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[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To regulate in certain respects the sale of
vacant allotments of land; 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
the same, as follows:—

1. This Act may be cited as the "Land Sales Short title.
Regulation Act, 1928."

65677 —(4)

2.

2. In this Act, unless the context otherwise requires,— Interpretation.

“Subdivided land” means any one or more vacant allotments of land in this or any other State, divided into parts under circumstances in which the approval of any council of a municipality or shire or other authority is by the law of this or any other State required to the division and includes any one or more vacant allotments of land shown on a plan of subdivision deposited or registered in the office of the Registrar-General under the provisions of any Act and also includes any part of or interest in any subdivided land; but the term shall not include any allotment which as an allotment is suitable or intended wholly or mainly for use for agricultural, pastoral, horticultural, or viticultural purposes. An allotment shall be deemed to be vacant within the meaning of this definition if no house or building suitable for human occupation is built thereon.

3. The provisions of this Act shall not apply to any land sold at public auction, nor to any contract for the sale of any land sold at public auction. Application of Act.

4. Any contract for the sale of any subdivided land made after the commencement of this Act shall be voidable at the option of the purchaser at any time within six months from the making thereof unless such contract complies with the following requirements, namely,— Contracts relating to subdivided land voidable in certain cases.

- (a) such contract shall be in writing and shall contain the following particulars, namely,—
- (i) the name, address, and description of the vendor;
 - (ii) the name, address, and description of the person who is, at the time when the contract is made, the owner or registered proprietor of the land sold as the case may be;

(iii)

- (iii) the name, address, and description of any mortgagee of the land ;
 - (iv) a statement whether or not the land is under the provisions of the Real Property Act, 1900 ;
 - (v) a statement whether or not a plan of subdivision relating to the land sold has been registered or deposited in the office of the Registrar-General and the name, if any, of the subdivision, and number of such plan ;
 - (vi) the name, address, and description of some person to whom the deposit and the balance of the moneys falling due under the contract may be paid, and a statement that such person is duly authorised by the owner or registered proprietor and the mortgagee (if any) to receive such moneys ;
 - (vii) the name, address, and description of the person by whom the sale of the land is actually effected ; and
- (b) such contract, if the consideration therein mentioned is two hundred pounds or more, or if it is one of a number of contracts forming substantially one transaction in which the total consideration is two hundred pounds or more, shall be executed by the purchaser in the presence of two witnesses, neither of whom shall be the vendor, the vendor's agent, or any person employed by the vendor or the vendor's agent.

A purchaser shall not be deemed to have elected to affirm a contract which is voidable under this section by reason of any payments of money made by him pursuant to the contract within the period of six months aforesaid.

5. Any agreement whereby a person purports to waive any right which he may have under this Act to avoid a contract shall be void and of no effect.

6.

Prohibition of contracting out.

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6. If any person resident in the State enters into a contract within the State for the sale of subdivided land which contract would, if governed by the law of the State, be or be held to be void or voidable under this Act, and judgment is obtained on or in respect of such contract in any other State, and a certificate of such judgment is registered in any court within the State, the person against whom the judgment was obtained may apply to such court at any time within forty-two days of his receiving notice of the registration of the certificate of the judgment to set aside the same on any ground of defence which would have been available to such person if the action upon which such judgment was obtained had been brought in a court within the State, and the contract had been governed by the law of the State.

Provision as to judgments obtained in other States on voidable contracts.

Upon any application to set aside a judgment under this section the court may make such order in conformity with this section as it deems just, and shall observe as nearly as possible the usual practice of the court on the hearing of an application for a stay of proceedings on a certificate of judgment registered in such court under the Act of the Parliament of the Commonwealth known as the Service and Execution of Process Act, 1901-1928.

7. (1) Any person selling to any other person subdivided land, unless such other person has first inspected the said land, shall exhibit to such other person a plan of the subdivided land and a locality sketch or map truly drawn to a scale legibly indicated thereon, and shall furnish him with a copy thereof.

Inducements.

(2) Any person who fails to comply with any requirement of subsection one of this section, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for any term not exceeding *twelve* months or to a fine not exceeding *one hundred* pounds.

8. Where a person is convicted of an offence against any provision of this Act the court before which he is convicted may, after such notice to the vendor as the court considers reasonable in the circumstances of the case, order that any contract made as the result of the act constituting the offence, shall, upon registration of the

Cancellation of contract, &c.

Land Sales Regulation.

the order in the Registry of Causes, Writs, and Orders affecting land, be void, and may by the same or subsequent order give such consequential directions as to the delivery up and cancellation of any contract or the repayment of any money as the court considers just and proper in the circumstances of the case, and in default of obedience to any order so made the court may inflict such penalty not exceeding *one hundred* pounds as to the court seems fit.

9. Nothing in this Act shall affect any civil remedy ^{Civil} that any person may have against any other person in ^{remedies} respect of any matter. _{not affected.}

