

2019

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

Statute Law Revision and Repeals Bill 2019

SERIAL NO. 99

EXPLANATORY STATEMENT

GENERAL OUTLINE

The Statute Law Revision and Repeals Bill 2019 provides for:

- (a) the repeal of the *Agents Licensing Amendment Act 2002* and for amendments to the *Agents Licensing Act 1979* and the *Agents Licensing Regulations 1979* consequent to that repeal;
- (b) the repeal of the *Auctioneers Act Repeal Act 2002* and the *Auctioneers Act (Consequential Amendments) Act 2002* and for amendments to the *Auctioneers Act 1935* consequent to that repeal;
- (c) the repeal of expired provisions of the *Miscellaneous Acts Amendment (Aboriginal Community Living Areas) Act 1989*;
- (d) repeal of the expired provisions of the *Supreme Court (Rules of Procedure) Act 1987*;
- (e) the repeal of the *Commission of Inquiry (Deaths in Custody) Act 1987*;
- (f) the repeal of the *Darwin Port Corporation Act 1983* and related legislation;
- (g) the repeal of the *Marine Ordinance 1911*;
- (h) the repeal of the *Marine Board and Navigation Act 1881 (SA)*;
- (i) the repeal of the *Northern Territory Products Symbol Act 1982*;
- (j) the repeal of the *Occupational Licensing (National Uniform Legislation) Act 2011*;
- (k) the repeal of the *Palmerston Development Authority Act Repeal Act 1985*;
- (l) the repeal of the *Personal Injuries (Civil Claims) Act 2003*;
- (m) the repeal of the *Road Transport Reform (Vehicles and Traffic Reform) (Northern Territory) Act 1995*;
- (n) repeal of the *Statute Law Revision (Registration of Instruments) Act 1991*;

(o) the repeal of 199 Acts (set out in the schedule) whose operation has expired.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short title

This is a formal clause, which provides for the citation of the Bill. The Bill, when passed, may be cited as the *Statute Law Revision and Repeals Act 2019*.

Clause 2. Commencement

This is a formal clause that provides that Parts 2 and 3 commence on the date fixed by the Administrator and that the other provisions commence one day after assent is given by the Administrator.

Part 2 Amendment of Agents Licensing legislation

Division 1 Repeal of Act

Clause 3. Repeal of Act

This clause provides for the repeal of the *Agents Licensing Amendment Act 2002 (No. 69 of 2002)*.

With the exception of section 22 all of the provisions of the 2002 Act have commenced operation. Section 22 provides for the amendment of section 65 of the *Agents Licensing Act 1979*. Section 65 contains the rules of conduct for agents. The amendments proposed in section 65 were largely contingent on new rules of conduct being made in accordance with processes set out in section 64A. No such new rules have been made.

The aim of the amendment to section 65 coupled with new section 64A was that of reforming and consolidating in the regulations one set of the rules of conduct.

Clauses 8, 19 and 20 of this Bill provide for the second part of the reform - namely consolidation of the rules of conduct.

Division 2 Amendment of Agents Licensing Act 1979

Clause 4. Act amended

This clause provides that this Division amends the *Agents Licensing Act 1979*.

Clause 5. Section 5 amended (interpretation)

This clause amends the definition in section 5(1) of "rules of conduct" so that it refers to the rules of conduct to be set out in the Agents Licensing Regulations.

Clause 6. Section 6 amended (The Board)

This clause amends section 6 so as to refer to the fact that the Board now has functions and powers under the *Auctioneers Act 1935*.

Clause 7. Section 44 amended (Disciplinary action)

This clause amends the reference in section 44(1)(d) to rules of conduct mentioned in section 65. As amended it will refer to rules of conduct (as defined in section 5).

Clause 8. Section 55 amended (Accounting records)

This clause amends section 55 by replacing the word “principal” with “client”. The purpose is to ensure consistency within the legislation of the use of the words “client” and “principal”.

Clause 9. Section 64A replaced(Rules of conduct for agents)

This clause repeals and replaces section 64A.

64A Rules of conduct for agents

Currently the Act is ambiguous as to whether there must be consultation on new rules of conduct before the Administrator makes regulations providing for new rules of conduct. New section 64A (1) and (2) make it clear that the Administrator may make regulations dealing with rules of conduct and that the Minister has the option of consulting on the making of rules.

Clause 10. Section 65 amended (Rules of conduct)

This clause repeals section 65(1) which contains the current rules of conduct. These rules are being moved into the regulations (see clauses 20 and 21).

This clause also provides for new section 65(1) which states that a licensed agent must not breach the rules of conduct (as defined in section 5(1)).

For drafting reasons this clause also omits and replaces section 65(4) (which sets out the circumstances in which a corporate body or firm is guilty of a breach of the rules because of the actions of licensed employees or directors or other employees).

New section 65(4) is now drafted in accordance with current drafting style.

Clause 11. Section 69 amended (powers of Board after Inquiry)

This clause amends section 69(1) so that it is clearer that the Board may impose more than one of the penalties set out in section 69. Currently section 69 lists penalties that may be imposed ranging from reprimands, to fines to suspension or disqualification.

The current drafting style is such that the Board should be able to impose more than one penalty – for example, give a reprimand and impose a fine or impose a fine and suspend. However, both the Local Court and the Agents Licensing Board have applied the section as if only one option is available.

Clause 12. Section 108F amended (Definitions)

This clause omits and replaces section 108F(4). The new subsection uses the word “client” rather than the word “principal” and is drafted in accordance with current Northern Territory drafting style.

Clause 13. Section 108G amended (Restriction on agent etc. purchasing or selling property in which the agent is interested)

This clause omits and replaces the references to the word “principal” with the word “client”.

Clause 14. Section 108H amended (Sale etc. by agent with interest in sale)

This clause omits and replaces the references to the word “principal” with the word “client”.

Clause 15. Section 114 amended (Improper use of title of agent)

This clause replaces the word “principals” with the word “clients”.

Clause 16. Section 118 amended (Withholding of deposit)

This clause omits and replaces the references to the word “principal” with the word “client”.

Clause 17. Section 121 amended (No recovery of commission unless licensed)

This clause omits and replaces the references to the word “principal” with the word “client”.

This clause also removes an otiose reference to section 128. Section 128 has already been repealed.

Clause 18. Section 127 amended (Regulations)

This clause amends section 127 so that it is clear the regulations can be made for the purposes of rules of conduct.

Clause 19. Part XIV inserted

This clause inserts new Part XIV that deals with transitional matters.

Part XIV – Transitional matters for Statute Law Revision and Repeals Act 2019

128 Rules of conduct

New section 128 provides that the rules of conduct as in force prior to the commencement of section 10 of this Act apply to conduct that is engaged in by agents prior to the commencement of that section.

Division 3 *Agents Licensing Regulations 1979 Amended*

Clause 20. Regulations amended

This clause provides that Division 3 is making amendments to the *Agents Licensing Regulations 1979*.

Clause 21. Regulation 25 replaced

This clause repeals and replaces regulation 25 consequent to clause 10(1) (which provides for the repeal of section 65(n) of the *Agents Licensing Act 1979*).

25 Rules of conduct

Regulation 25 provides that the rules of conduct for all agents are those set out in Part 1 of Schedule 4 to the Regulations and that the additional rules of conduct for conveyancing agents are those set out in Part 2 of Schedule 4 to the Regulations.

Clause 22. Schedule 4 amended (Rules of conduct)

Clause 20(1) omits all references to the word “shall” and replaces them with the word “must”. That amendment reflects current drafting style when the intent is to impose a strict obligation.

Clause 20(2) and (3) removes and replaces sexist language with gender neutral language.

Clause 20(4) provides for the inclusion in the rules of conduct in the regulations the rules of conduct being taken out of section 65 of the *Agents Licensing Act 1979*. The objective is to have all of the rules in a single location. There are no substantive changes to the rules (numbered as rules 8-20) being moved from the Act into the regulations.

The main changes are to replace the references to “principal” with references to “client” and to include an example for the way in which new rule 12 (formerly section 65(1)(da) of the Act is intended to operate. It spells out an example of when a duty is owed to a person who is not an actual client of the agent.

Part 2 Amendment of Auctioneers Legislation

Division 1 Repeal of Acts

Clause 23. Repeal of Act

This clause provides for the repeal of the *Auctioneers Act Repeal Act 2002 (No. 39 of 2002* and the *Auctioneers Act Repeal (Consequential Amendments) Act 2002 (No. 40 of 2020)*.

These Acts have not commenced operation. They had formed part of a policy proposal that the licensing scheme for auctioneers be repealed and replaced by obligations for auctioneers to comply with a rules of conduct to be made under the *Consumer Affairs and Fair Trading Act 1990*.

This scheme was, in effect, abandoned when it did not prove possible to have effective rules of conduct.

Division 2 Amendment of Auctioneers Act 1935

Clause 24. Act amended

This clause provides that Division 2 amends the *Auctioneers Act 1935*.

Clause 25. Section 2 amended (Repeal)

Clause 23 repeals section 2(2) of the *Auctioneers Act 1935*. Section 2(2) deals with transitional arrangements when the *Auctioneers Act 1935* commenced operation in 1935. The provisions have no current operation.

Clause 26. Section 3 amended (Definitions)

Clause 26(1) inserts definitions of “Board” and “Registrar”. These definitions relate to clauses 27, 28, 29, 31, 32, 33, 34, 36 and 38 which provide for the various functions of the Minister under the current Act to become the responsibilities of the Agents Licensing Board or the Registrar of Land, Business and Conveyancing Agents.

Clause 26(2) amends the definition of “approved” so that the Agents Licensing Board rather than the Minister has various approval functions under the Act.

Clause 27. Sections 3A and 3AB replaced

This clause repeals sections 3A (delegations) and 3AB (Minister may prescribe fees) and inserts new section 3A. In the future fees will be prescribed by regulation.

Section 3A Delegation

New section 3A provides for the delegation of powers and functions under the Act by the Minister or by the Agents Licensing Board. The powers and the functions can be delegated to the Chief Executive Officer or to public sector employees.

Clause 28. Section 4 amended (Auctioneer must hold licence)

This clause provides that the maximum penalty for operating as an auctioneer with no licence is 100 penalty units rather than 3.4 penalty units (noting that section 29 of the *Sentencing Act 1995* operates so that this means that the maximum penalty for breach by a corporate body is 500 penalty units).

This amendment brings penalties for breach of the core provision of the Act into line with maximum penalties in other occupational schemes administered by the Department of the Attorney-General and Justice. For example the maximum penalty for breach of section 17 of the *Agents Licensing Act 1979* is 100 penalty units. For an Individual and 500 penalty units for a corporate body.

Clause 29. Section 5 amended (Application for auctioneer’s licence)

This clause amends section 5 so that applications for auctioneer’s licences are made to the Board rather than to the Minister or to a delegate of the Minister.

Clause 30. Section 6 amended (Renewal of auctioneer's licence)

This clause amends section 6 so that applications for renewals of auctioneer's licences are made to the Board rather than to the Minister or to a delegate of the Minister.

This clause also repeals section 6(4) which provides for the refund of fees for renewal applications that are refused.

Clause 31. Section 7 amended (Minister may grant or refuse auctioneer's licence)

This clause:

- amends the heading for section 7 by replacing "Minister" with "Board";
- replaces "Minister" with "Board";
- provides that a licensing decision must be made within 28 days of the application being made and obliges the Board to give notice of any refusal.

Clause 32. Sections 8 to 8B replaced

This clause repeals sections 8, 8A and 8B and inserts new sections 8 and 8A. Sections 8, 8A and 8B deal with appeals from licensing decisions to the Local Court.

8 Review by NTCAT

New section 8 provides that any person affected by a decision to refuse to grant or renew a licence can seek a review by the Northern Territory Civil and Administrative Tribunal.

8A Board to grant licence in order of NTCAT

New section obliges the Agents Licensing Board to promptly issue a licence or renewal and ordered to do so by the Northern Territory Civil and Administrative Tribunal.

Clause 33. Sections 8E amended (Application for clerk's licence)

This clause amends section 8E so that applications for clerk's licences are made to the Board rather than to the Minister or to a delegate of the Minister.

Clause 34. Section 8F amended (Minister may grant or refuse clerk's licence)

This clause:

- amends the heading for section 8F by replacing "Minister" with "Board"; and
- replaces "Minister" with "Board" in the body of the section.

Clause 35. Section 8HA (Notification of change in circumstance)

This clause replaces “Minister” with “Registrar”.

This amendment also provides that the penalty for failure to provide notification of change in circumstances is five penalty units rather than 0.8 penalty units.

Clause 36. Section 8J replaced

This clause repeals sections 8J and inserts new sections 8HB, 8HC and 8J.

8HB Applications for disciplinary action or decisions to take disciplinary action

New section 8HB sets out that an application for disciplinary action can be made to the Agents Licensing Board for an alleged breach of the Act or of rules of conduct.

The Board must hold an inquiry if the application is made by the Registrar or the Commissioner of Police or, for an application that is made by someone else, if satisfied that there are grounds for disciplinary action.

When an application is made the Registrar is under a duty to report on it to the Board as soon as is practicable.

Proposed sub-section (7) sets out the circumstances in which the Board can reject an application without having an inquiry. It can do this if the application made by a person other than the Registrar is an application that is frivolous, irrelevant or malicious. The application can also be rejected if the Board is satisfied on the facts made available in the application or in the report by the Register that the licence holder had a reasonable excuse or if there are no grounds or if there is insufficient evidence to justify having an inquiry.

8HC Board may suspend licence pending inquiry

New section 8HC provides that the Board may suspend a licence pending the outcome of an inquiry.

8J Disciplinary action

New section 8J provides that if the Board finds that a licensed person has breached the Act or any rules the Board may impose one or more of the penalties of reprimand, caution, suspension, cancellation or fine (up to 50 penalty units).

Clause 37. Section 8K amended (refund of portion of fee for auctioneers’ licence in certain circumstances)

This clause replaces a reference to “Minister” with a reference to “Board”.

Clause 38. Section 9 replaced

This clause omits and replaces section 9. The section provides, in modern drafting and modern words, the circumstances in which bankruptcy (or any related status) means that a person is not entitled to have a licence.

Clause 39. Section 12 amended (Renewal of expired or cancelled or suspended licence)

This clause replaces a penalty of \$40 for failure to return an expired or cancelled or suspended licence with the penalty of one penalty unit (\$157).

This clause replaces a reference to “Minister” with a reference to “Board”.

Clause 40. Section 14 amended (Record to be kept)

This clause replaces a penalty of 0.8 penalty units (\$125.60) for failure to keep or allow access to books with the maximum penalty of five penalty units (\$785).

Clause 41. Section 15 amended (Bidding by seller)

This clause replaces a penalty of 0.8 penalty units (\$125.60) for bidding by a seller or auctioneer where there has not been appropriate disclosure with the maximum penalty of five penalty units (\$785).

Clause 42. Section 16 repealed (Times for auctions)

This clause repeals section 16 which makes it an offence to conduct an auction on Good Friday or Christmas Day or between the hours of 11 pm and 8 am. These restrictions are anachronistic. They pay no regard to the fact that an auctioneer in the Northern Territory may need to be held in accordance with working hours in another part of the world. For cultural based restrictions it is preferable to rely on cultural morality rather than the criminal law.

Clause 43. Section 19 replaced (Regulations)

This clause repeals section 19 and inserts new sections 19 and 20.

19. Regulations

New section 19 provides for the making of regulations, including regulations dealing with fees and regulations that adopt by reference codes and rules relating to the professional practices of auctioneers.

20 Transitional matters for Statute Law Revision and Repeals Act 2019

New section 20 provides that fees prescribed under repealed section 3AB continue in force until fees are prescribed under the regulations.

Part 4 Amendment of *Miscellaneous Acts Amendment (Aboriginal Community Living Areas) Act 1989*

Clause 44. Act amended

This clause provides that this Division amends the *Miscellaneous Acts Amendment (Aboriginal Community Living Areas) Act 1989*.

Clause 45. Parts III to VII repealed

This clause repeals Parts III, IV, V, VI and VII of the *Miscellaneous Acts Amendment (Aboriginal Community Living Areas) Act 1989*. These Parts relate to amendments of other Acts. As the amendments have all taken effect these provisions can be repealed.

Clause 46. Section 16 amended (Aboriginal associations may convert interests in land to community living areas)

This clause corrects a cross reference to the *Aboriginal Councils and Associations Act (CT)*. That Act has been replaced by the *Corporations (Aboriginal and Tress Strait Islander) act 2006 (CT)*. .

Part 5 Amendment of *Supreme Court (Rules of Procedure) Act 1987*

Clause 47. Act amended

This clause provides that this Division amends the *Supreme Court (Rules of Procedure) Act 1987*.

Clause 48. Part IV repealed

This clause repeals Part IV of the *Supreme Court (Rules of Procedure) Act 1987*. This Part relates to amendments of other Acts. As the amendments have all taken effect these provisions can be repealed.

Part 6 Amendment of other laws

Clause 49. Other laws amended

This clause provides for schedule 1 containing minor amendments to other laws.

Part 7 Repeal of laws

Clause 50. *Commission of Inquiry (Deaths in Custody) legislation* repealed.

The *Commission of Inquiry (Deaths in Custody) Act 1987* provides, as part of a national set of laws, for a specifically named person to conduct an inquiry into deaths in custody. The inquiry has been conducted. The Act has no actual operational effect. This clause provides for its repeal.

Clause 51. Darwin Port Corporation legislation repealed

This clause provides for the repeal of various Acts relating to the Darwin Port. The relevant legislative provisions for the port are now contained in the *Ports Management Act 2015*.

Clause 52. *Marine Ordinance 1911*

This clause provides for the repeal of the *Marine Ordinance 1911*.

All of the provisions of the *Marine Ordinance 1911* have been repealed with the exception of section 5 which provides that the powers and functions of the Marine Board and President of the Marine Board can be exercised by the Administrator.

The relevant provisions of the *Marine Board and Navigation Act 1881 (SA)* dealing with the President of the Marine Board and the Marine Board have already been repealed. This means that section 5 (and the Ordinance as a whole) no longer serves any purpose.

Clause 53. *Marine Board and Navigation Act 1881 (SA)* repealed

This clause provides for the repeal of the remaining provisions of the *Marine Board and Navigation Act 1881* (SA).

The *Marine Board and Navigation Act 1881* (SA) is South Australian legislation as in force in South Australia at the time when the Northern Territory ceased to be part of South Australia. Until amended or repealed it will remain part of the law of the NT.

Most of the provisions of the Act have been repealed. Sections 1-5, 242-280 remain in place. These sections have been assessed as being non-operational with either Commonwealth or Northern Territory legislation dealing with their subject matter.

Clause 54. *Northern Territory Products Symbol A legislation repealed*

This clause provides for the repeal of the *Northern Territory Products Symbol Act 1982* and the *Northern Territory Products Symbol Amendment Act 1982*.

The *Northern Territory Products Symbol Act 1982* (as amended in 1995) provides for the use of a symbol. The symbol is contained in a schedule to the *Northern Territory Product Symbol Regulations 1982*. It is a stylised map of Australia with buffalo horns sitting over the NT.

The Act creates an approval system for the use of the symbol and for various offences if the symbol is not used in accordance with the Act.

The symbol is not used any longer. The agency responsible for the administration of the Act has concluded that the Act no longer serves any useful purpose.

Clause 55. *Occupational Licensing (National Uniform Legislation) Act 2011 repealed*

This clause provides for the repeal of the *Occupational Licensing (National Uniform Legislation) Act 2011*.

In 2011 as part of national competition policy law reforms most states and territories enacted legislation designed to provide national licensing systems for a range of occupations. The *Occupational Licensing (National Uniform Legislation) Act 2011* was enacted in the Northern Territory. However, most of the provisions of the Act did not ever commence operation as the national occupational licensing scheme was abandoned in 2013.

The provisions of the Act that have commenced related to the establishment of a licensing body and the taking of actions necessary for the operation of the scheme. The Act did not ever have any practical operation in the Northern Territory.

There is no need for any transitional or savings requirements of the kind enacted elsewhere following the repeal of the equivalent legislation. In other places the national occupational licensing authority had incurred some liabilities and records which needed to be tidied up with appropriate transitional legislation.

Clause 56. *Palmerston Development Authority Act Repeal Act 1985*

This clause provides for the repeal of the *Palmerston Development Authority*

Repeal Act 1985.

The Palmerston Development Authority was responsible for the creation and development of Palmerston in the early 1980s. The *Palmerston Development Authority Repeal Act 1985* provided for the abolition of the Authority and for the transfer of its assets to either the Palmerston Council or to the Northern Territory. The Act also provides transitional arrangements concerning matters such as town planning.

The assessment has been made that these provisions no longer have any operational effect.

Clause 57. *Personal Injuries (Civil Claims) Act 2003 repealed*

This clause provides for the repeal of the *Personal Injuries (Civil Claims) Act 2003*.

The *Personal Injuries (Civil Claims) Act 2003* was enacted in 2003 as part of a suite of tort law reforms. The aim of the Act was to ensure that potential parties to personal injuries disputes provided adequate disclosure of their cases before commencing action in the courts. The operation of the Act depended on rules of court being made. No such rules have been made with the Supreme Court issuing practice directions that seek to achieve, in part, what the Act sought to achieve.

Most of the provisions of the *Personal Injuries (Civil Claims) Act 2003* have not commenced.

Clause 58. *Road Transport Reform (Vehicles and Traffic Reform) (Northern Territory) Act 1995 repealed*

This clause provides for the repeal of the *Road Transport Reform (Vehicles and Traffic Reform) (Northern Territory) Act 1995*.

The Act relates to national reforms agreed to in the mid 1990s. It amends other legislation. With the passage of time that legislation has been subsequently amended so that the amendments in the Act no longer make any sense.

Clause 59. *Statute Law Revision (Registration of Instruments) Act 1991*

This clause provides for the repeal of the *Statute Law Revision (Registration of Instruments) Act 1991*.

This Act repealed and consolidated a number of Acts dealing with the registration of various instruments. The amendments have taken effect with the only operational provision being a transitional/savings provision concerning the re-registration of certain instruments by the Registrar-General. The assessment has been made that these provisions have no current operation.

Part 8 *Repeal of other laws***Clause 60. *Repeal of other laws***

This clause provides for the repeal of some 199 amending Acts that have been assessed as having achieved their effect (e.g. amended other Acts) and which have no operational transitional or savings provisions. Sections 11 and 12 of the

Interpretation Act 1978 applies so that the repeal of legislation that amends or repeals other legislation does not have the effect of reviving the other legislation.

Part 9 **Repeal of Act**

Clause 61. **Repeal of Act**

This is a standard clause for parts of legislation which consists entirely of amendments to other legislation. It provides that the Act ceases to have effect once it has performed its function of repealing or amending the other legislation.

Schedule 1 – other laws amended

This schedule contains miscellaneous amendments of a minor nature. They relate to:

- Typographical errors – for example, the amendments to the *Companies (Trustees and Personal Representatives) Act 1981* and the *Interpretation Act 1978*;
- Correcting cross references – for example, the references to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Marine Pollution Act 1999*;
- Using more precise language – for example, the removal of the word “employee” when used in respect of statutory officers who are appointed rather than employed;
- Amendments consequential to other legislative changes – for example, the amendments to the *Emergency Medical Operations Act 1973* and to the *Police Administration Act 1978*;
- Correcting notes – for example, the section 461 of the Criminal Code contains an incorrect note about the date of commencement of the *Criminal Code Act 1983*

Schedule 2 – repeal of laws

This is a schedule of laws identified by Parliamentary Counsel as having provisions that have no operation. They are laws that have amended other laws with those laws having already taken effect. The transitional and saving provisions in these laws have also been assessed as having no current operation.

Schedule 2 also deals with some amendments assessed as not likely to ever be commenced.

The *Justice Legislation Amendment (Small Claims and Other Matters) Act 2016* deals with transitional matters and consequential matters following the repeal and replacement of legislation dealing with small claims. Part 3 of the Act has not commenced. It dealt with transitional issues concerning the *Local Court Act 1989* (as amended) that could have arisen if the *Small Claims Act 2016* had commenced prior to the commencement of the *Local Court Act 2016*. In fact both Acts commenced on the same day (1 May 2016).

This means that Part 3 will not ever be commenced. Accordingly it can be repealed. The balance of the provisions of the Act are already spent.

The *Marine Amendment Act 2001* amends sections 25 and 75 of the *Marine Act 1981*. However, these sections were repealed by the *Marine Safety (Domestic Commercial Vessel) (National Uniform Legislation) Act 2013*.

This means that the Act will never be commenced.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with the Thirteenth Assembly Sessional Orders (Part 12.3) as adopted on 24 August 2017.

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) – namely:

- the International Convention on the Elimination of all Forms of Racial Discrimination done at New York on 21 December 1965;
- the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966;
- the International Covenant on Civil and Political Rights done at New York on 16 December 1966;
- the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979;
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984;
- the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4); and
- the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006.

OVERVIEW OF THE BILL

The Bill provides for the repeal of the obsolete Acts and provisions of Acts and for the repeal of legislative provisions that have not commenced and which are not ever going to be commenced.

The Bill also provides for amendments of a statute law nature – making corrections and clarifications.

The substantive amendments to the Act relate to the amendment of the current licensing scheme for auctioneers so that statutory responsibility for such licensing moves from the Minister to the Agents Licensing Board. The licensing provisions in the *Auctioneers Act 1935* (such as applications, penalties for breach and appeals) are to be amended so that they are consistent with those in the *Agents Licensing Act 1979*. The two Acts overlap in so far as most licensed auctioneers of land are also licensed or registered under the *Agents Licensing Act 1979*.

HUMAN RIGHTS IMPLICATIONS

The Bill does not engage any of the applicable rights and freedoms.

CONCLUSION

This Bill is compatible with human rights.

