



STATUTES AMENDMENT (COMMERCIAL LICENCES) ACT 1992

No. 55 of 1992

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ELIZABETHAE II REGINAE

A.D. 1992

No. 55 of 1992

An Act to amend the Builders Licensing Act 1986, the Commercial and Private Agents Act 1986, the Consumer Credit Act 1972, the Land Agents, Brokers and Valuers Act 1973, the Second-hand Motor Vehicles Act 1983 and the Travel Agents Act 1986.

[Assented to 29 October 1992]

The Parliament of South Australia enacts as follows:

PART 1

PRELIMINARY

Short title

1. (1) This Act may be cited as the *Statutes Amendment (Commercial Licences) Act 1992*.

(2) The *Statutes Amendment (Commercial Licences) Act 1992* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF BUILDERS LICENSING ACT 1986

Amendment of s. 11—Duration of licences

4. Section 11 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) A licence remains in force (except for any period for which it is suspended) until—

(a) the licence is surrendered or cancelled;

or

(b) the licensee dies or, in the case of a body corporate, is dissolved.;

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensee.

(6) Where a licensee fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(c) by inserting after subsection (7) the following subsection:

(8) In this section—

“licensee” includes a licensee whose licence has been suspended otherwise than by force of this section.

Amendment of s. 17—Duration of registration

5. Section 17 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Registration under this Part remains in force (except for any period for which it is suspended) until—

(a) the registration is surrendered or cancelled;

or

(b) the registered building work supervisor dies.;

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the registered building work supervisor.

(6) Where a registered building work supervisor fails to comply with a notice under subsection (3) within six months after service of the notice, the registration is, by force of this subsection, cancelled.;

and

(c) by inserting after subsection (7) the following subsection:

(8) In this section—

“registered building work supervisor” includes a building work supervisor whose registration has been suspended otherwise than by force of this section.

Insertion of s. 21a

6. The following section is inserted after section 21 of the principal Act:

Advertising suspension, cancellation or disqualification

21a. Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person’s licence or registration or disqualification of the person, the Registrar must cause notice of the action taken—

(a) to be served personally or by post on that person;

and

(b) to be advertised in a newspaper circulating throughout the State.

PART 3

AMENDMENT OF COMMERCIAL AND PRIVATE AGENTS ACT 1986

Amendment of s. 13—Duration of licences**7. Section 13 of the principal Act is amended—**

(a) by striking out subsection (1) and substituting the following subsection:

(1) A licence remains in force (except for any period for which it is suspended) until—

(a) the licence is surrendered or cancelled;

or

(b) the holder of the licence dies or, in the case of a body corporate, is dissolved.;

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the holder of a licence.

(6) Where the holder of a licence fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(c) by inserting after subsection (9) the following subsection:

(10) In this section—

“holder of a licence” includes a holder of a licence whose licence has been suspended otherwise than by force of this section.

Insertion of s. 18a**8. The following section is inserted after section 18 of the principal Act:****Advertising suspension, cancellation or disqualification**

18a. Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person’s licence or an endorsement to the person’s licence or disqualification of the person, the Registrar must cause notice of the action taken—

(a) to be served personally or by post on that person;

and

(b) to be advertised in a newspaper circulating throughout the State.

PART 4

AMENDMENT OF CONSUMER CREDIT ACT 1972

Amendment of s. 30—Duration of licences**9. Section 30 of the principal Act is amended—**

(a) by striking out subsection (1) and substituting the following subsection:

(1) A licence remains in force (except for any period for which it is suspended) until—

(a) the licence is surrendered or cancelled;

or

(b) the holder of the licence dies or, in the case of a body corporate, is dissolved.;

and

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the holder of a licence.

(6) Where the holder of a licence fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

(7) In this section—

“holder of a licence” includes a holder of a licence whose licence has been suspended otherwise than by force of this section.

Insertion of s. 36b

10. The following section is inserted after section 36a of the principal Act:

Advertising suspension, cancellation or disqualification

36b. Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person's licence or disqualification of the person, the Registrar must cause notice of the action taken—

(a) to be served personally or by post on that person;

and

(b) to be advertised in a newspaper circulating throughout the State.

PART 5

AMENDMENT OF LAND AGENTS, BROKERS AND VALUERS ACT 1973

Amendment of s. 17—Duration of licence of land agent

11. Section 17 of the principal Act is amended—

(a) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensed agent.

(6) Where a licensed agent fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(b) by inserting after subsection (7) the following subsection:

(8) In this section—

“licensed agent” includes a licensed agent whose licence has been suspended otherwise than by force of this section.

Amendment of s. 27—Duration of registration as sales representative**12. Section 27 of the principal Act is amended—**

(a) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the registered sales representative.

(6) Where a registered sales representative fails to comply with a notice under subsection (3) within six months after service of the notice, the registration is, by force of this subsection, cancelled.;

and

(b) by inserting after subsection (7) the following subsection:

(8) In this section—

“registered sales representative” includes a registered sales representative whose registration has been suspended otherwise than by force of this section.

Amendment of s. 33—Duration of registration as manager**13. Section 33 of the principal Act is amended—**

(a) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the registered manager.

(6) Where a registered manager fails to comply with a notice under subsection (3) within six months after service of the notice, the registration is, by force of this subsection, cancelled.;

and

(b) by inserting after subsection (7) the following subsection:

(8) In this section—

“registered manager” includes a registered manager whose registration has been suspended otherwise than by force of this section.

Amendment of s. 58—Duration of licence of land broker**14. Section 58 of the principal Act is amended—**

(a) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensed land broker.

(6) Where a licensed land broker fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(b) by inserting after subsection (7) the following subsection:

(8) In this section—

“licensed land broker” includes a licensed land broker whose licence has been suspended otherwise than by force of this section.

Amendment of s. 80—Duration of licence of land valuer

15. Section 80 of the principal Act is amended—

(a) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensed land valuer.

(6) Where a licensed land valuer fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(b) by inserting after subsection (7) the following subsection:

(8) In this section—

“licensed land valuer” includes a licensed land valuer whose licence has been suspended otherwise than by force of this section.

Insertion of s. 85c

16. The following section is inserted after section 85b of the principal act:

Advertising suspension, cancellation or disqualification

85c. Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person’s licence or registration or disqualification of the person, the Registrar must cause notice of the action taken—

(a) to be served personally or by post on that person;

and

(b) to be advertised in a newspaper circulating throughout the State.

PART 6

AMENDMENT OF SECOND-HAND MOTOR VEHICLES ACT 1983

Amendment of s. 11—Duration of licences

17. Section 11 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) A licence remains in force (except for any period for which it is suspended) until—

(a) the licence is surrendered or cancelled;

or

(b) the licensee dies or, in the case of a body corporate, is dissolved.;

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensee.

(6) Where a licensee fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(c) by inserting after subsection (8) the following subsection:

(9) In this section—

“licensee” includes a licensee whose licence has been suspended otherwise than by force of this section.

Insertion of s. 16a

18. The following section is inserted after section 16 of the principal Act:

Advertising suspension, cancellation or disqualification

16a. Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person’s licence or disqualification of the person, the Registrar must cause notice of the action taken—

(a) to be served personally or by post on that person;

and

(b) to be advertised in a newspaper circulating throughout the State.

PART 7

AMENDMENT OF TRAVEL AGENTS ACT 1986

Amendment of s. 9—Duration of licence

19. Section 9 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) A licence remains in force (except for any period for which it is suspended) until—

(a) the licence is surrendered or cancelled;

or

(b) the licensee dies or, in the case of a body corporate, is dissolved.;

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensee.

(6) Where a licensee fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.;

and

(c) by inserting after subsection (7) the following subsection:

(8) In this section—

“licensee” includes a licensee whose licence has been suspended otherwise than by force of this section.

Insertion of s. 15a

20. The following section is inserted after section 15 of the principal Act:

Advertising suspension, cancellation or disqualification

15a. Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person’s licence or disqualification of the person, the Registrar must cause notice of the action taken—

(a) to be served personally or by post on that person;

and

(b) to be advertised in a newspaper circulating throughout the State.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor