

No. , 1911.

# A BILL

To provide for the registration and control of land agents; to amend the Crown Lands Acts and other Acts; and for purposes consequent thereon or incidental thereto.

[MR. NIELSEN;— June, 1911.]

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 the same, as follows:—

## PART I.

### *Preliminary.*

1. This Act may be cited as the "Crown Lands (Control of Land Agents) Act, 1911," and shall be construed with the Crown Lands Acts.

2. This Act shall come into force on the day of , one thousand nine hundred and eleven.  
61—(2)

Commencement of Act.

3.

## Definition.

**3.** "Land agent" means a person, other than a solicitor or certificated conveyancer, acting for fee, gain, or reward in any matter or proceeding under the Crown Lands Acts, 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 before the land appeal court or any local land board. 5

*Registration.*

## Registration of land agents.

**4.** (1) All land agents shall be registered in the land appeal court under rules to be made by the said court. 10

(2) Any person who, after the expiration of six months from the commencement of this Act, carries on the business of land agent without being registered as aforesaid, shall be liable to a penalty not exceeding *twenty* pounds, to be recovered in a summary way before any two justices in petty sessions. 15

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

## Cancellation of registration.

(4) The registration of a land agent shall be in force until cancelled. The land appeal court may cancel any such registration on proof of the misconduct, malpractice, or gross negligence of such agent. 20

## Qualification for registration; examination of land agents.

**5.** No person shall be registered as aforesaid unless he has satisfied the said court as to his good fame and character, and has passed an examination in the Crown Lands Acts and such other Acts and matters as the said court may deem necessary, and has paid such registration fee as may have been determined by the said court. 25

For the purpose of such examination the land appeal court may appoint examiners and fix fees for such examination.

*Taxation of bill of land agent.*

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## Delivery of signed bill by land agent.

**6.** No land agent shall, unless by leave of the president of the land appeal 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. 35

## Taxation of Bill.

**7.** On application to the registrar of the land appeal court made within the said month, or at any time thereafter on the order of the said court, the said bill shall be taxed by the said registrar. Such order may in special circumstances be made although the bill has been paid. 40

paid. And the person who has paid such bill may recover from the land agent any sum in excess of the amount at which such bill is finally taxed.

In any such order the said 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 said bill, and may impose such terms as it thinks fit on the person chargeable under the said bill.

**8.** The land appeal court may order the registrar to review Review of taxation. and correct his taxation of a bill.

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

The orders referred to in this and the two next preceding sections shall be applied for by motion made on notice, and the costs of and relating to any such orders shall be in the discretion of the court.

**10.** The land appeal court may make rules— Rules made by land appeal court.

- 20** (a) for the registration of land agents, and the cancellation of such registration;
- (b) for the taxation of bills of land agents;
- (c) prescribing the costs of taxation, and how and by whom those costs are to be paid;
- 25** (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 out the provisions of this Act.