

Queensland



**TOURISM, RACING AND FAIR  
TRADING (MISCELLANEOUS  
PROVISIONS) ACT 2003**

**Act No. 94 of 2003**



Queensland



**TOURISM, RACING AND FAIR TRADING  
(MISCELLANEOUS PROVISIONS)  
ACT 2003**

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Queensland



**Tourism, Racing and Fair Trading  
(Miscellaneous Provisions) Act 2003**

**Act No. 94 of 2003**

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**An Act to amend legislation administered by the Minister for Tourism and Racing and the Minister for Fair Trading, and for other purposes**

*[Assented to 3 December 2003]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2003*.

### **2 Commencement**

(1) Part 7 commences 1 month after assent.

(2) Sections 49 and 52 commence 3 months after assent.

(3) Sections 85 and 91 commence on a day to be fixed by proclamation.

(4) Part 14A commences or is taken to have commenced on 30 November 2003.

## **PART 2—AMENDMENT OF ASSOCIATIONS INCORPORATION ACT 1981**

### **3 Act amended in pt 2**

This part amends the *Associations Incorporation Act 1981*.

### **4 Omission of ss 19–20**

Sections 19 and 20—

*omit.*

### **5 Insertion of new s 93A**

After section 93—

*insert—*

**‘93A Chief executive may require information from financial institutions before cancelling incorporation**

‘(1) This section applies if—

- (a) the chief executive has served a notice on a relevant officer of an incorporated association under section 93(1); and
- (b) the chief executive considers a financial institution may hold, or have held, an account in the name of the incorporated association.

‘(2) The chief executive may, by written notice, require a person who is the manager or other principal officer of the financial institution to give the chief executive, within a stated reasonable time, stated information about—

- (a) any accounts held by the incorporated association with the financial institution; and
- (b) the balance of each account held.

‘(3) The person must comply with the notice.

Maximum penalty—10 penalty units.’.

**6 Amendment of s 94 (Vesting of property on cancellation)**

(1) Section 94(a) and (c), ‘Governor in Council’—

*omit, insert—*

‘chief executive’.

(2) Section 94(a) and (c), ‘regulation’—

*omit, insert—*

‘gazette notice’.

**7 Omission of ss 107–108**

Sections 107 and 108—

*omit.*

## **8 Insertion of new s 121A**

After section 121—

*insert—*

### **‘121A False or misleading information or documents**

‘(1) This section applies to a statement made or document given to the chief executive.

‘(2) A person must not state anything to the chief executive the person knows is false or misleading in a material particular.

Maximum penalty—10 penalty units.

‘(3) A person must not give the chief executive a document the person knows is false or misleading in a material particular.

Maximum penalty—10 penalty units.

‘(4) Subsection (3) does not apply to a person who, when giving the document—

- (a) informs the chief executive, to the best of the person’s ability, how it is false or misleading; and
- (b) gives the correct information to the chief executive if the person has, or can reasonably obtain, the correct information.

‘(5) It is enough for a complaint against a person for an offence against subsection (2) or (3) to state the information or document was false or misleading to the person’s knowledge, without specifying which.’

## **PART 3—AMENDMENT OF BUSINESS NAMES ACT 1962**

### **9 Act amended in pt 3**

This part amends the *Business Names Act 1962*.

**10 Omission of s 4A (Registrar may enter into arrangements with ASIC)**

Section 4A—

*omit.*

**11 Amendment of s 12A (Provisions relating to statements etc.)**

Section 12A(3)—

*omit, insert—*

‘(3) If—

- (a) a person has applied for renewal of the registration of a business name; and
- (b) subsection (2) applies; and
- (c) the registration is renewed;

the renewal is taken to be effected for a further term of 1 year or 3 years, stated in the application for renewal, as from the day on which the previous registration expires.’.

**PART 4—AMENDMENT OF CLASSIFICATION OF  
COMPUTER GAMES AND IMAGES ACT 1995**

**12 Act amended in pt 4**

This part amends the *Classification of Computer Games and Images Act 1995*.

**13 Amendment of s 7 (Production of computer game for classification or reclassification)**

(1) Section 7(1), from ‘ask’ to ‘computer game’—

*omit, insert—*

‘, by written notice given to a person (the “**publisher**”) who publishes a computer game, require the publisher’.

(2) Section 7(3) to (5)—

*renumber* as section 7(4) to (6).

(3) Section 7(2)—

*omit, insert*—

‘(2) The publisher must comply with the notice within 3 business days after receiving it.

Maximum penalty—20 penalty units.

‘(3) It is a defence to a prosecution for an offence against subsection (2) for the defendant to prove that the defendant did not have a copy of the computer game.’

(4) Section 7(6), as renumbered, ‘(4)’—

*omit, insert*—

‘(5)’.

#### **14 Amendment of s 8A (Calling in computer game for reclassification by board)**

Section 8A(2), after ‘director’—

*insert*—

‘or the computer games classification officer’.

#### **15 Amendment of s 8B (Obtaining copies for review)**

Section 8B(2), after ‘director’—

*insert*—

‘or the computer games classification officer’.

#### **16 Amendment of s 8C (Calling in unclassified computer game for classification)**

(1) Section 8C(1) and (2), after ‘director’—

*insert*—

‘or the computer games classification officer’.

(2) Section 8C(3)—

*omit, insert—*

‘(3) For the requirement under subsection (2) to have effect—

- (a) if the director makes the requirement—the director must cause notice of the requirement to be published in the Commonwealth gazette; or
- (b) if the computer games classification officer makes the requirement—the officer must cause notice of the requirement to be gazetted.’.

**17 Amendment of s 13B (Director’s power to require certain advertisements to be submitted for approval)**

(1) Section 13B, heading, ‘**Director’s power**’—

*omit, insert—*

‘**Power**’.

(2) Section 13B(1), after ‘director’—

*insert—*

‘or the computer games classification officer’.

**18 Amendment of s 13C (Defence to prosecution under section 13B)**

Section 13C, after ‘director’—

*insert—*

‘or the computer games classification officer’.

**PART 5—AMENDMENT OF CLASSIFICATION OF FILMS ACT 1991**

**19 Act amended in pt 5**

This part amends the *Classification of Films Act 1991*.

**20 Amendment of s 25CA (Calling in unclassified film for classification)**

(1) Section 25CA(1) and (2), after ‘director’—

*insert—*

‘or the films classification officer’.

(2) Section 25CA(4)—

*omit, insert—*

‘(4) For the requirement under subsection (2) to have effect—

- (a) if the director makes the requirement—the director must cause notice of the requirement to be published in the Commonwealth gazette; or
- (b) if the films classification officer makes the requirement—the officer must cause notice of the requirement to be gazetted.’.

**21 Amendment of s 25CB (Calling in film for reclassification)**

Section 25CB(2), after ‘director’—

*insert—*

‘or the films classification officer’.

**22 Amendment of s 25CC (Obtaining copies for review)**

Section 25CC(2), after ‘director’—

*insert—*

‘or the films classification officer’.

**23 Amendment of s 25D (Director’s power to require certain advertisements to be submitted for approval)**

(1) Section 25D, heading, ‘Director’s power’—

*omit, insert—*

‘**Power**’.

(2) Section 25D(1), after ‘director’—



*insert—*

‘or the films classification officer’.

## **24 Amendment of s 25E (Defence to prosecution under section 25D)**

Section 25E, after ‘director’—

*insert—*

‘or the films classification officer’.

## **PART 6—AMENDMENT OF CLASSIFICATION OF PUBLICATIONS ACT 1991**

### **25 Act amended in pt 6**

This part amends the *Classification of Publications Act 1991*.

### **26 Amendment of s 9A (Director’s power to require publisher to submit application for classification of a publication)**

(1) Section 9A, heading, ‘**Director’s power**’—

*omit, insert—*

‘**Power**’.

(2) Section 9A(1), after ‘director’—

*insert—*

‘or the publications classification officer’.

(3) Section 9A(2)—

*omit, insert—*

‘(2) For the requirement under subsection (1) to have effect—

- (a) if the director makes the requirement—the director must cause notice of the requirement to be published in the Commonwealth gazette; or

- (b) if the publications classification officer makes the requirement—the officer must cause notice of the requirement to be gazetted.’.

**27 Amendment of s 9B (Director’s power to require certain advertisements to be submitted for approval)**

(1) Section 9B, heading, ‘**Director’s power**’—

*omit, insert—*

‘**Power**’.

(2) Section 9B(1), after ‘director’—

*insert—*

‘or the publications classification officer’.

**28 Amendment of s 9C (Defence to prosecution under section 9A or 9B)**

Section 9C, after ‘director’—

*insert—*

‘or the publications classification officer’.

## **PART 7—AMENDMENT OF COLLECTIONS ACT 1966**

**29 Act amended in pt 7**

This part amends the *Collections Act 1966*.

**30 Amendment of s 8 (Delegation by Minister)**

(1) Section 8, from ‘an’—

*omit, insert—*

‘the chief executive.’.

(2) Section 8—

*insert—*

‘(2) The chief executive may subdelegate the delegated power to an appropriately qualified public service officer.’.

### **31 Amendment of s 8A (Delegation by chief executive)**

(1) Section 8A(2), definition “appropriately qualified”—

*relocate* to section 5(1).

(2) Section 8A(2), as amended—

*omit.*

## **PART 8—AMENDMENT OF COMMERCIAL AND CONSUMER TRIBUNAL ACT 2003**

### **32 Act amended in pt 8**

This part amends the *Commercial and Consumer Tribunal Act 2003*.

### **33 Amendment of s 52 (Extension of time and waiver of compliance)**

Section 52(4), from ‘if’—

*omit, insert—*

‘—

- (a) for a proceeding relating to a matter to which the *Property Agents and Motor Dealers Act 2000*, section 472A<sup>1</sup> applies; or
- (b) if to do so would cause any prejudice or detriment to a party or potential party that can not be remedied by an appropriate order for costs or damages.’.

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<sup>1</sup> *Property Agents and Motor Dealers Act 2000*, section 472A (Time limit for making particular claims relating to marketeering contraventions and non-investment residential property)

### **34 Amendment of s 112 (Person must answer certain questions)**

Section 112(1)—

*omit, insert—*

‘(1) This section applies if—

- (a) a person, at a public examination started under the *Property Agents and Motor Dealers Act 2000*, refuses to answer any question put to the person; or
- (b) a person, at a public examination started under any other empowering Act, refuses to answer a question about the person’s financial affairs.’.

## **PART 9—AMENDMENT OF CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) ACT 2001**

### **35 Act amended in pt 9**

This part amends the *Co-operative Schemes (Administrative Actions) Act 2001*.

### **36 Amendment of s 4 (Co-operative schemes to which Act applies—relevant State Acts)**

(1) Section 4(1)(c) and (d)—

*renumber* as section 4(1)(f) and (g).

(2) Section 4(1)—

*insert—*

‘(c) the *Classification of Computer Games and Images Act 1995*;

(d) the *Classification of Films Act 1991*;

(e) the *Classification of Publications Act 1991*;’.

(3) Section 4(1)(g), as renumbered, ‘or (c)’—

*omit, insert—*

‘, (c), (d), (e) or (f)’.

## **PART 10—AMENDMENT OF FAIR TRADING ACT 1989**

### **37 Act amended in pt 10**

This part amends the *Fair Trading Act 1989*.

### **38 Amendment of s 99 (Action for damages—TPA s 82)**

(1) Section 99(2) and (3)—

*renumber* as section 99(3) and (4).

(2) Section 99—

*insert—*

‘(2) However, a person who suffers loss or damage by an act or omission of another person may not recover the amount of the loss or damage by an action under subsection (1) to the extent to which—

(a) the action would be based on an act or omission that is a contravention of part 3, division 1 (other than section 39), section 52 or 53 or part 3, division 2A; and

(b) the loss or damage is, or results from, death or personal injury.’.

### **39 Amendment of s 100 (Compensation and other remedial orders—TPA s 87)**

(1) Section 100(2A) to (6)—

*renumber* as section 100(4) to (9).

(2) Section 100—

*insert—*

‘(3) The court may not make an order under this section for the purpose of compensating a person for loss or damage the person suffers by an act or omission of another person to the extent to which—

- (a) the order would be based on an act or omission that is a contravention of part 3, division 1 (other than section 39), section 52 or 53 or part 3, division 2A; and
- (b) the loss or damage is, or results from, death or personal injury.’.

#### **40 Amendment of s 103 (Jurisdiction)**

Section 103(3), ‘100(5)(a)’—

*omit, insert—*

‘100(7)(a)’.

#### **41 Insertion of new pt 8**

After section 116—

*insert—*

### **‘PART 8—TRANSITIONAL PROVISION FOR TOURISM, RACING AND FAIR TRADING (MISCELLANEOUS PROVISIONS) ACT 2003**

#### **‘117 Transitional provision for actions for damages and compensation and other remedial orders—TPA, ss 82 and 87**

‘Sections 99, 100 and 103, as in force before the commencement of this section, continue to apply to an act or omission that is a contravention of part 3, division 1 (other than section 39), section 52 or 53 or part 3, division 2A that happens before the commencement.’.

## **PART 11—AMENDMENT OF INTRODUCTION AGENTS ACT 2001**

### **42 Act amended in pt 11**

This part amends the *Introduction Agents Act 2001*.

### **43 Amendment of s 19 (Application for licence)**

Section 19(2)(d)—

*omit.*

### **44 Amendment of s 22 (Disqualifying criteria—corporations)**

Section 22(2), definition “externally-administered body corporate”—

*omit, insert—*

‘**“externally-administered body corporate”** has the meaning given by the Corporations Act, section 9.<sup>2</sup>’.

### **45 Amendment of s 24 (Decision on application)**

Section 24(3)(c), ‘date of’—

*omit, insert—*

‘applicant receives’.

---

2 Corporations Act, section 9—

**“externally-administered body corporate”** means a body corporate—

- (a) that is being wound up; or
- (b) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting; or
- (c) that is under administration; or
- (ca) that has executed a deed of company arrangement that has not yet terminated; or
- (d) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.

**46 Amendment of s 25 (Renewal of licence)**

(1) Section 25(1)—

*omit, insert—*

‘(1) A licensee may apply to the chief executive for renewal of the licensee’s licence within the period starting 1 month before the licence ends and ending 3 months after the licence ends.’.

(2) Section 25(2)(d)—

*omit.*

**47 Amendment of s 27 (Procedure for suspending, cancelling, refusing to renew or imposing conditions on a licence)**

Section 27(4)(b), ‘date of’—

*omit, insert—*

‘licensee receives’.

**48 Amendment of s 30 (Replacement licence)**

(1) Section 30(2) to (4)—

*renumber* as section 30(3) to (5).

(2) Section 30—

*insert—*

‘(2) The application must be accompanied by the fee prescribed under a regulation.’.

(3) Section 30(5)(c), as renumbered, ‘date of’—

*omit, insert—*

‘applicant receives’.

**49 Insertion of new s 32A**

After section 32—

*insert—*



### **‘32A Display of licence**

‘(1) A licensee must conspicuously display the licensee’s licence, or a copy of the licence, at every place where the licensee deals with a person who is, or may become, a client of the licensee’s business as an introduction agent.

Maximum penalty—200 penalty units.

‘(2) A licensee must conspicuously show the number of the licensee’s licence in all types of communications with a person who is, or may become, a client of the licensee’s business as an introduction agent.

*Examples of types of communications—*

Brochure, internet, SMS.

Maximum penalty—200 penalty units.’.

### **50 Amendment of s 33 (Register of licences)**

Section 33(2)(a), ‘at which’—

*omit, insert—*

‘where’.

### **51 Amendment of s 43 (Pre-contractual disclosure statement)**

(1) Section 43(1), after ‘**statement**’)—

*insert—*

‘and including, but not limited to, the matters in subsection (2)’.

(2) Section 43(2), from ‘Without’ to ‘following—’—

*omit, insert—*

‘The matters are as follows—’.

(3) Section 43(2), penalty—

*omit.*

### **52 Amendment of s 44 (What must be included in an introduction agreement)**

(1) Section 44(1), ‘ensure than’—

*omit, insert—*

‘ensure that’.

(2) Section 44(1)(b)(ii) to (ix)—

*renumber* as section 44(1)(b)(iv) to (xi).

(3) Section 44(1)(b)(i)—

*omit, insert—*

- (i) prominently at the top of the first page of the agreement, the agent’s licence number;
- (ii) at the beginning of the agreement, before any other words comprising the agreement, the words ‘Important Notice’ in bold type at least 16 point font size;
- (iii) immediately after the words ‘Important Notice’ mentioned in subparagraph (ii), the statement prescribed for this subparagraph under a regulation;’.

(4) Section 44(1)(d)—

*omit, insert—*

‘(d) is signed.’.

(5) Section 44(2), ‘subsection (1)(b)(v)’—

*omit, insert—*

‘subsection (1)(b)(vii).’.

### **53 Amendment of s 45 (Client must be given copy of agreement)**

Section 45(1), ‘agreement signed by the agent and the client’—

*omit, insert—*

‘signed agreement’.

### **54 Amendment of s 49 (Restriction on prepayments)**

Section 49(2), ‘demand of’—

*omit, insert—*

‘demand of,’.

**55 Amendment of s 55 (Early termination payment by client allowed)**

Section 55(2), ‘the end of 3 clear business days’—

*omit, insert—*

‘5 pm on the third clear business day’.

**56 Amendment of s 58 (Cooling-off period)**

Section 58(2)—

*omit, insert—*

‘(2) A client may end an introduction agreement at any time before 5 pm on the third clear business day after the client receives a copy of the signed agreement.

*Example of when client may end an introduction agreement—*

A client receives a copy of the signed introduction agreement at 2 pm on Monday. To end the agreement, the client must indicate to the introduction agent an intention to end the agreement by 5 pm on Thursday, assuming that Monday to Thursday are all business days.

‘(3) The client ends the agreement by giving signed notice to the introduction agent.’.

**57 Insertion of new s 59A**

After section 59—

*insert—*

**‘59A Onus on introduction agent to prove client bound**

‘The introduction agent bears the onus of proving whether or to when a client is bound by an introduction agreement if a dispute arises about the issue.’.

**58 Insertion of new s 94A**

Part 8, division 3, before section 95—

*insert—*

### **‘94A Service by fax**

‘If a document is sent by fax, it is taken to be received by the person to whom it is sent if the sender’s fax machine indicates that transmission has been successful, unless the contrary is proved.’.

### **59 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

‘**“signed”**, in relation to an introduction agreement, means signed by the client and by or for the introduction agent.’.

## **PART 12—AMENDMENT OF PARTNERSHIP ACT 1891**

### **60 Act amended in pt 12**

This part amends the *Partnership Act 1891*.

### **61 Amendment of s 13 (Liability of the firm for wrongs)**

(1) Section 13, ‘Where’—

*omit, insert—*

‘(1) Subject to subsection (2), if’.

(2) Section 13—

*insert—*

‘(2) For subsection (1), a partner who commits a wrongful act or omission as a director of a body corporate under the Corporations Act is not to be taken to be acting in the ordinary course of the business of the firm or with the authority of the partner’s copartners only because of any 1 or more of the following—

- (a) the partner obtained the agreement or authority of the partner’s copartners, or some of them, to be appointed or to act as a director of the body corporate;

- (b) remuneration that the partner receives for acting as a director of the body corporate forms part of the income of the firm;
- (c) any copartner is also a director of that or any other body corporate.’.

## **62 Insertion of new s 49**

After section 48—

*insert—*

### **‘49 Transitional provision for *Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2003***

Section 13, as in force before the commencement of this section, continues to apply to an act or omission that happened before the commencement.’.

## **PART 13—AMENDMENT OF PROPERTY AGENTS AND MOTOR DEALERS ACT 2000**

### **63 Act amended in pt 13**

This part amends the *Property Agents and Motor Dealers Act 2000*.

### **64 Amendment of s 13 (Meaning of “beneficial interest”)**

Section 13(1) and (2), ‘or sale’—

*omit.*

### **65 Amendment of s 37 (Eligibility for pastoral house licence)**

Section 37(a)(iii), ‘*Financial Corporations Act 1974*’—

*omit, insert—*

‘*Financial Sector (Collection of Data) Act 2001*’.

**66 Amendment of s 161 (Pretending to be real estate salesperson)**

(1) Section 161(1), ‘hold out that the person is’—

*omit, insert—*

‘act as’.

(2) Section 161—

*insert—*

‘(3) In this section—

“**act as a real estate salesperson**”, for a person, includes hold out that the person is a real estate salesperson.’.

**67 Amendment of s 201 (Pretending to be pastoral house salesperson)**

(1) Section 201, ‘hold out that the person is’—

*omit, insert—*

‘act as’.

(2) Section 201—

*insert—*

‘(2) In this section—

“**act as a pastoral house salesperson**”, for a person, includes hold out that the person is a pastoral house salesperson.’.

**68 Amendment of s 257 (Pretending to be trainee auctioneer)**

(1) Section 257, ‘hold out that the person is’—

*omit, insert—*

‘act as’.

(2) Section 257—

*insert—*

‘(2) In this section—

“**act as a trainee auctioneer**”, for a person, includes hold out that the person is a trainee auctioneer.’.

**69 Amendment of s 276 (Pretending to be property developer salesperson)**

(1) Section 276, ‘hold out that the person is’—

*omit, insert—*

‘act as’.

(2) Section 276—

*insert—*

‘(2) In this section—

“**act as a property developer salesperson**”, for a person, includes hold out that the person is a property developer salesperson.’.

**70 Amendment of s 335 (Pretending to be motor salesperson)**

(1) Section 335, ‘hold out that the person is’—

*omit, insert—*

‘act as’.

(2) Section 335—

*insert—*

‘(2) In this section—

“**act as a motor salesperson**”, for a person, includes hold out that the person is a motor salesperson.’.

**71 Amendment of s 355 (Pretending to be commercial subagent)**

(1) Section 355(1), ‘hold out that the person is’—

*omit, insert—*

‘act as’.

(2) Section 355—

*insert—*

‘(3) In this section—

“**act as a commercial subagent**”, for a person, includes hold out that the person is a commercial subagent.’.

## **72 Insertion of new s 569A**

After section 569—

*insert—*

### **‘569A Undertaking about other matter**

‘Without limiting section 569, the chief executive may accept an undertaking given by a person for this section about anything for which the chief executive or an inspector has a function or power.

*Example of type of undertaking for this section—*

An undertaking to publish corrective advertising.’.

## **72A Insertion of new s 630A**

Chapter 19, part 1, after section 630—

*insert—*

### **‘630A Provision for particular stolen motor vehicles**

‘(1) This section applies to a claim made against the fund in relation to a purchase of a used motor vehicle within the meaning of the repealed Act from a motor dealer licensed under the repealed Act if—

- (a) the person who makes the claim purchased the vehicle before 1 July 2001; and
- (b) the person did not gain clear title to the vehicle when the person purchased it because the vehicle was a stolen vehicle; and
- (c) a police officer seized the vehicle under the *Police Powers and Responsibilities Act 2000* on or after 1 July 2001; and
- (d) the person could not have made a claim against the former fund or the fund within either of the periods mentioned in section 119(5) of the repealed Act because the person did not know the vehicle was a stolen vehicle until after the expiry of the time limit mentioned in section 119(5).

‘(2) Section 511 applies to the claim as if it were a claim under this Act.’.



**73 Amendment of sch 1 (Decisions subject to review)**

Schedule 1, entry for section 481(1)—  
*omit.*

**74 Amendment of sch 2 (Dictionary)**

(1) Schedule 2—  
*insert—*

‘**“used imported vehicle”** means a motor vehicle that—

- (a) has been imported into Australia under the *Motor Vehicle Standards Act 1989* (Cwlth); and
- (b) is intended to be used in transport in Australia within the meaning of that Act;

but does not include a motor vehicle that has been supplied to the market in full volume in Australia within the meaning of that Act and the *Motor Vehicle Standards Regulations 1989* (Cwlth).’.

(2) Schedule 2, definition “used motor vehicle”, paragraph (a)—  
*omit, insert—*

‘(a) generally, means—

- (i) a motor vehicle that has, at any time, been licensed or registered, whether under a law of this State or of any other State or Territory; or
- (ii) a used imported vehicle; and’.

**PART 14—AMENDMENT OF RACING ACT 2002****75 Act amended in pt 14**

This part amends the *Racing Act 2002*.

**76 Amendment of s 97 (Matters relating to establishment of appeal committee)**

(1) Section 97(4)—

*renumber* as section 97(5).

(2) Section 97—

*insert*—

‘(4) Despite subsection (3)(b) and (c), a member of a committee of a licensed club may be a member of an appeal committee.’.

**77 Amendment of s 167 (Decisions that may be appealed)**

Section 167(1)(c), after ‘no’—

*insert*—

‘right of’.

**78 Amendment of s 369 (Racing calendar)**

Section 369(2), ‘relates.’—

*omit, insert*—

‘relates,’.

**79 Amendment of sch 1 (Relocated provisions)**

Schedule 1, section 12G(4), example, ‘*teleconferencing*’—

*omit, insert*—

‘*technology*’.

**80 Amendment of sch 3 (Dictionary)**

Schedule 3, definition “sporting contingency”, paragraph (a), ‘race; or’—

*omit, insert*—

‘race;’.

## **PART 14A—AMENDMENT OF SECOND-HAND DEALERS AND PAWNBROKERS ACT 2003**

### **80A Act amended in pt 14A**

This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*.

### **80B Amendment of s 140 (Amendment of s 5 of Act No. 72 of 1982)**

Section 140(2), ‘section 88’—

*omit, insert—*

‘section 89’.

### **80C Amendment of s 149 (Replacement of pt 4, hdg of Act No. 72 of 1982)**

Section 149, before ‘EXISTING’—

*insert—*

‘PART 4—’.

## **PART 15—AMENDMENT OF SECURITY PROVIDERS ACT 1993**

### **81 Act amended in pt 15**

This part amends the *Security Providers Act 1993*.

### **82 Amendment of s 3 (Definitions)**

Section 3, definition “disqualifying offence”, paragraph (c)—

*omit, insert—*

‘(c) against a provision of the Criminal Code mentioned in the schedule; or

- (d) against the *Police Service Administration Act 1990*, section 10.19(b), (c), (d), (e) or (f).’.

### **83 Amendment of s 10 (Application for licence)**

(1) Section 10(2) to (4)—

*renumber* as section 10(4) to (6).

(2) Section 10—

*insert*—

‘(2) The application must be accompanied by the fee prescribed under a regulation.

‘(3) The applicant must state in the application the term of the licence being applied for.’.

### **84 Amendment of s 14 (Decision on application)**

(1) Section 14(2) and (3)—

*renumber* as section 14(3) and (4).

(2) Section 14—

*insert*—

‘(2) Despite subsection (1), if the applicant or another person required to be an appropriate person for the grant of the licence has been charged with a disqualifying offence, the chief executive may defer making a decision to grant or to refuse to grant the licence until the end of the proceeding for the charge.’.

(3) Section 14—

*insert*—

‘(5) If the chief executive decides to defer making a decision to grant or to refuse to grant the licence, the chief executive must promptly give the applicant a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the applicant may appeal against the decision within 28 days to a Magistrates Court.’.

**85 Replacement of s 19 (Period of validity of licence)**

Section 19—

*omit, insert—*

**‘19 Term of licence**

‘A licence may be issued for a 1 year or 3 year term.’.

**86 Amendment of s 20 (Renewal of licence)**

Section 20(4), ‘period, of not longer than 1 year’—

*omit, insert—*

‘term, of 1 year or 3 years’.

**87 Amendment of s 21 (Grounds for suspension, cancellation or refusal to renew)**

(1) Section 21(1)(d)—

*renumber* as section 21(1)(f).

(2) Section 21(1)—

*insert—*

(d) the licensee has been convicted of an offence against the *Industrial Relations Act 1999*, section 666(1)<sup>3</sup> relating to the under payment of award wages;

(e) the licensee has contravened an order of the industrial commission or of the Industrial Magistrates Court to pay wages.’.

**88 Amendment of s 26 (Right to appeal to the Court)**

Section 26(1)—

*omit, insert—*

‘(1) An applicant for a licence may appeal against a decision of the chief executive—

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3 *Industrial Relations Act 1999*, section 666 (Non-payment of wages)

- (a) to refuse to grant the licence; or
- (b) to defer making a decision to grant or to refuse to grant the licence.’.

## **PART 16—AMENDMENT OF TRAVEL AGENTS ACT 1988**

### **89 Act amended in pt 16**

This part amends the *Travel Agents Act 1988*.

### **90 Amendment of s 6 (Definitions)**

Section 6—

*insert—*

‘**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

A person’s classification level in the public service.’.

### **91 Amendment of s 19 (Duration of licence)**

(1) Section 19(2)—

*omit, insert—*

‘(2) A licensee must, not later than the day prescribed under a regulation for this section—

- (a) pay to the commissioner the annual licence fee prescribed under a regulation and lodge with the commissioner an annual return in the approved form; or
- (b) pay to the commissioner the triennial licence fee prescribed under a regulation and lodge with the commissioner a triennial return in the approved form.’.

(2) Section 19(3), from ‘fails’ to ‘return’—

*omit, insert—*

‘fails to pay the licence fee or lodge the return’.

## **92 Replacement of s 44 (Delegation by commissioner)**

Section 44—

*omit, insert—*

### **‘44 Delegation by commissioner**

‘The commissioner may delegate the commissioner’s powers under this Act to an appropriately qualified public service officer.

### **‘44A Delegation by chief executive**

‘(1) The chief executive may delegate the chief executive’s powers under this Act to the commissioner.

‘(2) The commissioner may subdelegate the delegated power to an appropriately qualified public service officer.’.

## **93 Replacement of s 50 (False or misleading information)**

Section 50—

*omit, insert—*

### **‘50 False or misleading information or documents**

‘(1) This section applies to a statement made or document given to the commissioner or an inspector.

‘(2) A person must not state anything to the commissioner or an inspector the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

‘(3) A person must not give the commissioner or an inspector a document the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

‘(4) Subsection (3) does not apply to a person who, when giving the document—

- (a) informs the commissioner or the inspector, to the best of the person's ability, how it is false or misleading; and
- (b) gives the correct information to the commissioner or the inspector if the person has, or can reasonably obtain, the correct information.

'(5) It is enough for a complaint against a person for an offence against subsection (2) or (3) to state the information or document was false or misleading to the person's knowledge, without specifying which.'