



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

13<sup>th</sup> Assembly

**SOCIAL POLICY SCRUTINY COMMITTEE**

**Public Briefing Transcript**

**Statute Law Revision and Repeals Bill 2019**

2.30 pm, Wednesday, 21 August 2019

Litchfield Room, Level 3, Parliament House, Darwin

**Members:** Ms Ngaree Ah Kit MLA, Chair, Member for Karama  
Mrs Lia Finocchiaro MLA, Member for Spillett  
Mrs Kate Worden MLA, Member for Sanderson

**Witnesses:** **Department of the Attorney-General and Justice**  
Robert Bradshaw: Director Policy Coordination

**STATUTE LAW REVISION AND REPEALS BILL 2019**

**Department of the Attorney-General and Justice**

**Madam CHAIR:** Thank you very much for joining us. I am Ngaree Ah Kit. I am the Member for Karama and Chair of the Social Policy Scrutiny Committee. On behalf of the committee, I welcome everyone to this public briefing on the Statute Law Revision and Appeals Bill 2019.

I acknowledge that this public briefing is being held on the land of the Larrakia people and I pay my respects to Larrakia elders past, present and emerging.

I also acknowledge my fellow committee members in attendance today: the Member for Sanderson, Kate Worden and the Member for Spillett, Lia Finocchiaro.

I welcome to the table to give evidence to the committee from the Department of the Attorney-General and Justice, Robert Bradshaw, Director Policy Coordination. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing which is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If, at any time during the briefing, you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

I will ask you to state your name for the record and the capacity in which you appear before inviting you to make an opening statement, and then proceeding to the committee's questions. Could you please state your name and the capacity in which you are appearing?

**Mr BRADSHAW:** Robert Bradshaw, Director of Policy Coordination, Department of Attorney-General and Justice. I am here representing my department.

**Madam CHAIR:** Excellent. Thank you, Mr Bradshaw. Would you like to make an opening statement?

**Mr BRADSHAW:** Just briefly. One of the aims of parliament and Parliamentary Counsel is to keep the statute book tidy. A preliminary observation is that this Bill has a lot less human interest than the previous Bill. Apologies for the dryness.

The main aim is to have a neat and tidy statute book. This Bill seeks to remove Acts that have been passed that are no longer in operation. It also seeks to repeal Acts that are obsolete. It also, in passing, makes some statutory corrections. That is the main aim of the Act. Would you like me to briefly go through the various types of amendments?

**Mrs FINOCCHIARO:** Are there any that change the operation or the rights of someone, or anything like that? Are they literally typos and fixing up?

**Mr BRADSHAW:** There are some that affect occupational licensing for auctioneers and real estate agents. They are the only policy ones, I would say.

**Mrs FINOCCHIARO:** I would think perhaps limit it to the ones that impact anyone's rights or obligations or have any practical effect.

**Madam CHAIR:** I am trying to figure out how you do the investigation to find out which ones are now obsolete?

**Mr BRADSHAW:** We can thank Parliamentary Counsel for finding the 199 that have no current operation. You will notice the current amending Bills that go through parliament have a clause at the end that says the Act expires the day after it commences. In the past they did not have those kinds of provisions so all of those Acts that would under current practices be now automatically repealed are still there.

Parliamentary Counsel have gone through to about 1960, reading them through to find out whether in all of these Acts that look obsolete, whether they are, in fact, obsolete in the sense of having maybe a transitional provision that has some relevance.

They did the 199. They also identified Acts that had not been commenced over the last 20 or 30 years; Acts sitting there just waiting to be commenced but for a range of reasons had not been commenced. They identified them. We then—the Department of the Attorney-General and Justice—wrote to each agency enquiring as to why the particular Act had not been commenced and making a decision as to whether it should just be abandoned, repealed or commenced.

**Madam CHAIR:** Is that information made public? Why Acts did not commence?

**Mr BRADSHAW:** In the Minister's second reading speech and explanatory statement—and I can deal with some of them now.

**Mrs FINOCCHIARO:** Noting the time and your level of interest perhaps. I know it is fascinating but we are pushing it today.

**Mr BRADSHAW:** The main ones that are of relevance are the amendments to the *Auctioneer's Act 1935* and *Agents Licensing Act 1979* made in 2002. They were enacted as part of a competition policy reform and Auctioneers amendments proved difficult to implement in a sense that it required a code of practice under the *Consumer Affairs and Fair Trading Act 1990*. It turned out not to be practical to draft a code of practice to regulate auctioneers. The Bill that was supposed to repeal the *Auctioneer's Act*, has just sat there. This Bill now repeals the repealing Bill and it replaces it with a more modern version of the *Auctioneer's Act* so it updates penalties, updates the licensing process, removes the Minister formally from the licensing process, and provides for appeals to NTCAT rather than the local court. It does those kinds of things.

The other one is the *Agents Licensing Act 2002* amendments about a code of conduct for agents. The intent was to have a new code of conduct after public consultation, but that did not happen, mainly because nobody could identify any particular problems with the current provisions other than they were incoherently spread throughout the Act and Regulations. This Bill tidies that up and allows for all the code of conduct provisions to be in the Agents Licensing Regulations rather than the two.

**Mrs FINOCCHIARO:** They are the substantive changes?

**Mr BRADSHAW:** They are the policy changes.

**Mrs FINOCCHIARO:** How is it modernising the *Auctioneers Act*? Could you talk us through some of the detail of that component?

**Mr BRADSHAW:** The concept of having the Minister as the occupational licensing authority is a very old-fashioned concept. In the olden times, courts and sometimes Ministers were occupational licensing authorities. As far as we can tell, the Minister is the only occupational licensing authority left in the Territory. It is 1935 legislation. The Minister has been taken out of the picture and the Agent's Licensing Board is taking on the role. In practice, auctioneers have a very simple licensing system and most people get a licence based on the fit and proper test rather than competency. From the point of view of auctioneers, other than real estate ones, they will not notice any difference other than the name of the delegate will change.

**Mrs FINOCCHIARO:** How will it change for real estate agents?

**Mr BRADSHAW:** Real estate agents will really only change in that they will be able to find their code of conduct provisions in the one place in the Regulations.

**Mrs FINOCCHIARO:** So the code itself is not changing, they are just being put in one spot.

**Mr BRADSHAW:** In one place, yes.

**Mrs FINOCCHIARO:** Who was consulted with on these two changes?

**Mr BRADSHAW:** Basically, I am a member of the Agents Licensing Board as well so the board has been doing some consultation with the real estate industry on the whole gamut of the agents licensing legislation and this auctioneers part was a small part of a—first of all—consultation between the board and the CEO of the institute and then a public meeting that I addressed with an open invitation to all agents.

**Mrs FINOCCHIARO:** Okay.

**Mr BRADSHAW:** No one raised any problems with the concept.

**Mrs FINOCCHIARO:** Okay.

**Madam CHAIR:** Does the committee have any further questions?

**Mrs WORDEN:** I cannot imagine there would be any other speakers.

**Madam CHAIR:** No further questions. Thank you very much for sharing that with us this afternoon, Mr Bradshaw. We really appreciate your time.

**Mr BRADSHAW:** Thank you.