

LEGISLATIVE COUNCIL

CONSUMER LEGISLATION AMENDMENT BILL 2026

(Amendments and New Clauses to be proposed in Committee by MELINA BATH)

1. Clause 19, page 22, after line 28 insert—

"(2A) An estate agent or agent's representative does not commit an offence against subsection (1) if—

(a) the failure to disclose the property sale information within the period referred to in subsection (1)(b)—

(i) is caused by a technological or systems failure; or

(ii) is because the information is not available to the agent or representative; or

(iii) is caused by another circumstance beyond the reasonable control of the agent or representative; and

(b) the agent or representative takes reasonable steps to comply with subsection (1) as soon as practicable after the sale of the property; and

(c) if the information is available during the period referred to in subsection (1)(b), the information is disclosed within 5 business days after the end of that period; and

(d) if the information is not available during the period referred to in subsection (1)(b)—

(i) unless it is not reasonably practicable to do so, the agent or representative notifies the Director of that fact within that period; and

(ii) the estate agent or agent's representative discloses the information to the Director within 5 business days after the information becomes available to the agent or representative; and

(e) the information is disclosed in the form approved by the Director."

2. Clause 19, page 24, after line 26 insert—

"47AOA Estate agent or representative not to disclose property sale information that is false or misleading

An estate agent or agent's representative must not disclose property sale information to the Director if the agent or representative knows, or is reckless as to whether the information is—

(a) false or misleading in a material particular; or

(b) false or misleading because of the omission of a material particular.

Penalty: 240 penalty units."

3. Clause 19, page 25, line 3, omit 'property.'.'. and insert "property."
4. Clause 19, page 25, after line 3, insert—

'47APA Request to limit publication of property sale information

- (1) Subject to subsection (2), any of the following persons may make a written request to the Director that the Director refrain from or cease publishing all or part of property sale information specified in the request—
 - (a) a seller;
 - (b) a purchaser;
 - (c) a person whose safety would likely be affected by the publication;
 - (d) a person whose personal information would likely be included in the publication;
 - (e) an estate agent or agent's representative acting on behalf of a person referred to in paragraph (a), (b), (c) or (d).
- (2) A request may be made only if—
 - (a) the person is experiencing family violence or personal violence; or
 - (b) there is a serious risk to the safety or security of the person; or
 - (c) the publication involves publication of the person's address that is—
 - (i) protected under an Act or law; or
 - (ii) confidential; or
 - (d) there are witness protection, law enforcement or security-related circumstances involving the person; or
 - (e) the publication of the property sale information would contravene this Act or any other Act or law; or
 - (f) prescribed circumstances exist in relation to the person.
- (3) The Director must not publish property sale information that is the subject of a request before deciding the request.
- (4) The Director—
 - (a) may request additional information relating to the request; or
 - (b) if the Director is satisfied that a ground referred to in subsection (2) exists, the Director must—
 - (i) approve the request in whole or in part; or
 - (ii) refuse the request.
- (5) The Director must make a decision under subsection (4) within 5 business days after—
 - (a) the request is made; or

- (b) additional information relating to the request is received by the Director.
- (6) Despite subsection (5), on a request made by a person who is experiencing family violence or personal violence, the Director must make a decision under subsection (4) without delay after the request is made.
- (7) If the Director approves a request, the Director must not publish the property sale information that is the subject of the approval.

47APB Notice and reasons for decision on request

- (1) The Director—
 - (a) must notify a person who makes a request under section 47APA of the Director's decision; and
 - (b) if the Director refuses a request or approves only part of a request, the Director must give written reasons for the Director's decision.
- (2) Written reasons must not include personal information that is likely to give rise to a risk to the safety or security of any person.

47APC Review of Director's decision on request to limit publication of property sale information

- (1) A person may apply to the Tribunal for review of a decision made under section 47APA.
- (2) An application for review must be made within 28 days after the decision is made.

47APD Record of property sale information to be kept and made available on request

- (1) The Director must keep a record of all property sale information disclosed to the Director under section 47AN.
- (2) If the Director becomes aware that published property sale information may be inaccurate, the Director must take reasonable steps to determine whether the information is inaccurate.
- (3) If the Director is satisfied on reasonable grounds that published property sale information is inaccurate, the Director must correct the information within 2 business days after becoming so satisfied.
- (4) The record—
 - (a) must be in writing; and
 - (b) must include—
 - (i) the information disclosed; and
 - (ii) the identity and capacity of the person who disclosed it; and
 - (iii) the date on which the information is disclosed; and
 - (iv) the source of the information; and
 - (v) the date and extent of publication; and

- (vi) any request made under section 47APA; and
 - (vii) the details of any notification received by the Director that the information may be inaccurate and the evidence for it; and
 - (viii) the details and date of any correction made to the information; and
 - (iv) the original information.
- (5) For the purposes of an audit, or for monitoring compliance with this Part, the Director must make a record kept under this section available on request for inspection by—
- (a) the Minister; or
 - (b) the Auditor-General; or
 - (c) the Ombudsman; or
 - (d) a prescribed oversight body or authorised auditor.

47APE Reports

- (1) The Director, within 3 months after the end of each financial year, must prepare a report for the Minister on the operation of this Part.
- (2) Without limiting subsection (1), the report must specify—
 - (a) the volume of property sale information disclosed to the Director under section 47AN in the financial year to which the report relates; and
 - (b) the volume of property sale information disclosed to the Director after the period specified in section 47AN(1)(b); and
 - (c) the number of requests made under section 47APA; and
 - (d) the number of requests that are approved under section 47APA; and
 - (e) the number of requests that are refused under section 47APA; and
 - (f) the number of requests that are approved in part under section 47APA; and
 - (g) the number of applications made under section 47APC and information about the outcomes of those applications; and
 - (h) the number of corrections made to a record kept under section 47APD including the average time required to consider the evidence relating to the information.".'.

NEW CLAUSE

5. Insert the following New Clause to follow clause 19—

'19A Offence to give false or misleading information

At the foot of section 70V of the **Estate Agents Act 1980** insert—

"Note

See also section 47AOA.".'.