

# NORTHERN TERRITORY OF AUSTRALIA

## RED TAPE REDUCTION (MISCELLANEOUS AMENDMENTS) ACT 2016

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Act No. 12 of 2016

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 12 of 2016

An Act to amend various laws for red tape reduction, and for related purposes

[Assented to 10 May 2016]  
[Second reading 17 March 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Red Tape Reduction (Miscellaneous Amendments) Act 2016*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Acts

### Division 1 Agents Licensing Act

#### 3 Act amended

This Division amends the *Agents Licensing Act*.

**4            Section 26 amended**

Section 26

*omit*

all words from "shall be:" to "fee; and"

*insert*

must be:

- (a) in a form approved by the Board in which the person specifies a licence period of 1 year, 3 years or 5 years; and
- (ab) accompanied by the prescribed fee for the licence period specified in the application; and

**5            Section 27 amended**

Section 27

*omit*

all words from "shall be:" to "fee; and"

*insert*

must be:

- (a) in a form approved by the Board:
  - (i) in which the applicant specifies a licence period of 1 year, 3 years or 5 years; and
  - (ii) that is signed by one of the directors of the company or one of the persons by whom the firm is constituted (as applicable); and
- (ab) accompanied by the prescribed fee for the licence period specified in the application; and

**6            Section 29 amended**

- (1) Section 29(1), (3) and (4)

*omit*

shall

*insert*

must

- (2) Section 29(1)(a)

*omit, insert*

- (a) must grant the application for the licence period it specifies and authorise the issue of the licence for that period; or

## **7 Section 31AA inserted**

After section 31

*insert*

### **31AA Notification of change of circumstance**

- (1) A person who holds a licence must, within 14 days after a change in a circumstance relevant to the person's licensing, notify the Board of the change.

Maximum penalty:     100 penalty units.

- (2) For subsection (1), a circumstance is relevant to the person's licensing if:
- (a) it is a circumstance mentioned in section 20(2) or (4) that, if it had occurred before the application for the licence had been made, would have resulted in the person being a disqualified person under section 20; or
- (b) in relation to a licence mentioned in section 22(1)(d) – the person is no longer insured or exempt as described in that provision.

*Note for section 31AA*

*Regulation 22 of the Agents Licensing Regulations provides for other matters to be notified.*

## **8 Section 32 amended**

- (1) Section 32(1) and (2)

*omit, insert*

- (1) A licence takes effect from the date on which it is granted and, subject to this Act, continues in force for the licence period it specifies.

- (2) An application for the renewal of a licence must:
- (a) be lodged with the Registrar; and
  - (b) be in a form approved by the Board; and
  - (c) specify a further licence period of 1 year, 3 years or 5 years; and
  - (d) be accompanied by the prescribed fee for the licence period specified in the application.

(2) Section 32(4)

*omit*

shall continue in force for a period of 12 months

*insert*

continues in force for the licence period specified in the application for renewal, and in the licence issued on renewal,

(3) Section 32(5)(a)

*omit*

shall

*insert*

does

(4) Section 32(5)(b)

*omit*

shall

*insert*

must

## **Division 2            Auctioneers Act**

### **9            Act amended**

This Division amends the *Auctioneers Act*.



**10            Section 3 amended**

Section 3

*insert (in alphabetical order)*

**prescribed fee** means a fee prescribed under section 3AB.

**11            Section 5 amended**

Section 5(2) and (3)

*omit, insert*

- (2) An application for an auctioneer's licence must specify:
  - (i) a licence period of 1 year, 3 years or 5 years; and
  - (ii) the applicant's full name and business address; and
  - (iii) any other matters as approved.
- (3) The application must be accompanied by the prescribed fee for the licence period specified in the application.
- (4) If the application is refused, the prescribed fee must be refunded to the applicant.

**12            Section 6 amended**

Section 6(2)

*omit, insert*

- (2) An application for the renewal of an auctioneer's licence must specify:
  - (a) a licence period of 1 year, 3 years or 5 years; and
  - (b) any other matters as approved.
- (3) The application must be accompanied by the prescribed fee for the licence period specified in the application.
- (4) If the application is refused, the prescribed fee must be refunded to the applicant.

**13            Section 8D replaced**

Section 8D

*repeal, insert*

**8D            Period of auctioneer's licence**

An auctioneer's licence, unless sooner cancelled or suspended, remains in force:

- (a) from the date on which it is granted until the end of the licence period specified in the application for the licence; or
- (b) if the licence is renewed – from the date of renewal until the end of the licence period specified in the application for renewal.

**14            Section 8HA inserted**

After section 8H

*insert*

**8HA          Notification of change of circumstance**

- (1) A person who holds a licence must, within 14 days after a change in a circumstance relevant to the person's licensing, notify the Minister of the change.

Maximum penalty:     0.8 penalty units.

- (2) For subsection (1), a circumstance is relevant to the person's licensing if:
  - (a) it is a change in the person's name, address or place of business; or
  - (b) the person is adjudicated to be a bankrupt.

**Division 3            Commercial and Private Agents Licensing Act**

**15            Act amended**

This Division amends the *Commercial and Private Agents Licensing Act*.

**16 Section 3 amended**

- (1) Section 3(1), definition *licence period*  
*omit*
- (2) Section 3(1)  
*insert (in alphabetical order)*  
**prescribed** means prescribed by regulation.

**17 Section 7 amended**

- After section 7(4)(a)  
*insert*  
(ab) specify a licence period of 3 or 5 years; and

**18 Section 14 replaced**

Section 14  
*repeal, insert*

**14 Term and renewal of licence**

- (1) A licence granted by the Commissioner, 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.

**19 Section 16 amended**

Section 16(1)(a), after "prescribed"  
*insert*  
licence

**20 Section 17A amended**

- (1) Section 17A(1) and (2), after "prescribed"  
*insert*  
licence

(2)            Section 17A(3)

*omit, insert*

(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.

**21            Section 17B amended**

Section 17B(a)

*omit, insert*

(a) until the end of the licence period specified in the licence; or

**22            Section 17D amended**

(1)            Section 17D(1)

*omit*

all words from "during" to "licence,"

*insert*

after the end of the licence period specified in the agent's licence,

(2)            Section 17D(2)

*omit*

commencement of that

*insert*

end of the current

**23            Part 9 inserted**

After section 47

*insert*

**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.

## **Division 4 Liquor Act**

### **24 Act amended**

This Division amends the *Liquor Act*.

### **25 Section 113A amended**

Section 113A(3) and (4)

*omit, insert*

- (3) A person may lodge with the Director-General an application for registration as a wholesaler of liquor.
- (4) The person's application must:
- (a) be in the approved form; and
  - (b) specify a registration period of 1 year, 3 years or 5 years; and
  - (c) be accompanied by:
    - (i) any other documents, samples or things the Director-General requires; and
    - (ii) the prescribed fee for the registration period specified in the application.
- (4A) On receipt of the person's application, the Director-General must record the following in the register of wholesalers of liquor:
- (a) the person's details;
  - (b) the registration period, as specified in the application, that starts on the date of registration.

## **Division 5 Tobacco Control Act**

### **26 Act amended**

This Division amends the *Tobacco Control Act*.

**27            Section 29 amended**

(1)            Section 29(1)(b)

*omit, insert*

(b)    is to specify:

(i)    the premises to which the application relates; and

(ii)   a licence period of 1 year, 3 years or 5 years; and

(2)            Section 29(2), after "grant"

*insert*

of

(3)            Section 29(2)(a), before "subject"

*insert*

for the licence period specified in the application,

**28            Section 32 amended**

Section 32(1)(a)

*omit, insert*

(a)    the end of the licence period;

**Division 6            Water Act**

**29            Act amended**

This Division amends the *Water Act*.

**30            Section 57 amended**

Section 57(3)

*omit*

all words from "shall" to "months"

*insert*

must be granted for a period, not exceeding 2 years

## **Part 3 Amendment of Regulations**

### **Division 1 Agents Licencing Regulations**

#### **31 Regulation amended**

This Division amends the *Agents Licencing Regulations*.

#### **32 Regulation 3 amended**

Regulation 3, definition ***criminal history***

*omit*

#### **33 Regulation 6 amended**

(1) Regulation 6(a)(iii)

*omit, insert*

(iii) a national police certificate for the individual;

(2) Regulation 6(b)(iii)

*omit, insert*

(iii) a national police certificate for each director mentioned in subparagraph (i);

(3) Regulation 6(c)(iii)

*omit, insert*

(iii) a national police certificate for each partner mentioned in subparagraph (i);

#### **34 Regulation 8 amended**

Regulation 8(b)(iii)

*omit, insert*

(iii) a national police certificate for the applicant;



**35 Schedule 2 replaced**

Schedule 2

*omit, insert*

**Schedule 2 Prescribed fees**

regulation 23

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1 Section 5A of the Act – application to the Board for exemption from provisions of Act (other than as part of grant of restricted licence or certificate) – 230 revenue units.

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2 Section 26(ab) or 27(ab) of the Act – application for the grant of any of the following:

- (a) provisional real estate agent's licence;
- (b) provisional business agent's licence;
- (c) real estate agent's licence;
- (d) business agent's licence.

Licence period of 1 year – 619 revenue units.

Licence period of 3 years – 1 857 revenue units.

Licence period of 5 years – 3 095 revenue units.

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3 Section 26(ab) or 27(ab) of the Act – application for the grant of either of the following:

- (a) restricted real estate agent's licence;
- (b) restricted business agent's licence.

Licence period of 1 year – 620 revenue units.

Licence period of 3 years – 1 860 revenue units.

Licence period of 5 years – 3 100 revenue units.

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4 Section 26(ab) or 27(ab) of the Act – application for the grant of any of the following:

- (a) conveyancing agent's licence;
- (b) both provisional real estate agent's licence and provisional business agent's licence;

(c) both real estate agent's licence and business agent's licence.

Licence period of 1 year – 715 revenue units.

Licence period of 3 years – 2 145 revenue units.

Licence period of 5 years – 3 575 revenue units.

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5 Section 32(2)(d) of the Act – application for renewal of any of the following:

(a) provisional real estate agent's licence;

(b) provisional business agent's licence;

(c) real estate agent's licence;

(d) business agent's licence.

Licence period of 1 year – 619 revenue units.

Licence period of 3 years – 1 857 revenue units.

Licence period of 5 years – 3 095 revenue units.

---

6 Section 32(2)(d) of the Act – application for renewal of either of the following:

(a) restricted real estate agent's licence;

(b) restricted business agent's licence.

Licence period of 1 year – 620 revenue units.

Licence period of 3 years – 1 860 revenue units.

Licence period of 5 years – 3 100 revenue units.

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7 Section 32(2)(d) of the Act – application for renewal of any of the following:

(a) conveyancing agent's licence;

(b) both provisional real estate agent's licence and provisional business agent's licence;

(c) both real estate agent's licence and business agent's licence.

Licence period of 1 year – 715 revenue units.

Licence period of 3 years – 2 145 revenue units.

Licence period of 5 years – 3 575 revenue units.

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- 8 Section 41(1) of the Act – registration as an agent's representative and issue of certificate of registration:
- (a) restricted registration – 135 revenue units or 1/12th of that amount for each whole month for which the certificate is issued for the period between the date of registration and the date on which the annual fee is payable; or
  - (b) registration (unrestricted) – 153 revenue units or 1/12th of that amount for each whole month for which the certificate is issued for the period between the date of registration and the date on which the annual fee is payable.
- 

- 9 Section 43A of the Act – annual fee for registered agent's representative:
- (a) restricted registration – 135 revenue units; or
  - (b) registration (unrestricted) – 153 revenue units.
- 

- 10 Section 81(7) of the Act – copy of transcript of evidence at an inquiry held by the Board:
- (a) \$8 per page; or
  - (b) 34 revenue units per disk.
- 

## **Division 2 Commercial and Private Agents Licensing Regulations**

### **36 Regulation amended**

This Division amends the *Commercial and Private Agents Licensing Regulations*.

### **37 Regulation 13 replaced**

Regulation 13

*repeal, insert*

### **13 Licence fee**

The prescribed licence fee to be paid before a licence is issued under section 17A of the Act is as follows:

- (a) for a licence period of 3 years – 100 revenue units;

- (b) for a licence period of 5 years – 166 revenue units.

### **Division 3 Liquor Regulations**

#### **38 Regulation amended**

This Division amends the *Liquor Regulations*.

#### **39 Part 2B inserted**

After regulation 5B

*insert*

### **Part 2B Wholesaler of liquor registration**

#### **5C Fee for registration period**

The prescribed fee for section 113A(4)(c)(ii) of the Act is as follows:

- (a) for the registration period of 1 year – \$20;
- (b) for the registration period of 3 years – \$60;
- (c) for the registration period of 5 years – \$100.

### **Division 4 Tobacco Control Regulations**

#### **40 Regulation amended**

This Division amends the *Tobacco Control Regulations*.

#### **41 Regulation 25 amended**

- (1) Regulation 25(1)

*omit*

all words from "criminal" to "Police,"

*insert*

national police certificate

- (2) Regulation 25(2)

*omit*

an amount equal to 200 revenue units.

*insert*

as follows:

- (a) for the licence period of 1 year – 200 revenue units;
- (b) for the licence period of 3 years – 600 revenue units;
- (c) for the licence period of 5 years – 1 000 revenue units.

#### **42 Regulation 25A amended**

- (1) Regulation 25A(1)

*omit*

all words from "criminal" to "Police,"

*insert*

national police certificate

- (2) Regulation 25A(2)

*omit*

Subsection

*insert*

Subregulation

- (3) Regulation 25A(2)(a)

*omit*

all words from "criminal" to "Police"

*insert*

national police certificate about the manager has been provided to the Director-General

- (4) Regulation 25A(2)(c)(i)

*omit*

criminal history report

*insert*

national police certificate

(5) Regulation 25A(3)

*omit*

an amount equal to 200 revenue units.

*insert*

as follows:

- (a) for the licence period of 1 year – 200 revenue units;
- (b) for the licence period of 3 years – 600 revenue units;
- (c) for the licence period of 5 years – 1 000 revenue units.

**43 Regulation 26 amended**

Regulation 26

*omit*

all words from "criminal" to "Police"

*insert*

national police certificate

**44 Part 10 inserted**

After regulation 35

*insert*

**Part 10 Transitional matter for Red Tape Reduction  
(Miscellaneous Amendments) Act 2016**

**36 Application for renewal of licence**

- (1) The former provision continues to apply in relation to an application for the renewal of a tobacco retailer licence made after the commencement if, within the 5 years preceding the making of the application, the Director-General had been provided with a criminal history report.
- (2) In this section:

***commencement*** means the commencement of Part 3, Division 4 of the *Red Tape Reduction (Miscellaneous Amendments) Act 2016*.

***criminal history report*** means a criminal history report mentioned in the former provision.

***former provision*** means regulation 25A(2)(a) as in force immediately before the commencement.

## **Part 4 Expiry of Act**

### **45 Expiry of Act**

This Act expires on the day after it commences.