

Serial 47

Trade, Business and Asian Relations Legislation Amendment (Streamlining Licensing Schemes and Other Matters) Bill 2025

Ms Cahill

A Bill for an Act to amend the Agents Licensing Act 1979, the Agents Licensing Regulations 1979, the Associations Act 2003, the Associations Regulations 2004, the Commercial and Private Agents Licensing Act 1979, the Consumer Affairs and Fair Trading Act 1990, the Consumer Affairs and Fair Trading (Pawnbrokers and Second-hand Dealers) Regulations 1998, the Essential Goods and Services Act 1981, the Plumbers and Drainers Licensing Act 1983, the Private Security Act 1995 and the Tobacco Control Act 2002

NORTHERN TERRITORY OF AUSTRALIA

TRADE, BUSINESS AND ASIAN RELATIONS LEGISLATION
AMENDMENT (STREAMLINING LICENSING SCHEMES AND OTHER
MATTERS) ACT 2025

Act No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

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A Bill for an Act to amend the *Agents Licensing Act 1979*, the *Agents Licensing Regulations 1979*, the *Associations Act 2003*, the *Associations Regulations 2004*, the *Commercial and Private Agents Licensing Act 1979*, the *Consumer Affairs and Fair Trading Act 1990*, the *Consumer Affairs and Fair Trading (Pawnbrokers and Second-hand Dealers) Regulations 1998*, the *Essential Goods and Services Act 1981*, the *Plumbers and Drainers Licensing Act 1983*, the *Private Security Act 1995* and the *Tobacco Control Act 2002*

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15

[Assented to [] 2025]
[Introduced [] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

20

This Act may be cited as the *Trade, Business and Asian Relations Legislation Amendment (Streamlining Licensing Schemes and Other Matters) Act 2025*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

25

Part 2 Amendment of agents licensing legislation

Division 1 Amendment of Agents Licensing Act 1979

3 Act amended

This Division amends the *Agents Licensing Act 1979*.

5 4 Section 32 amended (Duration and renewal)

(1) Section 32(2)(d)

omit

application.

insert

10 application; and

(2) After section 32(2)(d)

insert

(e) be made within 3 months before the expiry date of the current licence.

15 (3) Section 32(3)

omit, insert

(3) Subject to this Act, if an application for renewal is lodged in accordance with subsection (2):

(a) the Registrar must renew the licence; and

20 (b) the current licence remains in force until the date that the applicant is notified of the outcome of the renewal application; and

(c) the renewed licence is taken to have commenced on the date following the expiry date of the licence it renews.

25 (4) Section 32(4)

omit

5 Section 37 amended (Application for registration)

Section 37(a)

omit, insert

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

6 Section 43A replaced (Annual fee)

Section 43A

10 *repeal, insert*

43A Renewal of registration

- (1) A registered agent's representative may apply to the Registrar to renew their registration as an agent's representative.
- (2) An application for the renewal of a registration must:
 - 15 (a) be lodged with the Registrar; and
 - (b) be in the approved form; and
 - (c) specify a further registration period of 1 year, 3 years or 5 years; and
 - 20 (d) be accompanied by the prescribed fee for the registration period specified in the application; and
 - (e) be made within 3 months before the expiry date of the current registration.
- (3) Subject to this Act, if an application for renewal is lodged in accordance with subsection (2):
 - 25 (a) the Registrar must renew the registration; and
 - (b) the current registration remains in force until the date that the applicant is notified of the outcome of the renewal application; and
 - 30 (c) the renewed registration is taken to have commenced on the date following the expiry date of the registration it renews.

- 5
- (4) If the Registrar suspects that the holder of the registration who is seeking the renewal of the registration is not a fit and proper person within the meaning of section 20, the Registrar must:
- (a) request the Board, in writing, to hold an inquiry to consider whether the holder of the registration is not a fit and proper person within the meaning of section 20; and
- (b) notify the holder of the registration of the request to the Board; and
- 10 (c) receive approval from the Board before renewing the registration.
- (5) The Board must hold an inquiry if it receives a request under subsection (4).
- (6) After holding an inquiry, the Board must:
- (a) approve the renewal of the registration; or
- 15 (b) refuse to approve the renewal of the registration.
- (7) If the Board refuses to approve the renewal of the registration, the Board must give the holder of the registration a written statement of the reasons for its decision.

7 Section 67 amended (Grounds for disciplinary action)

20 Section 67(1)(d)

omit

69(2)

insert

69(3)

8 Section 111 amended (Registrar may approve operation of registered office without licensed branch manager)

25 Section 111, heading

omit

branch

30 *insert*

business

Division 2 Amendment of Agents Licensing Regulations 1979

9 Regulations amended

This Division amends the *Agents Licensing Regulations 1979*.

10 Regulation 14 amended (Audit where agent ceases to carry on business)

5

Regulation 14(4)(a) and (b)

omit

branch

insert

10

business

11 Regulation 18 amended (Responsibility where licensed agent a company or firm)

Regulation 18(a) and (b)

omit

15

branch

insert

business

12 Schedule 2 amended (Prescribed fees)

Schedule 2, items 8 and 9

20

omit, insert

8 Section 37(ab) of the Act – registration as an agent's representative and issue of certificate of registration:

(a) restricted registration:

(i) 1 year – 135 revenue units

25

(ii) 3 years – 364 revenue units

(iii) 5 years – 607 revenue units; or

- (b) registration (unrestricted):
 - (i) 1 year – 153 revenue units
 - (ii) 3 years – 413 revenue units
 - (iii) 5 years – 688 revenue units.

5 9 Section 43A of the Act – application for renewal of registration as an agent's representative:

- (a) restricted registration:
 - (i) 1 year – 135 revenue units
 - (ii) 3 years – 364 revenue units
 - 10 (iii) 5 years – 607 revenue units; or
- (b) registration (unrestricted):
 - (i) 1 year – 153 revenue units
 - (ii) 3 years – 413 revenue units
 - (iii) 5 years – 688 revenue units.

15 **Part 3 Amendment of associations legislation**

Division 1 Amendment of Associations Act 2003

13 Act amended

This Division amends the *Associations Act 2003*.

14 Section 65 amended (Dissolution)

20 Section 65(1)

omit

by post

15 Section 118 replaced (Service of documents)

Section 118

repeal, insert

118 Service of documents

- 5 (1) A notice or document required to be served on or given to a person under this Act may be served or given:
- (a) by delivering it to the person; or
 - (b) by posting it to the person at the person's place of residence or business; or
 - 10 (c) by sending it to the person's email address.
- (2) An incorporated association may give a notice or make a demand by writing signed by the public officer of the association.

Division 2 Amendment of Associations Regulations 2004

16 Regulations amended

15 This Division amends the *Associations Regulations 2004*.

17 Regulation 12 amended (Prescribed amounts for tier 2 incorporated associations)

- (1) Regulation 12(1)
- omit*
- 20 \$25 000
- insert*
- \$150 000
- (2) Regulation 12(2)
- omit*
- 25 \$50 000
- insert*
- \$300 000

18 Regulation 13 amended (Prescribed amounts for tier 3 incorporated associations)

(1) Regulation 13(1)

omit

5 \$250 000

insert

\$500 000

(2) Regulation 13(2)

omit

10 \$500 000

insert

\$1 000 000

Part 4 Amendment of Commercial and Private Agents Licensing Act 1979

15 **19 Act amended**

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

20 Section 17D amended (Renewal of licence)

Section 17D(1) and (2)

20 *omit, insert*

(1) An agent may, within 3 months before the expiry date of the agent's licence, apply to the Director to renew the agent's licence.

(2) If an application for renewal is made while the licence is still in force, the agent's licence continues to remain in force until the application for renewal is determined.

25

(2A) If the application for renewal is granted, the renewed licence is taken to have commenced on the date following the expiry date of the licence it renews.

Part 5 Amendment of consumer affairs and fair trading legislation

Division 1 Amendment of Consumer Affairs and Fair Trading Act 1990

5 **21 Act amended**

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

22 Section 255 replaced (Application for renewal of licence)

Section 255

10 *repeal, insert*

255 Application for renewal of licence

- (1) An application for the renewal of a licence is to be:
- (a) made in an approved form and lodged with the Director; and
 - (b) accompanied by the prescribed fee; and
 - 15 (c) made within 3 months before the day on which the licence is due to expire.
- (2) If an application for renewal is made while the licence is still in force, the licence remains in force until the date that the applicant is notified of the outcome of the renewal application.
- 20 (3) If an application for renewal is granted, the renewed licence is taken to have commenced on the date following the expiry date of the licence it renews.

**Division 2 Amendment of Consumer Affairs and Fair Trading
(Pawnbrokers and Second-hand Dealers)
Regulations 1998****23 Regulations amended**

5 This Division amends the *Consumer Affairs and Fair Trading
(Pawnbrokers and Second-hand Dealers) Regulations 1998*.

**24 Regulation 8 repealed (Licence to expire before 1 March in
a year)**

Regulation 8

10 *repeal*

**Part 6 Amendment of Essential Goods and Services
Act 1981****25 Act amended**

This Part amends the *Essential Goods and Services Act 1981*.

15 26 Section 2 amended (Interpretation)

(1) section 2(1), definition **goods**, paragraph (a), at the end

insert

or

(2) Section 2(1), definition **goods**, paragraph (b)

20 *omit*

(3) Section 2(1), definition **goods**, paragraph (c)

omit

other

(4) Section 2(1), definition **service**, paragraph (a)(i), after "taxi-cab
25 services"

insert

, ridesharing services, limousine services and courtesy vehicle
services

Part 7 Amendment of Plumbers and Drainers Licensing Act 1983

27 Act amended

This Part amends the *Plumbers and Drainers Licensing Act 1983*.

5 28 Section 3 amended (Definitions)

(1) Section 3

insert

affected person, see section 36(2).

reviewable decision, see section 36(1).

10 (2) Section 3, at the end

insert

Note for section 36

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

15 29 Section 26 amended (Renewal of registration card or licence)

(1) Section 26(1), after "A person may,"

insert

within 3 months

(2) After section 26(6)

20 *insert*

(7) If an application for renewal is made while the licence or registration card is still in force, the licence or registration card remains in force until the date that the applicant is notified of the outcome of the renewal application.

25 (8) If an application for renewal is granted, the renewed licence or registration card is taken to have commenced on the date following the expiry date of the licence or registration card it renews.

30 Part 5 replaced (Reviews of certain Board decisions)

Part 5

repeal, insert

Part 5 Review of decisions

5 **36 Review by NTCAT**

(1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) specified in the Schedule.

(2) An **affected person**, for a reviewable decision, is a person specified in the Schedule for the decision.

10 (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 36

15 *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.*

31 Part 9 and Schedule inserted

After section 50

insert

20 **Part 9 Transitional matters for Trade, Business and Asian Relations Legislation Amendment (Streamlining Licensing Schemes and Other Matters) Act 2025**

51 Definitions

In this Part:

25 **amending Act** means the *Trade, Business and Asian Relations Legislation Amendment (Streamlining Licensing Schemes and Other Matters) Act 2025*.

commencement means the commencement of section 27 of the amending Act.

30 **former review provision** means Part 5 of the Act as in force immediately before commencement.

52 NTCAT review limited to decisions made after commencement

Section 36, as inserted by section 30 of the amending Act, applies only in relation to a reviewable decision that is made after the commencement.

5 53 Reviews not commenced before commencement

(1) This section applies to a person if, immediately before the commencement, the person:

(a) was entitled to apply to the Local Court for a review of a decision of the Board under the former review provision; and

10 (b) had not yet made an application in relation to the decision.

(2) The person may apply to the Local Court for a review of the decision in accordance with the former review provision, as if section 27 of the amending Act had not commenced.

15 (3) The Local Court must hear and determine the application under subsection (2) in accordance with the former review provision, as if section 27 of the amending Act had not commenced.

54 Application made but not yet determined

(1) Subsection (2) applies in relation to an application for a review of a decision that:

20 (a) was made by a person under the former review provision before the commencement; and

(b) had not been finally determined in accordance with the former provision before the commencement.

25 (2) The Local Court must hear and determine the application in accordance with the former review provision, as if section 27 of the amending Act had not commenced.

Schedule Reviewable decisions

section 36

Item	Reviewable decision	Affected person
1	A decision of the Board under section 22A to refuse to register an applicant as a journeyman	The applicant
2	A decision of the Board under section 24 to refuse to grant an applicant a licence of an advanced tradesman	The applicant
3	A decision of the Board under section 26 to refuse to renew a registration card or licence	The applicant
4	A decision of the Board under section 33 to take action	The applicant
5	A decision of the Board under section 35 to refuse to reissue a registration card or licence	The applicant

Part 8 Amendment of Private Security Act 1995
32 Act amended

5 This Part amends the *Private Security Act 1995*.

33 Section 24 amended (Renewal of licence)

After section 24(4)

insert

- 10 (5) If an application for renewal is made while the licence is still in force, the licence remains in force until the date that the licensee is notified of the outcome of the renewal application.
- (6) If an application for renewal is granted, the renewed licence is taken to have commenced on the date following the expiry date of the licence it renews.

Part 9 Amendment of Tobacco Control Act 2002

34 Act amended

This Part amends the *Tobacco Control Act 2002*.

35 Section 29A amended (Renewal of licence)

5 (1) Section 29A(1)

omit

at any time while it is in force.

insert

within 3 months before the expiry date of the licence.

10 (2) After section 29A(1)

insert

(1A) If an application for renewal is made while the licence is still in force, the licence remains in force until the date that the applicant is notified of the outcome of the renewal application.

15 (1B) If an application for renewal is granted, the renewed licence is taken to have commenced on the date following the expiry date of the licence it renews.

Part 10 Repeal

36 Repeal of Act

20 This Act is repealed on the day after it commences.