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OPP--OPPOSITION

LEGISLATIVE COUNCIL

Fair Trading Amendment (Commercial Agents) Bill 2016

First print

Proposed amendments

No. 1 **Retention of positive licensing scheme**

Page 2, section 3, lines 6–12. Omit all words on those lines. Insert instead:

3 Amendment of Commercial Agents and Private Inquiry Agents Act 2004

(1) **Section 4 Definitions**

Omit the definition of *Commissioner* from section 4 (1). Insert instead:

Commissioner means:

- (a) the Commissioner for Fair Trading, Department of Finance, Services and Innovation, or
- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

(2) **Section 4A**

Insert after section 4:

4A Act does not apply to remote commercial agent activities

Despite any other provision of this Act, this Act does not apply to a commercial agent activity if that activity is carried out remotely such as by way of mail, telephone, email or internet.

No. 2 **Retention of positive licensing scheme**

Page 3, Schedule 1 [1], Insert after line 4:

59 Application of Part

This Part does not apply to a commercial agent activity for which a licence is required under the *Commercial Agents and Private Inquiry Agents Act 2004*.

Note. This Part therefore regulates commercial agent activities that are carried out remotely such as by way of mail, telephone, email or internet.

No. 3 **Review of negative licensing scheme**

Page 6, Schedule 1 [1]. Insert after line 24:

60G Review of Part

- (1) The Minister is to review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 2 years from the commencement of this Part.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.