

Serial 42

Statute Law Amendment (Territory Economic Reconstruction) Bill 2022

Ms Uibo

A Bill for an Act to amend the *Agents Licensing Act 1979*, the *Agents Licensing Regulations 1979*, the *Associations Act 2003*, the *Commercial and Private Agents Licensing Act 1979*, the *Commercial and Private Agents Licensing Regulations 2001*, the *Commercial Passenger (Road) Transport Act 1991*, the *Consumer Affairs and Fair Trading Act 1990*, the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992*, the *Courtesy Vehicle Regulations 2003*, the *Crown Lands Act 1992*, the *Dangerous Goods Act 1998*, the *Dangerous Goods Regulations 1985*, the *Hemp Industry Act 2019*, the *Hemp Industry Regulations 2020*, the *Limousine Regulations 2003*, the *Minibus Regulations 1998*, the *Place Names Act 1967*, the *Planning Act 1999*, the *Planning Regulations 2000*, the *Private Hire Car Regulations 1992*, the *Private Security Act 1995*, the *Ridesharing Regulations 2017*, the *Taxis Regulations 1992*, the *Territory Parks and Wildlife Conservation Act 1976* and the *Territory Parks and Wildlife Conservation Regulations 2001* to implement certain recommendations of the Territory Economic Reconstruction Commission

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW AMENDMENT (TERRITORY ECONOMIC
RECONSTRUCTION) ACT 2022

Act No. [] of 2022

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2022

An Act to amend the *Agents Licensing Act 1979*, the *Agents Licensing Regulations 1979*, the *Associations Act 2003*, the *Commercial and Private Agents Licensing Act 1979*, the *Commercial and Private Agents Licensing Regulations 2001*, the *Commercial Passenger (Road) Transport Act 1991*, the *Consumer Affairs and Fair Trading Act 1990*, the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992*, the *Courtesy Vehicle Regulations 2003*, the *Crown Lands Act 1992*, the *Dangerous Goods Act 1998*, the *Dangerous Goods Regulations 1985*, the *Hemp Industry Act 2019*, the *Hemp Industry Regulations 2020*, the *Limousine Regulations 2003*, the *Minibus Regulations 1998*, the *Place Names Act 1967*, the *Planning Act 1999*, the *Planning Regulations 2000*, the *Private Hire Car Regulations 1992*, the *Private Security Act 1995*, the *Ridesharing Regulations 2017*, the *Taxis Regulations 1992*, the *Territory Parks and Wildlife Conservation Act 1976* and the *Territory Parks and Wildlife Conservation Regulations 2001* to implement certain recommendations of the Territory Economic Reconstruction Commission

[Assented to [] 2022]
[Introduced [] 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Statute Law Amendment (Territory Economic Reconstruction) Act 2022*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 13 February 2024, it commences on that day.

Part 2 Amendment of agents licensing legislation

Division 1 Agents Licensing Act 1979

3 Act amended

This Division amends the *Agents Licensing Act 1979*.

4 Section 5 amended (Interpretation)

Section 5(1)

insert

approved form means a form approved under section 126A(1).

5 Section 7 amended (Appointment of members and tenure)

Section 7(5) and (6)

omit

all words from "place" to "Territory"

insert

publish a notice, in any manner that makes it publicly available in the Territory,

6 Section 14 amended (Meetings)

Section 14(2) and (3)

omit, insert

- (2) The Chairperson may, by written notice, convene a meeting of the Board at any time on the Chairperson's own initiative.

7 Sections 18 and 19 repealed

Sections 18 and 19

repeal

8 Section 20 amended (Meaning of *fit and proper person*)

(1) Section 20(2)(e)

omit

(2) Section 20(3)(b), after "trivial"

insert

or irrelevant

9 Sections 22 and 22A replaced

Sections 22 and 22A

repeal, insert

22 Eligibility for licence

(1) A person (not being a company or a firm) is eligible for the grant of a licence if the Board is satisfied that:

(a) the person has attained the age of 18 years; and

(b) the person is a fit and proper person within the meaning of section 20; and

(c) the person:

(i) completed a course of competency-based training approved by the Board under section 22A(1)(a) for the class of licence that is the subject of the application; or

(ii) holds the qualifications for the class of licence approved by the Board under section 22A(1)(b) that is the subject of the application; or

(iii) has other qualifications or experience approved by the Board under section 22A(1)(c) or (d); or

(iv) by reason of the person's qualifications and experience, is competent to carry on business on the person's own account as a licensed agent; and

- (d) the person:
 - (i) will, for the whole period of the licence, be insured under an approved indemnity insurance policy within the meaning of section 108A in relation to the person or the person's employer; or
 - (ii) is exempt, or the person's employer is exempt, under a regulation from the requirement under section 108B to be insured under an approved indemnity insurance policy within the meaning of section 108A.
- (2) For subsection (1)(c)(iii), the Board may require a person's employer to certify, in the approved form, the person's experience.

22A Board may approve course, qualifications or experience

- (1) For section 22, the Board may approve the following:
 - (a) a course of competency-based training for the class of licence;
 - (b) qualifications for the class of licence;
 - (c) other qualifications for the licence;
 - (d) experience for the licence.
- (2) In deciding whether to approve a course of competency-based training under subsection (1)(a), the Board must consult with and consider the advice, if any, of:
 - (a) the Chief Executive Officer of the Agency responsible for the administration of the *Training and Skills Development Act 2016*; and
 - (b) an occupational association or body that represents the interests of the occupation to which the course relates.
- (3) The Board:
 - (a) must approve a course of competency-based training if the Board is reasonably satisfied that an agent who satisfactorily completes the course will be competent to provide the services of an agent that are of the kind to which the course relates; and
 - (b) must not refuse to approve a course of competency-based training on the ground that a person who satisfactorily completes the course may not have attained the standard of best practice in the relevant industry.

- (4) The Board must publish any approval made under subsection (1) in any manner that makes it publicly available in the Territory as soon as practicable after making the approval.

10 Section 26 amended (Applications by persons other than companies or firms)

- (1) Section 26, before "An"

insert

- (1)

- (2) Section 26(a)

omit

a form approved by the Board

insert

the approved form

- (3) Section 26(b)

omit, insert

(b) lodged with the Registrar.

- (4) Section 26, at the end

insert

- (2) The Registrar may give a copy of the application to the Commissioner of Police.

11 Section 27 amended (Applications by companies or firms)

- (1) Section 27, before "An"

insert

- (1)

- (2) Section 27(a)

omit

a form approved by the Board

insert

the approved form

- (3) Section 27(b)

omit, insert

(b) lodged with the Registrar.

- (4) Section 27, at the end

insert

- (2) The Registrar may give a copy of the application to the Commissioner of Police.

12 Section 28 amended (Objections)

- (1) Section 28(1)

omit

all words from "21" to "her"

insert

7 days after the date on which a copy of an application made under section 26 or 27 is given to the Commissioner

- (2) Section 28(3)

omit

all words from "the publication" to "Registrar,"

insert

an application by a person, company or firm for a licence is lodged with the Registrar, object by notice in writing lodged with the Registrar

- (3) After section 28(5)

insert

- (6) The Commissioner of Police or the Registrar may request the period of time mentioned in subsection (1) or (2) be extended.

- (7) The Board may grant the Commissioner of Police or the Registrar an extension of the period of time mentioned in subsection (1) or (2) on request.

13 Section 31 amended (Issue of licences)

Section 31(1)

omit

prescribed

insert

approved

14 Section 31B amended (Board may approve course of competency-based training)

- (1) Section 31B(1)

omit

, by notice in the *Gazette*, approve a course of competency-based training referred to in the notice

insert

approve a course of competency-based training

- (2) After section 31B(3)

insert

- (4) The Board must publish any approval made under subsection (1) in any manner that makes it publicly available in the Territory as soon as practicable after making the approval.

15 Section 32 amended (Duration and renewal)

Section 32(2)(b)

omit

a form approved by the Board

insert

the approved form

16 Section 32B amended (Licensed agent when not carrying on business)

(1) Section 32B(1), after "notice"

insert

, in writing,

(2) Section 32B(1)

omit

together with the prescribed particulars, if any

(3) After section 32B(1)

insert

(1A) The notice mentioned in subsection (1) must be given to the Registrar no later than 14 days after the licensed agent ceases carrying on business within the Territory.

(1B) To avoid doubt, if a licensed agent gives notice that the licensed agent will not be carrying on business within the Territory, the licensed agent is not required to give an additional notice under this section when the licensed agent ceases carrying on business as a licensed agent within the Territory.

17 Section 37 amended (Application for registration)

Section 37(a)

omit

a form approved by the Board

insert

the approved form

18 Section 39 amended (Qualifications)

(1) Section 39(1)(c) and (2)(a)

omit

prescribed educational qualifications

insert

educational qualifications approved by the Board

(2) Section 39(2)

omit

prescribed educational qualifications where in the opinion of the Board

insert

requirement in subsection (1)(c) if, in the opinion of the Board,

(3) After section 39(3)

insert

(4) The Board must publish any approval made under subsection (1)(c) in any manner that makes it publicly available in the Territory as soon as practicable after making the approval.

19 Section 41 amended (Certificate of registration)

Section 41(1)(b)

omit

prescribed

insert

approved

20 Section 42 amended (Objections)

Section 42(8)(a)

omit

prescribed

insert

approved

21 Section 43A amended (Annual fee)

Section 43A(3)

omit

22 Section 47 amended (Notice of employment)

Section 47

omit

together with the prescribed particulars, if any

23 Section 68 amended (Applications for disciplinary action)

(1) Section 68(5)(c)

omit

inquiry.

insert

inquiry; or

(2) After section 68(5)(c)

insert

(d) the conduct referred to in the application occurred more than 2 years before the date the application is made.

(3) After section 68(5)

insert

(5A) Despite subsection (5)(d), the Board may hold the inquiry if the Board is satisfied there are grounds to hold the inquiry.

24 Section 84A amended (Publication of findings and determination)

Section 84A(1) and (2)

omit, insert

(1) The Board must publish, in any manner that makes it publicly available in the Territory, its findings and determinations under sections 44 and 68 as soon as practicable after making the findings and determinations.

(2) In publishing its findings and determinations, the Board may withhold any information from the public if satisfied there are reasonable grounds for doing so.

25 Section 108C amended (Board may approve indemnity insurance policy)

(1) Section 108C(1)

omit

, by notice in the *Gazette*,

(2) Section 108C(2) and (4)

omit

A notice

insert

An approval

(3) Section 108C(2)(a) and (b) and (4)(a) and (b)

omit (all references)

notice

insert

approval

(4) Section 108C(3)

omit

a notice

insert

an approval

(5) After section 108C(4)

insert

(5) The Board must publish any approval made under subsection (1) in any manner that makes it publicly available in the Territory as soon as practicable after making the approval.

26 Section 108H amended (Sale etc. by agent with interest in sale)

- (1) Section 108H(3)
omit
prescribed form and subject to the prescribed conditions, if any
insert
approved form
- (2) Section 108H(4)
omit
A form prescribed for the purposes of
insert
The approved form for
- (3) After section 108H(4)
insert
- (5) A disclosure under subsection (1) must be made:
- (a) to each person who is purchasing or selling the land or business; and
 - (b) at the same time as, or immediately after, the agreement to purchase and sell the land or business is made.
- (6) A person to whom a disclosure is made must, before the expiry of a 7 day cooling-off period commencing on the day on which disclosure is made:
- (a) elect to affirm the agreement for the sale or purchase of the land or business; or
 - (b) elect to avoid the agreement.

27 Section 108J inserted

After section 108H, in Part XIIB

insert

108J Person to repay agent if person avoids agreement

- (1) This section applies to a person to whom a disclosure under section 108H(1) is made if the person:
 - (a) is selling the land or business; and
 - (b) elects to avoid the agreement under section 108H(6)(b).
- (2) The person must repay to the interested party the amount of money received in relation to the agreement less an amount representing any costs or expenses incurred by the person in relation to the agreement.
- (3) If the amount of money received does not cover the costs or expenses, the interested party must pay to the person the balance of the costs and expenses.

28 Section 126A inserted

After section 126

insert

126A Approved forms

- (1) The Board may approve forms for this Act.
- (2) The Board must publish an approved form in any manner that makes it publicly available in the Territory as soon as practicable after it is approved.

29 Part XV inserted

After section 128

insert

**Part XV Transitional matters for Statute Law
Amendment (Territory Economic
Reconstruction) Act 2022**

129 Definitions

In this Part:

amending Act means the *Statute Law Amendment (Territory Economic Reconstruction) Act 2022*.

commencement means the commencement of Part 2 of the amending Act.

130 Course of competency-based training

A course of competency-based training approved by the Board under section 22A, as in force immediately before the commencement, is taken to be a course of competency-based training approved by the Board under section 22A after the commencement.

131 Educational qualifications

An educational qualification prescribed under section 39, as in force immediately before the commencement, is taken to be an educational qualification approved by the Board under section 39, as amended by the amending Act, after the commencement.

Division 2 Agents Licensing Regulations 1979

30 Regulations amended

This Division amends the *Agents Licensing Regulations 1979*.

31 Part II, Division 1 and regulation 7 repealed

Part II, Division 1 and regulation 7

repeal

32 Regulation 8 amended (Application for registration)

Regulation 8(a)

omit

all words from "not earlier" to "regulation 5"

33 Part II, Divisions 3 and 4, regulation 24 and Schedules 1 and 7 repealed

Part II, Divisions 3 and 4, regulation 24 and Schedules 1 and 7

repeal

Part 3 Amendment of Associations Act 2003

34 Act amended

This Part amends the *Associations Act 2003*.

35 Section 6 amended (Secrecy)

After section 6(3)(d)

insert

(da) producing a document or divulging or communicating information to a person who, in the opinion of the Commissioner, requires the document or information to enable the investigation or the enforcement of a law of the Territory, the Commonwealth, any State or another Territory; or

Part 4 Amendment of commercial and private agents licencing legislation

Division 1 Commercial and Private Agents Licensing Act 1979

36 Act amended

This Division amends the *Commercial and Private Agents Licensing Act 1979*.

37 Section 7 amended (Application of licence)

(1) Section 7(4)(c)

omit

fee; and

insert

fee.

(2) Section 7(4)(d)

omit

38 Section 9 amended (Objections to application)

Section 9(2) and (3)

omit

39 Part 5 repealed (Bonds for certain agents)

Part 5

repeal

40 Section 29 amended (Suspension of licenses)

Section 29(6)

omit

**Division 2 Commercial and Private Agents Licensing
Regulations 2001**

41 Regulations amended

This Division amends the *Commercial and Private Agents Licensing Regulations 2001*.

42 Regulations 12 and 14 and Schedule 1 repealed

Regulations 12 and 14 and Schedule 1

repeal

Part 5 Amendment of commercial passenger (road) transport legislation

Division 1 Commercial Passenger (Road) Transport Act 1991

43 Act amended

This Division amends the *Commercial Passenger (Road) Transport Act 1991*.

44 Section 3 amended (Interpretation)

(1) Section 3(1), definitions ***accredited***, ***motor omnibus*** and ***taxi***
omit

(2) Section 3(1)
insert

accredited means accredited under Part 3.

approved form means a form approved under section 86A.

approved standard means a standard approved under section 86B.

motor omnibus means an approved motor vehicle that is licenced under Part 6 to carry passengers for hire or reward.

responsible person, for Part 3, see section 6E.

taxi means an approved motor vehicle fitted with an approved meter which is equipped or constructed to carry not more than 15 passengers and is used for the purpose of:

- (a) standing or plying for hire; and
- (b) carrying passengers for hire or reward, including by responding to ad hoc hailings or by pre-booked journeys, for a fare (including a pre-arranged fare) determined in accordance with a rate of hire calculated primarily by reference to distance travelled that, unless exempted by the Director in respect of particular types of hire, is indicated by the meter.

- (3) Section 3(1), definition **limousine**, paragraph (a)

omit

is fitted, equipped or constructed to carry not more than 8 passengers and

- (4) Section 3(1), definition **private hire car**, paragraph (a)

omit

fitted, equipped or constructed to carry not more than 8 passengers and

45 Section 6E inserted

Before section 7, in Part 3

insert

6E Definition

In this Part:

responsible person, for a body corporate, means:

- (a) a person employed in the position of director, manager or officer of the body corporate; or
- (b) a person employed in any other position, however designated, if it is an executive position of the body corporate; or
- (c) a person who is concerned, or takes part in, the management of the affairs of the body corporate; or
- (d) a person in accordance with whose directions or instructions the body corporate is accustomed to act; or
- (e) a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the body corporate.

46 Section 7 amended (Purpose of Part)

- (1) Section 7(a)

omit, insert

- (a) that the accredited operator is (or, in the case of an accredited operator that is a body corporate, a responsible person for the body corporate is) considered to be of good repute and in all

other respects fit and proper to be responsible for the operation of a commercial passenger vehicle; and

(2) Section 7(b)

omit

person

insert

operator

(3) Section 7(b)

omit

person's

insert

operator's

47 Section 8 replaced

Section 8

repeal, insert

8 Operator to be accredited

A person must not operate a commercial passenger vehicle, either alone or as part of or in connection with any other business, unless the person is accredited under this Part or has an exemption under section 15(1).

Maximum penalty: 85 penalty units.

8A Application for accreditation

- (1) A person may apply to the Director for accreditation.
- (2) The application must:
 - (a) be in the approved form; and
 - (b) contain the information that the Director requires to be provided; and
 - (c) if the applicant is a body corporate – specify each responsible person for the body corporate; and

(d) be accompanied by any prescribed fee.

48 Section 9 amended (Consideration of application)

(1) Section 9(3)

omit, insert

(3) The Director must not accredit, or renew the accreditation of, the following:

(a) a person who:

- (i) is bankrupt; or
- (ii) has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
- (iii) has compounded with the person's creditors or made an assignment of the person's remuneration for the benefit of the person's creditors;

(b) a person who:

- (i) has been convicted of a disqualifying offence; or
- (ii) is otherwise considered by the Director not to be a fit and proper person to hold, or continue to hold, an accreditation;

(c) a body corporate if a responsible person for the body corporate:

- (i) has been convicted of a disqualifying offence; or
- (ii) subject to subsection (4), is otherwise considered by the Director not to be a fit and proper person for the purposes of the accreditation, or renewal of the accreditation, of the body corporate;

(d) a body corporate:

- (i) unless the body corporate is authorised by its constitution, objects, purposes or rules to carry on the business associated with the accreditation; and
- (ii) if a liquidator, receiver, receiver and manager or official manager has been appointed under the *Corporations Act 2001* (Cth) – unless in the particular circumstances it would, in the opinion of the Director, be inequitable not to accredit or renew the accreditation.

- (2) Section 9(3A), after "(3)(b)"
insert
and (c)
- (3) Section 9(3A)(a)
omit
applies
insert
apply
- (4) Section 9(3A)(b)
omit
does
insert
do
- (5) Section 9(3A)(b)(i), after "person's"
insert
or the responsible person for the body corporate's
- (6) Section 9(3A)(b)(ii), after "person"
insert
or the responsible person for the body corporate
- (7) Section 9(3B)
omit
does not
insert
and (c) do not

(8) Section 9(3B), after "conviction"

insert

(or, if the person is a body corporate, in relation to the conviction of a responsible person for the body corporate)

(9) Section 9(3C)

omit

(3)(c)

insert

(3)(b)(ii) and (c)(ii)

(10) Section 9(4)

omit, insert

- (4) The Director may exempt a responsible person for a body corporate from the requirement to be a fit and proper person for the purposes of accreditation, or renewal of accreditation, of the body corporate.
- (4A) If the Director exempts a responsible person for a body corporate under subsection (4), the Director may place conditions on the exemption.
- (4B) Despite subsection (4), the Director must not exempt a responsible person for a body corporate from the requirement to be a fit and proper person for the purposes of the accreditation, or renewal of the accreditation, of the body corporate, if the responsible person is the only responsible person for the body corporate.

49 Section 11 heading amended (Register of accredited persons, &c.)

Section 11, heading

omit

persons, &c.

insert

operators

50 Section 15A inserted

After section 15, in Part 3

insert

15A Changes to responsible persons for body corporate

- (1) An accredited operator that is a body corporate must give written notice to the Director when a person ceases to be a responsible person for the body corporate within 14 days of the person ceasing to be a responsible person.
- (2) Despite the time period mentioned in subsection (1), if a person ceases to be a responsible person for a body corporate and the body corporate no longer has a responsible person because section 9(3)(c) applies to each responsible person for the body corporate, the body corporate must, as soon as practicable, notify the Director.

Note for subsection (2)

Under section 75(3A), the Director must suspend the accreditation of the body corporate if the body corporate does not have any responsible persons because section 9(3)(c) applies to the responsible persons of the body corporate.

- (3) An accredited operator that is a body corporate must give written notice to the Director when a person becomes a responsible person for the body corporate within 3 days of the person becoming a responsible person.
- (4) It is a condition of the accreditation of a body corporate that the body corporate complies with subsections (1), (2) and (3).
- (5) The Director may require the responsible person mentioned in subsection (3) to provide the Director with sufficient evidence, within the period specified by the Director, that section 9(3)(c) does not apply to the responsible person.

Note for subsection (5)

Under section 9(4), the Director may exempt a responsible person for a body corporate from the requirement to be a fit and proper person for the purposes of accreditation, or renewal of accreditation, of the body corporate.

- (6) The Director may suspend the accreditation of an accredited operator until the Director is satisfied that section 9(3)(c) does not apply to the responsible person mentioned in subsection (5).

Note for subsection (6)

The Director may make inquiries about a responsible person for a body corporate to decide whether the responsible person is a fit and proper person for the purposes of accreditation, or renewal of accreditation, of the body corporate.

51 Section 18A repealed (Exemption from passenger limit)

Section 18A

repeal

52 Part 10, Division 1 heading inserted

Before section 69A, in Part 10

insert

Division 1 Miscellaneous matters

53 Section 74 amended (Driver must hold identity card)

(1) Section 74, heading, after "**card**"

insert

or approved form of identification

(2) Section 74(1)

omit, insert

(1) A person must not drive a commercial passenger vehicle of a class prescribed by regulation unless the person holds:

(a) an identity card issued by the Director for that class of vehicle; or

(b) another form of identification approved by the Director under subsection (10).

Maximum penalty: 15 penalty units.

(3) After section 74(9)

insert

(10) Despite anything to the contrary in this section, the Director may, in writing, approve other forms of identification to be used by a person instead of an identity card issued under subsection (2).

54 Part 10, Division 2, heading inserted

After section 74A

insert

Division 2 Accreditation and licence matters

55 Section 75 amended (Cancellation or suspension of accreditation or licence)

(1) Section 75(1)(b)

omit

licence,

insert

licence; or

(2) After section 75(1)(b)

insert

(ba) a person or responsible person for a body corporate has failed to comply with a request from the Director under section 75D(5) or (6);

(3) Section 75(2) and (3)

omit

accredited person

insert

accredited operator

(4) Section 75(3)

omit

the person

insert

the operator or holder of the licence

(5) Section 75(3A)

omit, insert

- (3A) If the Director is satisfied that a responsible person for a body corporate that is an accredited operator is not a fit and proper person for the purposes of accreditation of the body corporate, the Director may:
- (a) cancel the accreditation of the body corporate; or
 - (b) suspend the accreditation of the body corporate for such a period as the Director thinks fit.
- (3B) For the purposes of subsection (3A), the responsible person for a body corporate that is an accredited operator is not a fit and proper person if the responsible person were to apply for accreditation as an individual and the application would be refused.
- (3C) In addition to subsections (2) and (3A), the Director must have regard to the following in considering whether the accredited operator, holder of a licence or a responsible person for a body corporate that is an accredited operator is fit and proper under subsection (2) or (3A):
- (a) whether the operator, holder of the licence or responsible person has shown a pattern of committing offences;
 - (b) any other circumstances concerning the operator, holder of the licence or responsible person the Director considers relevant.
- (3D) The Director must suspend the accreditation of an accredited operator that is a body corporate if the body corporate ceases to have any responsible persons because section 9(3)(c) applies to each responsible person for the body corporate.
- (3E) The Director must revoke the suspension under subsection (3D) when a responsible person for the body corporate satisfies the Director that section 9(3)(c) does not apply to the responsible person.
- (3F) A reasonable period after suspending the accreditation of a body corporate under subsection (3D), the Director may cancel the accreditation of the body corporate if the body corporate does not have any responsible persons because section 9(3)(c) applies to each responsible person for the body corporate.

56 Section 75A amended (Cancellation of accreditation for disqualifying offence)

- (1) Section 75A(2)(a) and (8), before "operator's"

insert

accredited

- (2) Section 75A(2)(b), (3)(a) and (b), (4)(a), (b) and (c), (5) and (9) before "operator"

insert

accredited

57 Section 75B amended (Suspension of accreditation for disqualifying offence)

- (1) Section 75B(1), after "accredited operator"

insert

(or, if the accredited operator is a body corporate, the responsible person for the body corporate)

- (2) Section 75B(2) and (5), before "operator"

insert

accredited

- (3) Section 75B(4)

omit

operator

insert

accredited operator (or, if the accredited operator is a body corporate, the responsible person for the body corporate)

58 Section 75C replaced

Section 75C

repeal, insert

75C Notification about charge for disqualifying offence

(1) The following persons must immediately give written notice to the Director if the person is charged with a disqualifying offence:

- (a) an accredited operator;
- (b) a responsible person for a body corporate that is an accredited operator.

Maximum penalty: 100 penalty units.

(2) Immediately after a court has dealt with the charge mentioned in subsection (1), the person mentioned in subsection (1) must give written notice to the Director of the outcome of the charge.

Maximum penalty: 100 penalty units.

(3) In addition to notifying the Director under subsection (1), if a responsible person for a body corporate that is an accredited operator is charged with a disqualifying offence, the responsible person must immediately give written notice to the body corporate.

Maximum penalty: 100 penalty units.

(4) If an accredited operator that is a body corporate becomes aware that a responsible person for the body corporate is charged with a disqualifying offence, the body corporate must immediately give written notice to the Director.

Maximum penalty: 100 penalty units.

59 Section 75D amended (Inquiries about fitness to hold accreditation)

(1) After section 75D(1)

insert

(1A) The Director may make inquiries about a responsible person for a body corporate to decide whether the responsible person is a fit and proper person for the purposes of accreditation, or renewal of accreditation, of the body corporate.

- (2) Section 75D(2), after "subsection (1)"
insert
and (1A)
- (3) Sections 75D(2)(a) and (b) and (4), after "person"
insert
or responsible person
- (4) After section 75D(4)
insert
- (5) Without limiting subsection (1), the Director may request, in writing, the person to provide the Director with sufficient evidence that the person is a fit and proper person to hold, or continue to hold, an accreditation.
- (6) Without limiting subsection (1A), the Director may request, in writing, the responsible person for a body corporate to provide the Director with sufficient evidence that the responsible person is a fit and proper person for the purposes of accreditation, or renewal or accreditation of the body corporate.

60 Section 76 amended (Reviews by Chief Executive Officer for disqualifying offences)

- (1) Section 76(1)(a), (b) and (c), after "the person"
insert
(or a responsible person for a body corporate)
- (2) Section 76(10)(b)
omit
or (c) (or both),
insert
, (b)(ii), (c)(ii) or (d);

61 Section 77 amended (Appeal to Local Court)

(1) After section 77

insert

(1A) A responsible person for a body corporate is not entitled to appeal a decision of the Director mentioned in subsection (1).

(2) Section 77(4)(a)

omit

section 9(3)(b)

insert

section 9(3)(b)(i) or (c)(i)

(3) Section 77(4)(b)

omit

section 9(3)(c)

insert

section 9(3)(b)(ii) or (d)

62 Section 78 repealed (Rights of accredited person or licensee pending disposal of appeal in certain cases)

Section 78

repeal

63 Section 86A and 86B inserted

After section 86

insert

86A Approved forms

The Director may approve forms for this Act.

86B Approved standards

The Director may approve standards for this Act.

64 Part 13 heading and Part 13, Division 1 heading inserted

After section 87

insert

Part 13 Transitional matters

Division 1 Transitional matters for Commercial Passenger (Road) Transport Act 1991

65 Part 13, Division 2 inserted

After section 88

insert

Division 2 Transitional matters for Statute Law Amendment (Territory Economic Reconstruction) Act 2022

89 Offence provisions – before and after commencement

- (1) The offence provisions, as amended by the *Statute Law Amendment (Territory Economic Reconstruction) Act 2022*, apply only in relation to offences committed after the commencement of Part 5 that Act (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).

Division 2 Courtesy Vehicle Regulations 2003

66 Regulations amended

This Division amends the *Courtesy Vehicle Regulations 2003*.

67 Regulation 20 amended (Driver to have identity card)

- (1) Regulation 20, heading, after "**card**"

insert

or approved form of identification

- (2) Regulation 20(3)(a), after "subregulation (2)"

insert

or other form of identification approved by the Director under section 74(10) of the Act

- (3) Regulation 20(3)(b), after "identity card"

insert

or other approved form of identification

Division 3 Limousine Regulations 2003

68 Regulations amended

This Division amends the *Limousine Regulations 2003*.

69 Regulation 15 amended (Driver to have identity card)

- (1) Regulation 15, heading, after "**card**"

insert

or approved form of identification

- (2) Regulation 15(2)

omit

section 74

insert

section 74(1)(a)

- (3) Regulation 15(3)(a)
- omit, insert*
- (a) carry the driver's identity card mentioned in subregulation (2) or other form of identification approved by the Director under section 74(10) of the Act while driving the limousine; and
- (4) Regulation 15(3)(b), after "identity card"
- insert*
- or other approved form of identification

Division 4 Minibus Regulations 1998

70 Regulations amended

This Division amends the *Minibus Regulations 1998*.

71 Regulation 4 amended (Identity card)

- (1) Regulation 4, heading, after "**card**"
- insert*
- or approved form of identification**
- (2) Regulation 4(2)
- omit*
- section 74
- insert*
- section 74(1)(a)
- (3) Regulation 4(3), after "identity card"
- insert*
- mentioned in subregulation (2) or other form of identification approved by the Director under section 74(10) of the Act

Division 5 Private Hire Car Regulations 1992

72 Regulations amended

This Division amends the *Private Hire Car Regulations 1992*.

73 Regulation 11A amended (Identity card)

- (1) Regulation 11A, heading, after "**card**"

insert

or approved form of identification

- (2) Regulation 11A(2)

omit

section 74

insert

section 74(1)(a)

- (3) Regulation 11A(3)

omit

issued under subregulation (2)

insert

mentioned in subregulation (2) or other form of identification approved by the Director under section 74(10) of the Act

Division 6 Ridesharing Regulations 2017

74 Regulations amended

This Division amends the *Ridesharing Regulations 2017*.

75 Regulation 9 amended (Identity card)

- (1) Regulation 9, heading, after "**card**"

insert

or approved form of identification

- (2) Regulation 9(2)

omit

section 74

insert

section 74(1)(a)

- (3) After regulation 9(2)

insert

- (3) A rideshare driver must:

- (a) carry the driver's identity card mentioned in subregulation (2) or other form of identification approved by the Director under section 74(10) of the Act while driving a rideshare vehicle; and
- (b) produce that identity card or other approved form of identification when requested by an inspector.

Maximum penalty: 30 penalty units.

Division 7 Taxis Regulations 1992

76 Regulations amended

This Division amends the *Taxis Regulations 1992*.

77 Regulation 5 amended (Identity card)

- (1) Regulation 5, heading, after "**card**"

insert

or approved form of identification

- (2) Regulation 5(2)

omit

section 74

insert

section 74(1)(a)

- (3) Regulation 5(3), after "identity"

insert

card mentioned in subregulation (2) or other form of identification approved by the Director under section 74(10) of the Act

Part 6 Amendment of consumer affairs and fair trading legislation

Division 1 Consumer Affairs and Fair Trading Act 1990

78 Act amended

This Division amends the *Consumer Affairs and Fair Trading Act 1990*.

79 Section 132 amended (Application for licence)

Section 132(3) to (5)

omit

80 Section 157 amended (Duty of dealer to maintain dealings register)

Section 157(1)

omit

, being a register provided by the Commissioner on payment of the prescribed fee

insert

in the manner or form the Commissioner considers appropriate

81 Section 251 amended (Application for licence)

(1) Section 251(1)

omit

(1)

(2) Section 251(2) to (4)

omit

82 Section 253 repealed (Expedited applications)

Section 253

repeal

83 Section 259 amended (Grant of licences)

Section 259(d)

omit

Division 2 Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992

84 Regulations amended

This Division amends the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations 1992*.

85 Regulation 7 repealed (Notice of Application)

Regulation 7

repeal

86 Schedule 1 amended (Fees)

Schedule 1, item 9

omit

Part 7 Amendment of Crown Lands Act 1992

87 Act amended

This Part amends the *Crown Lands Act 1992*.

88 Section 3 amended (Definitions)

Section 3

insert

additional royalty, see section 94A(1)(b).

land, for Part 7, see section 88.

licence means a licence granted under Part 7.

rights in relation to the supply of services, in relation to a licence, means:

- (a) the licensee is permitted to go onto the land and carry out work on the land; and

-
- (b) the work on the land is for the purpose of supplying or conveying through, under, on, across or above the land a sewerage, water supply, drainage, electricity or other energy supply or communications service by electronic means.

89 Section 8 amended (Fees)

- (1) Section 8, before "The"

insert

(1)

- (2) Section 8, at the end

insert

- (2) The Minister may, if the Minister considers it appropriate, do any of the following in relation to a fee prescribed under subsection (1):

- (a) exempt a person from payment of the fee;
- (b) waive (wholly or partly) payment of the fee;
- (c) refund (wholly or partly) the fee.

90 Section 24 amended (Development agreements)

Section 24(3)(b)

omit

a licence

insert

permission

91 Section 41A inserted

After section 41

insert

41A Refund of rent

The Minister may, if the Minister considers it appropriate, refund the whole or a portion of the rent under a lease under this Act.

92 Section 61 amended (Power to create easements, easements in gross, covenants and covenants in gross)

Section 61(4)

omit, insert

- (4) Subsection (4A) applies if the Minister:
- (a) creates an easement or easement in gross, or a covenant or covenant in gross, over Crown land, and the interest created confers a benefit referred to in subsection (2); or
 - (b) grants a licence that provides for rights in relation to the supply of services, whether or not the licence provides for other rights in relation to other matters.
- (4A) The Minister must not grant a lease, or another lease, or an estate in fee simple of the land affected by the interest or the licence unless the grant is subject to:
- (a) a reservation from the lease or estate in fee simple of an easement or easement in gross; or
 - (b) a covenant or covenant in gross.
- (4B) A reservation or covenant under subsection (4A) must be of the same nature and for the same benefit as existed before the grant of the lease, other lease or estate in fee simple.
- (4C) For subsection (4)(b), the nature and benefit of the reservation or covenant under subsection (4A) must be limited to rights akin to the rights in relation to the supply of services granted under the licence.

93 Part 7 replaced

Part 7

repeal, insert

Part 7 Licences**88 Definition**

In this Part:

land means Crown land and reserved land.

89 Application of Part

- (1) Subject to subsection (2), the Minister may grant a licence or renew or extend the grant of a licence over land, including land on which there is a building that is the property of the Territory.
- (2) A licence may not be granted over land that is held under a lease granted under this or any other Act.
- (3) A licence granted, renewed or extended under this Part:
 - (a) is a licence to access, occupy or use the land; and
 - (b) may permit the licensee to take things which are the property of the Territory from the land.
- (4) The following must give consent for a licence under this Part before the Minister grants the licence:
 - (a) for land that has been reserved for a purpose specified in section 76(1) that is managed, regulated or controlled by a person as directed by the Minister – the person;
 - (b) for land that has been reserved for which the Minister has appointed persons to be trustees of the land under section 79(1) – the trustees.

90 Application for licence

- (1) A person may apply to the Minister for the grant of a licence, a renewal of a licence or the extension of the grant of a licence.
- (2) The application must be:
 - (a) in writing; and
 - (b) accompanied by the prescribed fee.

Note for subsection (2)

The prescribed fee for an application for a licence is made under section 8.

- (3) The Minister may request further information from the person making the application.
- (4) The Minister may return the application to the person and request the person amend the application.

91 Grant or refusal of licence

- (1) The Minister must consider the application and:
 - (a) grant, renew or extend the grant of the licence; or
 - (b) refuse to grant, renew or extend the grant of the licence.
- (2) The Minister may:
 - (a) require the applicant satisfy specified conditions before granting, renewing or extending the grant of a licence; or
 - (b) provide that a licence does not take effect until the applicant satisfies specified conditions.

92 Conditions of licence

- (1) A licence is subject to the following conditions:
 - (a) a licence does not give the licensee any right of exclusive possession over the land the subject of the licence;
 - (b) a licensee must only use the land the subject of the licence for the purpose for which the licence was granted;
 - (c) a licensee must not do the following unless the licensee has the approval of the Minister:
 - (i) make any improvements to the land the subject of the licence;
 - (ii) store any fittings, machinery, equipment or other chattels on the land the subject of the licence.
- (2) The Regulations may:
 - (a) prescribe conditions for a licence; or
 - (b) prescribe conditions for a class of licence.
- (3) The Minister may do any of the following on the Minister's own initiative:
 - (a) determine a condition prescribed under subsection (2)(a) does not apply to a licence;
 - (b) determine a condition prescribed under subsection (2)(b) does not apply to a licence, despite the licence being in the class of licences to which the condition applies;

- (c) vary a condition prescribed under subsection (2)(a) or (b) in relation to a licence, and may vary the condition during the term of the licence;
 - (d) impose any other conditions on a licence that the Minister considers appropriate, and may vary those conditions during the term of the licence.
- (4) To avoid doubt, if section 89(4) applied to the land before a licence was granted in relation to the land, the Minister is not required to obtain consent from the person or trustees mentioned in section 89(4) before making a determination, varying a condition or imposing a condition under subsection (3) in relation to the licence.
- (5) A determination, variation of a condition or imposition of a condition under subsection (3) must not be inconsistent with the conditions referred to in subsection (1).

93 Term of licence

- (1) A licence remains in force for the term specified in the licence, unless it is cancelled or surrendered under section 94B.
- (2) The Minister may, on the Minister's own initiative:
- (a) vary or extend the term of a licence; or
 - (b) renew a licence.

Note for subsection (2)

A licensee may apply for a renewal or extension of a grant of a licence under section 90.

- (3) To avoid doubt, section 92 applies to a licence of which its term has been varied or extended and a licence which has been renewed.

94 Licence fees

- (1) The Minister may determine a licence fee for a licence.
- (2) For subsection (1), the Minister may determine the manner in which a licence fee is calculated.
- (3) The amount of the licence fee, or the manner in which the licence fee is calculated, and the time and place of payment is to be specified in the licence.
- (4) The Minister may review a licence fee determined under this section and may determine a different fee or manner in which the fee is calculated at any time during the term of the licence.

- (5) The Minister may, if the Minister considers it appropriate, do any of the following in relation to a fee determined under subsection (1):
- (a) exempt a licensee from payment of the fee;
 - (b) waive (wholly or partly) payment of the fee;
 - (c) refund (wholly or partly) the fee.

94A Royalties

- (1) The Minister may determine the following:
- (a) a royalty on any material removed from the land to which a licence relates;
 - (b) if a licensee removes more or different material from the land to which the licence relates than the licensee is entitled – a royalty that is additional to the royalty determined under paragraph (a) (an **additional royalty**).
- (2) For subsection (1), the Minister may determine the manner in which a royalty or an additional royalty is calculated and the time and place of payment for a royalty or an additional royalty.
- (3) A royalty, the manner in which the royalty is calculated and the time and place of payment is to be specified in the licence.
- (4) The Minister may review a royalty determined under subsection (1)(a) and may determine a different royalty or manner in which the royalty is calculated at any time during the term of the licence.
- (5) An additional royalty, the manner in which the additional royalty is calculated and the time and place of payment may be determined:
- (a) at any time during the term of the licence; or
 - (b) at the end of the term of the licence; or
 - (c) if the licence is surrendered or cancelled – at or after the date of the surrender or cancellation.
- (6) The Minister may review an additional royalty determined under subsection (1) and may determine a different additional royalty or manner in which the additional royalty is calculated.

- (7) The Minister may, if the Minister considers it appropriate, do any of the following in relation to a royalty or additional royalty determined under subsection (1):
- (a) exempt a licensee from payment of the royalty or additional royalty;
 - (b) waive (wholly or partly) payment of the royalty or additional royalty;
 - (c) refund (wholly or partly) the royalty or additional royalty.

94B Cancellation or surrender of licence

- (1) The Minister may cancel a licence at any time during the term of the licence.
- (2) A licensee may surrender the licence at any time during the term of the licence.

94C Amounts owing are debt to Territory

- (1) This section applies if a licence was subject to the payment of any of the following:
 - (a) a licence fee, royalty or additional royalty;
 - (b) any other amount specified in or otherwise calculated in accordance with or attributable to the conditions of the licence.
- (2) Any licence fees, royalties, additional royalties or other amount owing by the licensee at or after the end of the term of the licence or at or after the date of the cancellation or surrender of the licence is a debt due and payable to the Territory.
- (3) Despite this section, the Minister may, if the Minister considers it appropriate, do any of the following in relation to an amount mentioned in subsection (1)(b):
 - (a) exempt a licensee from payment of the amount;
 - (b) waive (wholly or partly) payment of the amount;
 - (c) refund (wholly or partly) the amount.

94 Section 106 amended (Regulations)

Section 106(1)(a) and (c)

omit

95 Part 10 heading replaced and Part 10, Division 1 heading inserted

Part 10, heading

repeal, insert

Part 10 Transitional matters**Division 1 Statute Law Amendment (Territory Economic Reconstruction) Act 2021****96 Part 10, Division 2 inserted**

After section 110

insert

Division 2 Statute Law Amendment (Territory Economic Reconstruction) Act 2022**111 Licence in force before commencement**

- (1) A licence granted under repealed Part 7 continues under repealed Part 7 for the duration of its term, unless it is earlier surrendered or cancelled.
- (2) A licence granted under repealed Part 7 may be renewed under Part 7 as in force after the commencement.
- (3) A licence mentioned in subsection (2) is subject to Part 7 as in force after the commencement.
- (4) In this section:

commencement means the commencement of Part 7 of the *Statute Law Amendment (Territory Economic Reconstruction) Act 2022*.

repealed Part 7 means Part 7, as in force immediately before the commencement.

97 Act further amended

The Schedule has effect.

Part 8 Amendment of dangerous goods legislation

Division 1 Dangerous Goods Act 1998

98 Act amended

This Division amends the *Dangerous Goods Act 1998*.

99 Section 39 amended (Regulations)

Section 39(5)

omit, insert

- (5) The Regulations may apply, adopt or incorporate (with or without changes) the whole or part of a document, standard, rule, specification or method formulated, as in force or existing at a particular time or from time to time.

Division 2 Dangerous Goods Regulations 1985

100 Regulations amended

This Division amends the *Dangerous Goods Regulations 1985*.

101 Regulation 2 amended (Interpretation)

- (1) Regulation 2(2), after "Australian Standard,"

insert

as in force from time to time,

- (2) Regulation 2(3)

omit

form part of, the standard, rule, code or specification

insert

form part of, the standard, rule, code or specification, as in force from time to time

- (3) Regulation 2(4)

omit

102 Part 7 inserted

After regulation 224

insert

**Part 7 Transitional matter for Statute Law Amendment
(Territory Economic Reconstruction) Act 2022**

**225 Transitional matter for standards, rules, codes or
specifications**

- (1) On and from the commencement, a person required to comply with a standard, rule, code or specification immediately before the commencement:
 - (a) must continue to comply with the standard, rule, code or specification in force immediately before the commencement for 12 months; or
 - (b) must comply with the standard, rule, code or specification in force after the commencement.

- (2) In this section:

commencement means the commencement of Part 8 of the *Statute Law Amendment (Territory Economic Reconstruction) Act 2022*.

103 Schedule 1 repealed (Standards)

Schedule 1

repeal

Part 9 Amendment of hemp industry legislation

Division 1 Hemp Industry Act 2019

104 Act amended

This Division amends the *Hemp Industry Act 2019*.

105 Section 3 amended (Definitions)

- (1) Section 3, definition ***approved hemp seed***

omit

- (2) Section 3, definition ***low THC hemp***, paragraph (b)
omit
paragraph (a);
insert
paragraph (a).
- (3) Section 3, definition ***low THC hemp***, paragraph (c)
omit

Division 2 Hemp Industry Regulations 2020

106 Regulations amended

This Division amends the *Hemp Industry Regulations 2020*.

107 Regulation 16 amended (Commercial cultivation)

- (1) Regulation 16, heading, after "**cultivation**"
insert
area
- (2) Regulation 16(1)
omit
(1)
- (3) Regulation 16(2)
omit

108 Regulations 19, 20 and 24 repealed

Regulations 19, 20 and 24

repeal

Part 10 Amendment of Place Names Act 1967

109 Act amended

This Part amends the *Place Names Act 1967*.

110 Section 9 amended (Committee's reports and recommendations)

(1) Section 9(1A)

omit, insert

(1A) Before making a report under subsection (1), the Committee must request the following persons seek the views of interested persons and provide a report to the Committee of those views:

- (a) if a person requested the naming or altering of the name of a place – the person;
- (b) any other person the Committee considers appropriate.

(1AB) However, the Committee may on its own initiative, seek the views of interested persons.

(2) After section 9(3)

insert

(4) In this section:

interested persons include the following:

- (a) if the report relates to a place within a local government area – the local government council established for the area;
- (b) if the report relates to a place outside a local government area – the Land Council, within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*, established in respect of the area where the place is located;
- (c) if the report relates to a place within an area covered by an agreement with the Territory that includes provisions relating to the naming of places – the organisation required under the agreement to be consulted with in respect of the naming of the place;
- (d) if the report relates to the naming of land – the owner or developer of the land;
- (e) the family or descendants of a person proposed to be commemorated through the naming of a place.

Part 11 Amendment of planning legislation

Division 1 Planning Act 1999

111 Act amended

This Division amends the *Planning Act 1999*.

112 Section 3 amended (Interpretation)

Section 3(1)

insert

contact details, in relation to a person, means the person's postal address or email address.

113 Section 30D amended (Consideration and initial decision by Minister)

Section 30D(4A)(c) and (d)

omit

114 Section 46 amended (Development applications)

(1) Section 46(6), after "request"

insert

or any longer period the consent authority may allow

(2) Section 46(7)

omit, insert

(7) The applicant may, in writing, request the consent authority to extend the time to provide the information required under subsection (4)(b) if:

(a) the request is supported by reasons justifying the extension;
and

(b) the application has not been rejected under subsection (9).

115 Section 49 amended (Submissions)

Section 49(8)

omit, insert

- (8) A person or local government council may request the consent authority to extend a submission period referred to in subsection (4) or (6) or both, if the request is supported by reasons justifying the extension.
- (8A) The consent authority may, on request, extend a submission period referred to in subsection (4) or (6) or both, if satisfied that:
 - (a) the request is not frivolous or vexatious; and
 - (b) the need for the extension is due to reasons outside the control of the person or local government council making the request; and
 - (c) the extension is justified by special circumstances.
- (8B) The extension of the submission period may not exceed 7 days unless a longer period is justified by exceptional circumstances.

Division 2 Planning Regulations 2000

116 Regulations amended

This Division amends the *Planning Regulations 2000*.

117 Regulation 7 amended (Developments with 28-day minimum submission period)

Regulation 7(h)

omit

plan

insert

plan,

118 Regulation 8A amended (Limited notice – developments without a significant impact)

(1) Regulation 8A(1)(a)(ii)

omit

a boundary

insert

one or more boundaries

(2) Regulation 8A(1)(a)(iii)

omit

the

insert

any

119 Regulation 14 amended (NT Planning Scheme – when no right of third party application for review)

Regulation 14(3)(a)

omit

or dwelling-multiple

insert

, dwelling-multiple or dwelling-group,

120 Regulation 15A inserted

Before regulation 16, in Part 5

insert

15A Qualifications of specialist advisors

For section 84(5) of the Act, a person is eligible to be appointed as a specialist advisor if the person has the skills, qualifications or experience in one or more of the areas of expertise specified in regulation 16.

121 Regulation 16 amended (Qualifications of specialist members)

(1) Regulation 16, before "qualifications"

insert

skills,

(2) After regulation 16(b)

insert

(ba) community development;

Part 12 Amendment of Private Security Act 1995**122 Act amended**

This Part amends the *Private Security Act 1995*.

123 Section 3 amended (Definitions)

Section 3

insert

officer, for Part 3, see section 12.

124 Section 7 amended (Security firms)

Section 7, after "partnership"

insert

or corporation

125 Sections 12 and 12A inserted

Before section 13, in Part 3

insert

12 Definition

In this Part:

officer, for a corporation, means:

(a) a director, secretary or executive officer of the corporation; or

- (b) a person who is concerned, or takes part, in the management of the corporation's affairs; or
- (c) a person who can control or substantially influence the conduct of the corporation's affairs including, for example, a person on whose directions, advice or instructions the corporation's directors usually act.

12A Eligibility for licence

A person, partnership or corporation is not eligible to apply for or be granted a licence under this Act unless:

- (a) in the case of a natural person – the person is at least 18 years old; and
- (b) in the case of a partnership – each partner of the partnership is at least 18 years old; and
- (c) in the case of corporation – each officer of the corporation is at least 18 years old.

126 Section 14 amended (Application for licence)

- (1) Section 14(1)(b)
omit
or a partnership
insert
, partnership or a corporation
- (2) Section 14(5)(c)
omit
, within the meaning of section 17(1),

127 Section 17 amended (Entitlement to licenses – corporations or firms)

Section 17(1)
omit

Part 13 Amendment of Territory parks and wildlife conservation legislation

Division 1 Territory Parks and Wildlife Conservation Act 1976

128 Act amended

This Division amends the *Territory Parks and Wildlife Conservation Act 1976*.

129 Sections 21H and 21J inserted

After section 21G, in Part 2

insert

21H Compliance with authorisation

(1) The following persons must not contravene an authorisation under section 21A:

- (a) the holder of the authorisation;
- (b) a person employed or otherwise engaged by the holder of the authorisation to use or develop land in a park or reserve under the authorisation.

Maximum penalty: In the case of a natural person – 50 penalty units or imprisonment for 6 months.

 In the case of a body corporate –
 250 penalty units.

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

21J Offence for using or undertaking development unless permitted

(1) A person must not use or develop land in a park or reserve unless authorised or otherwise permitted under this Act or the by-laws.

Maximum penalty: In the case of a natural person – 50 penalty units or imprisonment for 6 months.

 In the case of a body corporate –
 250 penalty units.

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

Schedule Crown Lands Act 1992 further amended

section 97

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 3, definition Crown lands , and 6	or dedicated	
section 60, definition Crown land	and dedicated land	
sections 96, 99(1) and (2), 100(1) and (2), 101, 102(a) and 104(a)	or dedicated	
