

## Land Agents Bill, 1923.

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### 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 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 ;
  - (e) that Land Agents, unless now in practice and exempted by the Court, must pass an examination in the Crown Lands Acts and other Acts ;
  - (f) for the taxation of the bills of Land Agents ;
  - (g) that the Land and Valuation Court may make rules to carry the Act into effect.
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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1923.

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# A BILL

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 consequent thereon or incidental thereto.

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**B**E 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:—

*Preliminary.*

**1.** This Act may be cited as the "Land Agents Short title Act, 1923."

17955      314—(2)

**2.**

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

Definitions.

**3.** In this Act, unless the context otherwise requires—  
“ Court ” means the court constituted by the Land and Valuation Court Act, 1921. 5

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

“ Land agent ” means a person, other than a solicitor, 10 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 15 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 20 board.

“ Registrar ” means registrar of the court.

*Registration.*Registration  
of land  
agents.**4.** (1) All land agents shall be registered in the court. 25(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 *fifty* pounds, to be recovered in a summary way before 30 any two justices in 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. 35

Cancellation  
of registra-  
tion.

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

**5.**

5. (1) No person shall be registered as aforesaid unless he has satisfied the court as to his good fame and character, and has passed an examination in the Crown Lands Acts and such other Acts and subjects as may be prescribed by the court. Qualification for registration; examination of land agents.

(2) In the case of a land agent who has been in practice as such for a period of one year prior to the commencement of this Act the court may dispense with any such examination.

10 (3) Any application to dispense with such examination shall be made within three months after the said commencement, or within such further time as the court may in the special circumstances of a particular case allow.

15 *Taxation of bill of land agent.*

6. 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.

20 7. (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.

30 (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.

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

*Orders.*

8. 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.

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**Procedure.**

**9.** Applications to the court under this Act shall, until otherwise prescribed by rules of court, be made by motion made on notice, and the costs of and relating to any such application shall be in the discretion of the court.

**5**

*Rules.*

**Rules.**

**10.** The court may by rules prescribe—

- (a) for the registration of land agents, the fees to be paid therefor, and the cancellation of such registration; **10**
  - (b) the examination of candidates, the appointment of examiners, and the fees to be paid;
  - (c) for the taxation of bills of land agents;
  - (d) prescribing the costs of taxation, and how and by whom those costs are to be paid; **15**
  - (e) prescribing the fees and charges which may be demanded and recovered by land agents for work done by them as such;
  - (f) for carrying the provisions of this Act into effect. **20**
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