

LAND AGENTS BILL.

SCHEDULE of the Amendment referred to in Message of 18th November, 1926.

Page 3, clause 4, line 9. After "Lands" insert "or any other person"



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 November, 1926.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 18th November, 1926.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGIUS V REGIS.

Act No. , 1926.

An Act to provide for the registration and control of land agents; to amend the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

Preliminary.

1. This Act may be cited as the "Land Agents Short title Act, 1926."

4473

15—A

2.

NOTE.—The words to be inserted are printed in black letter.

Land Agents.

2. (1) This Act shall come into force on the first day of January, one thousand nine hundred and twenty-seven. Commencement of Act.

(2) This Act does not apply to a barrister or solicitor of the Supreme Court of New South Wales. Application of Act.

3. In this Act, unless the context otherwise requires— Definitions.

“ Court ” means the court constituted by the Land and Valuation Court Act, 1921.

10 The expressions “ Crown Lands Acts ” and “ Local Land Board ” have the meanings given to them respectively in the Crown Lands Consolidation Act, 1913.

15 “ Land agent ” means a person acting for fee, gain, or reward in any matter or proceeding under the Crown Lands Acts, or the Closer Settlement Acts, or the Returned Soldiers Settlement Act, 1916, or under the Western Lands Acts, or under any other Act the administration of which is or may be by statute, custom, or Executive authority vested in the Minister for Lands, or in any matter or proceeding under any of such Acts before the Land and Valuation Court or any local land board.

25 “ Registrar ” means registrar of the court.

Registration.

4. (1) All land agents shall be registered in the court. Registration of land agents.

30 (2) Any person who, after the expiration of six months from the commencement of this Act, carries on or advertises that he carries on the business of land agent without being registered as aforesaid shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way before any two justices in petty sessions.

35 (3) After the expiration of the said period, no person, unless he is registered as aforesaid, shall be entitled to charge or recover any fees or other moneys for work done by him as a land agent.

(4)

Land Agents.

(4) The registrar shall in the prescribed manner Register.
keep a register of land agents.

(5) No person shall be qualified to be registered Disqualifi-
if he— cation.

5 (a) is under the age of twenty-one years at date
of application for registration; or

(b) does not satisfy the court as to his good fame
and character.

The Minister for Lands or any other person shall be
10 entitled to be heard and to adduce evidence upon any
such application.

5. The registrar may give notice to a person registered Firm:
as a land agent under this Act who is a member of a
firm carrying on business as land agents that any other
15 partner thereof is a person who is disqualified from
being registered on either of the grounds set out in
paragraphs (a) or (b) of subsection five of section four
of this Act, and that steps to dissolve the partnership
should be taken within a time specified in the notice
20 or such further time as the court may allow.

6. (1) The registration of a land agent shall be in Cancellation.
force until cancelled. The court may cancel a registra-
tion on proof of the misconduct, malpractice, or gross
negligence of an agent or

25 (a) on the occurrence of any event which would
disqualify him from being registered; or

(b) if any such registration has been effected
erroneously or in consequence of any false or
fraudulent document, statement, or representa-
30 tion; or

(c) if being a member of a firm of which any
other member is disqualified from being regis-
tered, the person registered fails to comply
with a notice given by the registrar under
35 section five of this Act; or

(d) if the person registered employs in the control
and management of his business as a land
agent any person who is disqualified from
being registered on either of the grounds
40 specified in paragraphs (a) or (b) of subsection
five of section four of this Act after notice has
been given to him by the registrar that such
person is so disqualified. (2)

Land Agents.

(2) Before cancelling the registration the court shall cause the prescribed notice to be given to the agent, and shall hear and consider any representations made by the agent or on his behalf.

- 5 **7.** The decision of the court to refuse to register any applicant or to cancel any registration already effected shall be final, and effect shall be given thereto by the registrar. Court's decision final.

Taxation of bill of land agent.

- 10 **8.** No land agent shall, unless by leave of the court, commence any action or suit for the recovery of any fee, charge, or disbursement for or in connection with work done by him as such agent until the expiration of one month after he has delivered to the party charged therewith personally or by registered post a bill of such fee, charge, and disbursement signed by him. Delivery of signed bill by land agent.

- 15 **9.** (1) On application to the registrar made within the said month, or at any time thereafter on the order of the court, the bill shall be taxed by the registrar. Such order may in special circumstances be made although the bill has been paid. And the person who has paid such bill may recover from the land agent any sum in excess of the amount at which the bill is finally taxed. Taxation of bill.

- 20 (2) In any such order the court may restrain the land agent from commencing or continuing any action or suit for the recovery of the whole or any part of the fee, charge, or disbursement referred to in the bill, and may impose such terms as it thinks fit on the person chargeable under the bill.

- 25 (3) The court may order the registrar to review and correct his taxation of a bill. Review of taxation.

Orders.

- 30 **10.** The court may make any order for the delivery up of any documents or writings in the possession or under the control of a land agent. Order for delivery up of documents.

- 11.** Applications to the court under this Act shall, until otherwise prescribed by rules of court, be made by motion. Procedure.

Land Agents.

motion made on notice, and the costs of and relating to any such application shall be in the discretion of the court, and may be assessed by the court or ordered to be taxed.

5

Rules.

12. The court may make rules—

Rules.

- (a) for the registration of land agents, the fees to be paid therefor, and the cancellation of such registration;
- 10 (b) for the taxation of bills of land agents;
- (c) prescribing a scale of the costs which may be allowed in respect of any proceeding under this Act, and the method of taxing such costs;
- 15 (d) prescribing the fees and charges which may be demanded and recovered by land agents for work done by them as such;
- (e) for carrying the provisions of this Act into effect.

12-B

[12]

Section 12-B

12

10

2

- (e) for the purpose of the provisions of this Act in relation to the registration of companies and the carrying on of business by companies.
- (f) in respect of the costs of any proceedings taken by or on behalf of any person in connection with the registration of companies or the carrying on of business by companies.
- (g) for the purpose of the provisions of this Act in relation to the registration of companies and the carrying on of business by companies.

13. The costs of any proceedings taken by or on behalf of any person in connection with the registration of companies or the carrying on of business by companies.

The costs of any proceedings taken by or on behalf of any person in connection with the registration of companies or the carrying on of business by companies shall be paid by the person taking such proceedings.

1926.

Legislative Council.

Land Agents Bill, 1926.

EXPLANATORY NOTE.

THE Bill provides—

- (a) for the registration of Land Agents in the Land and Valuation Court under rules made by the Court ;
 - (b) that any persons, other than barristers or solicitors, acting as paid Agents without registration shall be liable to a penalty not exceeding £50 ;
 - (c) that unregistered Agents shall not be entitled to recover any money for fees ;
 - (d) for cancellation of registration on proof of misconduct or other cause ;
 - (e) for the taxation of the bills of Land Agents ;
 - (f) that the Land and Valuation Court may make rules to carry the Act into effect.
-

Faint, illegible text at the top of the page, possibly a header or title.

Second line of faint, illegible text.

Third line of faint, illegible text.

Fourth line of faint, illegible text.

Fifth line of faint, illegible text.

Sixth line of faint, illegible text.

Seventh line of faint, illegible text.

Eighth line of faint, illegible text.

Ninth line of faint, illegible text.

Tenth line of faint, illegible text.

Eleventh line of faint, illegible text.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 November, 1926.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGI V REGIS.

Act No. , 1926.

An Act to provide for the registration and control
of land agents; to amend the Crown Lands
Consolidation Act, 1913, and certain other
Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

Preliminary.

1. This Act may be cited as the "Land Agents Short title.
Act, 1926."

Land Agents.

2. (1) This Act shall come into force on the first day of January, one thousand nine hundred and twenty-seven. Commence-
ment of Act.

(2) This Act does not apply to a barrister or solicitor of the Supreme Court of New South Wales. Application
of Act.

3. In this Act, unless the context otherwise requires— Definitions.

“ Court ” means the court constituted by the Land and Valuation Court Act, 1921.

10 The expressions “ Crown Lands Acts ” and “ Local Land Board ” have the meanings given to them respectively in the Crown Lands Consolidation Act, 1913.

15 “ Land agent ” means a person acting for fee, gain, or reward in any matter or proceeding under the Crown Lands Acts, or the Closer Settlement Acts, or the Returned Soldiers Settlement Act, 1916, or under the Western Lands Acts, or under any other Act the administration of which is or may be by
20 statute, custom, or Executive authority vested in the Minister for Lands, or in any matter or proceeding under any of such Acts before the Land and Valuation Court or any local land board.

25 “ Registrar ” means registrar of the court.

Registration.

4. (1) All land agents shall be registered in the court. Registration
of land
agents.

30 (2) Any person who, after the expiration of six months from the commencement of this Act, carries on or advertises that he carries on the business of land agent without being registered as aforesaid shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way before any two justices in
35 petty sessions.

(3) After the expiration of the said period, no person, unless he is registered as aforesaid, shall be entitled to charge or recover any fees or other moneys for work done by him as a land agent.

(4)

Land Agents.

(4) The registrar shall in the prescribed manner ^{Register.} keep a register of land agents.

(5) No person shall be qualified to be registered ^{Disqualifi-} if he— ^{cation.}

- 5 (a) is under the age of twenty-one years at date of application for registration; or
 (b) does not satisfy the court as to his good fame and character.

The Minister for Lands shall be entitled to be heard 10 and to adduce evidence upon any such application.

5. The registrar may give notice to a person registered ^{Firm.} as a land agent under this Act who is a member of a firm carrying on business as land agents that any other partner thereof is a person who is disqualified from 15 being registered on either of the grounds set out in paragraphs (a) or (b) of subsection five of section four of this Act, and that steps to dissolve the partnership should be taken within a time specified in the notice or such further time as the court may allow.

20 6. (1) The registration of a land agent shall be in ^{Cancellation.} force until cancelled. The court may cancel a registration on proof of the misconduct, malpractice, or gross negligence of an agent or

- 25 (a) on the occurrence of any event which would disqualify him from being registered; or
 (b) if any such registration has been effected erroneously or in consequence of any false or fraudulent document, statement, or representation; or
 30 (c) if being a member of a firm of which any other member is disqualified from being registered, the person registered fails to comply with a notice given by the registrar under section five of this Act; or
 35 (d) if the person registered employs in the control and management of his business as a land agent any person who is disqualified from being registered on either of the grounds specified in paragraphs (a) or (b) of subsection five of section four of this Act after notice has 40 been given to him by the registrar that such person is so disqualified. (2)

Land Agents.

(2) Before cancelling the registration the court shall cause the prescribed notice to be given to the agent, and shall hear and consider any representations made by the agent or on his behalf.

- 5 **7.** The decision of the court to refuse to register any applicant or to cancel any registration already effected shall be final, and effect shall be given thereto by the registrar. Court's decision final.

Taxation of bill of land agent.

- 10 **8.** No land agent shall, unless by leave of the court, commence any action or suit for the recovery of any fee, charge, or disbursement for or in connection with work done by him as such agent until the expiration of one month after he has delivered to the party charged therewith personally or by registered post a bill of such fee, charge, and disbursement signed by him. Delivery of signed bill by land agent.

- 15 **9.** (1) On application to the registrar made within the said month, or at any time thereafter on the order of the court, the bill shall be taxed by the registrar. Such order may in special circumstances be made although the bill has been paid. And the person who has paid such bill may recover from the land agent any sum in excess of the amount at which the bill is finally taxed. Taxation of bill.

- 20 (2) In any such order the court may restrain the land agent from commencing or continuing any action or suit for the recovery of the whole or any part of the fee, charge, or disbursement referred to in the bill, and may impose such terms as it thinks fit on the person chargeable under the bill.

- 25 (3) The court may order the registrar to review and correct his taxation of a bill. Review of taxation.

Orders.

- 30 **10.** The court may make any order for the delivery up of any documents or writings in the possession or under the control of a land agent. Order for delivery up of documents.

11. Applications to the court under this Act shall, until otherwise prescribed by rules of court, be made by motion. Procedure.

Land Agents.

motion made on notice, and the costs of and relating to any such application shall be in the discretion of the court, and may be assessed by the court or ordered to be taxed.

5

Rules.

12. The court may make rules—

Rules.

- (a) for the registration of land agents, the fees to be paid therefor, and the cancellation of such registration ;
- 10 (b) for the taxation of bills of land agents ;
- (c) prescribing a scale of the costs which may be allowed in respect of any proceeding under this Act, and the method of taxing such costs ;
- 15 (d) prescribing the fees and charges which may be demanded and recovered by land agents for work done by them as such ;
- (e) for carrying the provisions of this Act into effect.

