, 2016, s 45
- s 31 amd No. 19, 2000, s 9; No. 49, 2000, s 16; No. 30, 2011, s 3; No. 8, 2016,  
s 45
- s 32 amd No. 49, 2000, s 16; No. 12, 2010, s 3; No. 30, 2011, s 3; No. 8, 2016,  
s 45

## ENDNOTES

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s 33	amd No. 37, 1980, s 5; No. 21, 1981, s 14; No. 6, 1993, s 8; No. 19, 2000, s 9; No. 49, 2000, s 11; No. 30, 2011, s 3; No. 38, 2014, s 2; No. 8, 2016, s 45; No. 24, 2023, s 48
s 33A	ins No. 21, 1981, s 15 amd No. 6, 1993, s 8; No. 19, 2000, s 9; No. 30, 2011, s 3; No. 8, 2016, s 45
pt 7A hdg	ins No. 21, 2022, s 21
ss 33B – 33G	ins No. 21, 2022, s 21
s 34	sub No. 49, 2000, s 12 amd No. 21, 2022, s 23
s 35	rep No. 49, 2000, s 12 ins No. 24, 2023, s 49
s 36	amd No. 21, 1981, s 16 rep No. 49, 2000, s 12
s 37	rep No. 49, 2000, s 12
s 39	amd No. 49, 2000, s 13; No. 12, 2010, s 3; No. 30, 2011, s 3
s 40	amd No. 30, 2011, s 3
ss 42 – 43	amd No. 49, 2000, s 16; No. 12, 2010, s 3; No. 30, 2011, s 3
s 44	rep No. 49, 2000, s 14 ins No. 35, 2006, s 8
s 45	amd No. 30, 2011, s 3
s 46	amd No. 30, 2011, s 3 rep No. 26, 2015, s 10
s 46AA	ins No. 68, 1983, s 105 amd No. 70, 1993, s 8 rep No. 49, 2000, s 15
s 46A	ins No. 21, 1981, s 17 sub No. 49, 2000, s 15 amd No. 30, 2011, s 3; No. 21, 2022, s 23
s 46B	ins No. 21, 1981, s 17 amd No. 30, 2011, s 3; No. 38, 2014, s 2
s 47	amd No. 30, 2011, s 3
pt 9 hdg	ins No. 12, 2016, s 23
ss 48 – 50	ins No. 12, 2016, s 23
pt 10 hdg	ins No. 21, 2022, s 22
ss 51 – 57	ins No. 21, 2022, s 22
pt 11 hdg	ins No. 24, 2023, s 50
ss 58 – 61	ins No. 24, 2023, s 50
sch	ins No. 24, 2023, s 50