

Real Estate Agents Bill, 1916.

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No. , 1916.

A BILL

To provide for the licensing and regulation of real estate agents; to forbid certain acts by un-registered agents; and for purposes consequent thereon or incidental thereto.

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.

Short title, commencement, and administration.

1. (1) This Act may be cited as the "Real Estate Agents Act, 1916." Short title.

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784—(3)

(2)

Commence-
ment.

(2) This Act shall except where otherwise specially provided commence and come into operation on its receiving the Royal Assent.

(3) This Act shall be administered by the Minister administering the Local Government Act, 1906.

Division into Parts.

Parts of Act.

2. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY.

PART II.—REGISTRATION OF REAL ESTATE AGENTS.

PART III.—REMOVAL, SUSPENSION, AND CANCELLATION OF REGISTRATION.

PART IV.—RIGHTS, DUTIES, AND LIABILITIES OF REAL ESTATE AGENTS.

PART V.—DISABILITIES OF UNREGISTERED AGENTS.

PART VI.—THE REAL ESTATE AGENTS BOARD.

PART VII.—FINANCE.

PART VIII.—GENERAL.

Definitions.

Interpreta-
tion.

3. In this Act, unless inconsistent with the context or subject matter :—

“The association” means the Real Estate Auctioneers and Agents’ Association of New South Wales.

“The board” means the Real Estate Agents Board constituted under this Act.

“Fidelity bond” includes insurance policy.

“Real estate agent” means a person whose business, either alone or as part of or in connection with any other business, is to sell or otherwise dispose of or to find tenants for or to collect the rents of land or buildings, or of any estate or interest

interest in land or buildings, as agent on commission; but does not include a licensed auctioneer whose transactions in the aforesaid business are confined to selling by auction.

PART II.

REGISTRATION OF REAL ESTATE AGENTS.

Register.

4. (1) The board shall cause a register of real estate agents to be kept by the registrar. Keeping of register.
- (2) The register shall contain the following particulars of each person whose name is entered therein:— Particulars in register. cf. N.Z. Land Agents Act, 1912, ss. 4, 5.
- (a) full names;
 - (b) business address;
 - (c) name of firm (if any) of which he is a member or, if he is registered on behalf of a company, the name of that company; and
 - (d) date of registration.
- (3) The names of persons registered shall be numbered consecutively and indexed alphabetically in the register. Alphabetical index.

Who entitled to registration.

5. (1) Subject to the provisions of this Act, and upon payment of the fees for registration prescribed by regulation under this Act, any person shall be qualified to apply for registration and to be registered in the register of real estate agents— Qualification.
- (a) if he produces evidence to the satisfaction of the board that he is of or over the age of twenty-one years;
 - (b) if he produces evidence to the satisfaction of the board that he is of good character;
 - (c) if he is not disqualified for registration under this Act; and
 - (d)

(d) if he lodges with the board a fidelity bond for five hundred pounds from some insurance company approved by the board, or other surety for the like amount approved by the board, or, having previously lodged a bond as aforesaid, if he lodges a receipt for the renewal premium thereon or a certificate by the insurance company of the renewal thereof.

Annual
renewal.

(2) In connection with any application for renewal of registration the board may dispense with the necessity for the production of evidence as aforesaid.

Registration
of firms.

cf. s. 3 (2) of
N.Z. Land
Agents Act, 1912.

cf. s. 3 (3) of
N.Z. Land
Agents Act, 1912.

(3) Where a firm carries on the business of real estate agents it shall be sufficient if one member of the firm is registered on behalf of the firm.

(4) Where a registered company carries on the business of real estate agents it shall be sufficient if some person appointed in writing by the company is registered on behalf of the company.

Fidelity bond.

Bond.

6. (1) Every fidelity bond or surety lodged with the board by an applicant for registration shall be in such form, approved by the board, as to bind the insurance company or assurer to reimburse any person for any loss not exceeding five hundred pounds suffered during the currency of the bond or surety by such person by reason of default, dishonesty, or fraud on the part of the applicant while acting in the capacity of registered real estate agent for such person.

Inspection of
bond.

(2) Any person for whom such agent is acting or has acted as aforesaid may on payment of a fee of two shillings and sixpence to the board inspect such bond or surety and take a copy thereof.

Person injured
may sue on bond.

(3) Any such person may sue upon any such bond or surety.

Who disqualified for registration.

Disqualification.

7. A person shall be disqualified for registration under this Act if he is—

- (a) a person who is proved to the satisfaction of the board to have been convicted of any felony or misdemeanour in or beyond the Commonwealth of Australia; or
- (b)

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- (b) a person who, it is proved to the satisfaction of the board, has been declared by any court of competent jurisdiction in or beyond the Commonwealth of Australia to have committed any fraud; or
- (c) a person who is proved to the satisfaction of the board to have been guilty of misconduct in his business or of any act or default discreditable to a real estate agent or auctioneer; or
- (d) a person who—
 - (i) is proved to the satisfaction of the board to have been adjudged bankrupt, or individually or as a partner to have made an assignment for the benefit of creditors, or to have made any arrangement for the payment of a composition to creditors; and
 - (ii) has not paid his creditors in full.

Correction of register.

8. The board shall from time to time insert in the register any alteration which may come to its knowledge in the name or address or description of any person registered. Alterations.

List of registered real estate agents.

9. (1) The board shall cause a list of all persons on the register to be from time to time and not less frequently than once in every year printed in the Gazette, and separately printed in pamphlet form and published and sold by the Government Printer and the registrar. Publication of list. cf. L.A. Act, 1912 (N.Z.), s. 5.

(2) A copy of any such list for the time being purporting to be printed and published in pursuance of this Act shall be evidence in all cases (unless and until the contrary be made to appear) that the persons therein named are registered real estate agents; and the absence of the name of any person from such copy shall be evidence (unless and until the contrary be made to appear) that such person is not a registered real estate agent: List shall be evidence.

Provided

Provided that in the case of any person whose name is not entered in such copy a certificate under the hand of the registrar of the entry of the name of such person in the register shall unless his name has been subsequently removed from the register, or unless his registration has been suspended or cancelled, be evidence that such person is a registered real estate agent.

Fee for registration.

Fees.

cf. L. A. Act,
1912, s. 4 (3) N. Z.
cf. Auctioneers'
Licensing Act,
1898, s. 4 (2).

10. The board shall charge an annual fee for registration of _____ pounds; and where any application for registration is lodged after the month of January of the year for which registration is desired, the fee shall be reduced by one-twelfth for each complete month which has elapsed of that year.

Registration to be annual.

Annual registra-
tion.
cf. L. A. Act,
1912, N. Z., s. 5.

11. Every registration shall lapse on the thirty-first day of December of each year.

Certificate of registration.

Certificates.

12. Where any person is registered under this Act the registrar shall on demand furnish him with a certificate of such registration.

Such certificate shall be in the prescribed form.

Such certificate shall be the property of the board.

Such certificate shall be returned to the board on demand.

False representations.

Procuring
registration
improperly.

13. Any person who wilfully procures or attempts to procure himself to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, either orally or in writing or otherwise, and any person aiding and assisting him therein shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding *one hundred* pounds or to be imprisoned with or without hard labour for any term not exceeding *twelve* months.

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PART III.

REMOVAL, SUSPENSION, AND CANCELLATION.

Voluntary removal from register.

14. (1) Any person who is registered as a real estate agent may apply to have his name removed from the register. Voluntary surrender of registration.

(2) The board may thereupon remove such name.

Removal on death.

15. The board shall remove from the register the name of every deceased person. Removal of name of deceased person.

Removal on ceasing to practise.

16. The board may remove from the register the names of any persons who have ceased to practise as real estate agents; but (save as by this Act expressly provided) shall not do so without first obtaining the consent of those persons. Ceasing to practise.

Suspension or cancellation.

17. The board may suspend or cancel the registration of any person under this Act— Suspension or cancellation.

- (a) if he has been registered erroneously or in consequence of any false or fraudulent declaration certificate or representation; or cf. L.A. Act, 1912, s. 11, N.Z. cf. Pharmacy Act, 1897, s. 9.
- (b) if he was at the time of registration, or if after registration he became disqualified for registration under this Act; or cf. Dentists Act, 1912, s. 8.
- (c) if he has failed to pay within three months after service of a written demand from the registrar any fee due from him under this Act; or

(d)

- (d) if he is proved to the satisfaction of the board to have been guilty of a breach of this Act in relation to trust moneys; or
- (e) if he is proved to the satisfaction of the board to have failed to render correct account of trust moneys.

Procedure prior to refusal, suspension, or cancellation.

- Procedure. **18.** (1) Where any information comes to the knowledge of the board which appears to the board to disclose a prima facie case for the suspension or cancellation of the registration of any person the board may direct the registrar to call upon such person to show cause why his registration should not be suspended or cancelled; and in such case the registrar shall furnish to him reasonable particulars of the aforesaid information.
- Inquiry re suspension or cancellation. (2) Thereupon the person so called upon may either show cause in writing, or may request the board to hold a public inquiry.
- Inquiry re refusal to register. (3) Where the board proposes to refuse to register any person such person may request the board to hold a public inquiry.
- Board may hold inquiry. (4) Where any person has shown cause in writing against suspension or cancellation as aforesaid, the board may of its own motion, and where any person has requested the board as aforesaid, the board shall hold a public inquiry with respect to the matter.
- Powers of board—Royal Commissioners Evidence Act, 1901. (5) For the purpose of any such inquiry the board and its president shall have the powers of a commissioner under the Royal Commissioners Evidence Act, 1901, and the provisions of the said Act shall apply to and in relation to the board and its president in conducting any such inquiry.

Notice to be given by board.

- Notice of refusal, suspension, or cancellation. **19.** (1) Where the board refuses to register any person, or suspends or cancels the registration of any person, or where the board removes the name of any person from the register, notice thereof shall be served upon such person. (2)

(2) Such person may within one month after service of such notice appeal therefrom to a judge of the Metropolitan District Court. Appeal to a district court judge.

Such appeal shall be a rehearing of the matter in respect of which the decision of the board was given, and the said judge may confirm, amend, or rescind any decision, order, or direction of the board.

For the purpose of such rehearing the judge shall have the powers of a commissioner under the Royal Commissioners Evidence Act, 1901, and his decision shall be final and shall be carried out by the board and by the registrar.

PART IV.

RIGHTS, DUTIES, AND LIABILITIES OF REAL ESTATE AGENTS.

Right to practise.

20. Registration under this Act shall authorise the person registered to act as a real estate agent in any place in New South Wales, except where such registration has been suspended or cancelled, or the name of such person has been removed from the register. Right to act as estate agent.

Trust moneys—How to be dealt with.

21. (1) All moneys received by a real estate agent in respect of any sale, disposal, or letting, or in respect of the collection of the rents of land or buildings or of any estate or interest in land or buildings, shall be paid into a bank to a general or separate trust account in the name of the agent. Trust moneys. cf. L.A. Act, 1912, s. 8 (N.Z.).

(2) Every real estate agent who commits a breach of this section shall be liable to a penalty not exceeding *fifty* pounds in addition to any other disability imposed by or under this Act. Penalty.

(3)

Trust
moneys
not available
to pay debts
of agent.

(3) Moneys so paid into any such trust account shall not be available for the payment of any debt of any other creditor of the real estate agent, or be liable to be attached or taken in execution under the order or process of any court at the instance of any such other creditor.

Accounts of trust moneys.

Account of
trust moneys.
cf. L.A. Act,
1912, s. 9
(N.Z.).

22. (1) Within one month after the receipt of any moneys in respect of any sale, disposal, letting, or collection of rents as aforesaid by a real estate agent he shall render to the person on whose behalf the sale, disposal, letting, or collection of rents was made an account in writing of all such moneys and of the application thereof, except where that person, by order in writing, directs otherwise, in which case the real estate agent shall comply with such order.

Penalty.

(2) Every real estate agent who fails to render such account accordingly, or who fails to comply with an order made as aforesaid, shall be liable to a penalty not exceeding *five* pounds; and the court before which any such penalty is recovered may order the rendering of such an account within a reasonable time, and in default may impose a penalty not exceeding *five* pounds per day for each day of delay beyond such time.

Fraud and false accounts.

Fraud.
cf. L.A. Act,
1912, s. 10
(N.Z.)

23. A real estate agent shall be liable on indictment to a penalty not exceeding *five hundred* pounds or at the discretion of the court to imprisonment for a term not exceeding *ten* years if he

- (a) fraudulently converts to his own use any moneys received by him in respect of any sale, disposal, letting, or collection of the rents of any land or buildings, or of any estate or interest in land or buildings; or
- (b) fraudulently renders an account of any such moneys knowing the same to be false in any material particular.

Civil

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Civil remedies not affected.

24. Nothing in this Act shall affect any civil remedy which any person may have against a real estate agent in respect of any matter.

Civil remedies.
cf. L.A. Act, 1912, s. 12, (N.Z.)

Agent's engagement to be in writing.

25. A real estate agent shall not be entitled to sue for or recover any commission, reward, or remuneration for or in respect of the sale, disposal, letting, or collecting of the rents of land or buildings or of any estate or interest in land or buildings made or effected after the expiration of six months from the commencement of this Act, unless his engagement or appointment to act as agent in respect of such sale, disposal, letting, or collection of rents is in writing signed by the person to be charged with such commission, reward, or remuneration, and unless the amount or rate of such commission, reward, or remuneration is stated in such engagement or appointment.

Written engagement.
cf. L.A. Act, 1912 (N.Z.), s. 13.

Change of address.

26. Every registered real estate agent shall forthwith upon any change of his address serve notice thereof on the registrar with a view to the correction of the register.

Change of address.
cf. L.A. Act, 1912 (N.Z.), s. 7 (2).

PART V.

DISABILITIES OF UNREGISTERED AGENTS.

What unregistered agents may not do.

Unregistered agents.

cf. L. A. Act, 1912 (N.Z.), ss. 3 and 14.

cf. ss. 17, 18, Pharmacy Act, 1897.

cf. s. 12, Dentists Act, 1912.

cf. s. 19, Auctioneers' Licensing Act, 1898.

27. (1) After the expiration of six months from the commencement of this Act it shall not be lawful for any person—

- (a) to carry on the business of a real estate agent; or
- (b) to hold himself out to the public as or to use any title, description, or addition implying that he is a real estate agent; or
- (c) to sell or otherwise dispose of, or to find tenants for, or to collect the rents of land or buildings, or of any estate or interest in land or buildings as agent on commission,

unless he is a person in the employ of the Crown and acts as aforesaid in the course of such employment, or he is registered under this Act as a real estate agent, and such registration is in force.

(2) Any person acting in contravention of this section shall be liable to a penalty not exceeding *fifty* pounds.

(3) For the purposes of this section the expression "person" includes a firm, company, society, association, or body of persons, corporate or unincorporate.

Unregistered person not entitled to recover.

No right of recovery.

cf. s. 13, L. A. Act, 1912 (N.Z.).

28. A person shall not be entitled to sue for or recover any commission, reward, or remuneration for or in respect of the sale, disposal, letting, or collection of the rents of land or buildings or any estate or interest in land or buildings made or effected after the expiration of six months from the commencement of this Act unless he was at the time of such sale, disposal, letting, or collection of rents registered under this Act as a real estate agent.

Onus.

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Onus of proof that person is registered.

29. In any proceedings in any court against any person who is alleged to be not registered under this Act as a real estate agent, proof that he is so registered shall lie on the defendant.

Proof of registration.
cf. s. 15,
L.A. Act,
1912 (N.Z.).

PART VI.

THE REAL ESTATE AGENTS BOARD.

Establishment of board.

30. A board, to be called "The Real Estate Agents Board," is hereby established.

Body corporate.

31. The board shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name, and to acquire and to hold land in its corporate name for the purposes of this Act.

Body corporate.

Composition of board.

32. (1) The board shall consist of seven members, one of whom shall be the president.

Membership.

(2) The president shall be appointed by the Governor.

(3) The members of the first Board other than the president shall be nominated by the association in the manner prescribed (except where otherwise provided) and shall be appointed by the Governor.

(4)

(4) The members of every board after the first, other than the president, shall (except where otherwise provided) be nominated by the registered real estate agents in the manner prescribed, and shall be appointed by the Governor.

Disqualification for membership.

Disqualifica-
tion for
membership.

33. A person shall be disqualified for nomination or appointment to the office of president or member of the board—

(a) if he is not a registered real estate agent:

Provided that this shall not come into operation until the expiration of six months after the first appointment of members of the board:

Provided also that this shall not apply to the president; or

(b) if he is an uncertificated bankrupt; or

(c) if he has compounded with his creditors; or

(d) if he has assigned his estate for the benefit of creditors.

Term of office.

Term of
office.

34. (1) The president and other members of the board shall be appointed on the same day; shall hold office for three years; and shall be eligible for reappointment if not disqualified.

Extra-
ordinary
vacancies.

(2) If the office of the president or of any other member of the board becomes vacant during the term for which he is appointed his successor shall be appointed for the remainder of such term.

Selection of persons for nomination to Governor.

Selection of
members.

35. (1) The selection of persons to be nominated for appointment as members of the board shall be carried out by election in the manner prescribed and in accordance with the principles of proportional representation, each elector having a single vote transferable as prescribed by regulation.

(2)

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(2) Every member of the association who has paid his subscription thereto shall be an elector at the selection of persons to be nominated for the first board under this Act. Who are electors.

(3) Every registered real estate agent shall be an elector at the selection of persons to be nominated for each board after the first board.

(4) The election shall be conducted by postal ballot as prescribed.

Governor may appoint in certain cases.

36. If there is a failure to nominate members, or a failure to nominate sufficient members, for appointment by the Governor— Appointment of members.

- (a) within three months after the commencement of this Act; or
- (b) within three months before the termination of any board's third year of office; or
- (c) within two months after the occurrence of an extraordinary vacancy is notified to the board, the Governor may, in any such case, appoint to the vacant offices persons who are not disqualified.

Vacation of office.

37. A member of the board shall be deemed to have vacated his office— Office vacated.

- (a) if, being a registered real estate agent, his registration is suspended; or
- (b) if, being a registered real estate agent, he ceases to be registered; or
- (c) if he becomes a bankrupt; or
- (d) if he compounds with creditors; or
- (e) if he assigns his estate for the benefit of creditors; or
- (f) if he dies or becomes an inmate of any Government hospital for the insane; or
- (g) if he is absent from three consecutive meetings of the board without leave granted by the Governor; or
- (h) if he resigns his office by writing under his hand delivered to the registrar.

Temporary

Temporary vacation of office.

Temporary
vacation of
office.

38. (1) The president or any other member of the board shall temporarily vacate his office on the board immediately on being called upon under this Act to show cause why his registration should not be suspended or cancelled.

(2) A temporary appointment to the vacant office may be made by the Governor without nomination.

(3) The person so appointed shall hold office only until the determination of the question of suspension or cancellation aforesaid.

(4) If the registration aforesaid be neither suspended nor cancelled the president or member who has so temporarily vacated his office may resume such office.

Leave of absence.

Absence.

39. (1) The Governor may grant any member leave of absence from meetings of the board on the ground of sickness or absence from New South Wales.

(2) In such case the Governor may without nomination appoint a deputy member to act in place of the member on leave.

Fees.

Fees.
As to ac-
counts, see
s. 53 post.

40. The president and members of the board may be paid such fees for their services as the Governor may approve.

Procedure.

Procedure at
meetings.

41. The procedure for the calling of the board meetings, and for the conduct of business at such meetings, shall be as fixed by resolution of the board, subject to any regulations with regard thereto.

Quorum.

Quorum.

42. (1) Four members of the board shall form a quorum.

(2) Any meeting at which a quorum is present shall be competent to transact the business of the board by vote of the majority of those present.

President's

President's powers and casting vote.

43. (1) The president shall preside at meetings of President. the board. In his absence the members present shall elect a chairman.

(2) The president or chairman shall have a deliberative, but not (save as hereinafter mentioned) a casting vote.

(3) If the voting on any business is equal, such business shall be postponed to the next meeting; and notice of such business and of the fact that the voting was equal shall be given on the notice calling such next meeting.

(4) If the voting at such next meeting be again equal, the president or chairman may give a casting vote or may further postpone such business, and at any postponed consideration if the voting be again equal, he may give a casting vote.

Board's common seal.

44. The seal of the board shall not be attached to Seal. any document without a resolution of the board for that purpose, and shall be authenticated by the signatures of three members of the board and its registrar.

Evidence on which board may act.

45. In the exercise and performance of its powers Evidence. and duties under this Act the board may act on such evidence as in each case appears to it to be sufficient.

Premises of the board.

46. The board may take on lease such offices as Leasing of premises by board. may be necessary for transacting its business under this Act.

Staff.

Servants. **47.** A registrar and such other officers as may be necessary may be appointed by the Governor on the recommendation of the board.

Acts valid notwithstanding informalities.

Validation. **48.** All acts and proceedings of the board shall be valid notwithstanding any vacancy in the board or any irregularity in the appointment or continuance in office of any member of the board and notwithstanding that any person not qualified or ceasing to be qualified may have acted as a member of the board.

Annual report.

Report. **49.** The board shall each year submit a report to Parliament, giving information as to its work and as to its general decisions in the course thereof.

PART VII.

FINANCE.

Income.

Accounts. **50.** All moneys received by the board under this Act shall be paid into the Consolidated Revenue Fund.

Expenditure.

Expenses. **51.** The expenses of the administration of this Act shall be paid out of moneys appropriated therefor by Parliament.

PART

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PART VIII.

GENERAL.

Falsification of register.

52. If any person wilfully makes or causes to be made any falsification in the register or in any certificate of registration he shall be deemed guilty of a misdemeanour and shall be liable to a penalty not exceeding *one hundred* pounds or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Offences.
cf. s. 14,
Pharmacy
Act, 1897.
cf. s. 14,
Dentists Act,
1912.

Service of notices.

53. Notices under this Act or the regulations may be served by post.

Notices

Registered address of agent.

54. (1) The place of business mentioned in a real estate agent's application for registration (or such other place of business as he may notify in writing to the registrar as his changed address) shall be the registered office of that real estate agent.

Registered
address.
cf. N.Z. L.A.
Act, 1912,
s. 7.

(2) All writs, notices, or other documents required to be served or given to such registered real estate agent shall be deemed to be duly served or given if left at the said registered office.

Service of
writs, &c

Recovery of penalties

55. Penalties under this Act or the regulations may be recovered in a summary way before any two justices in petty sessions.

Proceedings
for penalties.

Regulations.

56. (1) The Governor may make regulations for carrying this Act into effect, and in particular for and with respect to—

Regulations.
cf. s. 17 L.A.
Act, 1912
(N.Z.).

- (a) the form and manner of application for registration;
- (b)

- (b) the procedure at meetings of the board ;
- (c) notices, documents, and forms ; and
- (d) the procedure in relation to the removal of names from the register, and in relation to the suspension or cancellation of registration.

(2) By such regulations a penalty not exceeding *five* pounds may be imposed for any breach thereof, or for any breach of any provision of this Act for which no specific penalty is provided.

(3) A regulation shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in the regulation ; and
- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not then within fourteen days after the commencement of the next session.

(4) If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulation has been laid before such House disallowing the regulation or any part thereof, such regulation or part shall thereupon cease to have effect.

(5) Subject to the provisions of this section, a regulation shall have the force of law.

Saving for members of other professions.

Rights of
solicitors,
conveyancers,
and others.

57. Nothing in this Act shall be construed as prohibiting—

- (a) any person for the time being entitled to practise as a solicitor or conveyancer from performing any function or exercising any power which if this Act had not been passed he might lawfully have performed or exercised as such solicitor or conveyancer ; or

(b)

(b) any person not being an auctioneer or real estate agent from performing any function or exercising any power which if this Act had not been passed he would have been entitled to perform or exercise under the express authority or direction of any public or private Act ;
 or as rendering any such person liable to any proceedings or to any penalty for performing such function or exercising such power.

Act not to affect obligation to take out license under other Acts.

58. (1) Nothing in this Act shall be construed as relieving any person from any obligation to take out any license for the performance of any function or the exercise of any power for which such a license would have been required if this Act had not been passed, or from any obligation to pay the fees payable upon taking out any such license.

Licenses
 under other
 Acts.
 See
 Auctioneers
 Licensing
 Act, 1898.

(2) Nothing in this Act shall operate so as to prohibit or prevent the holder of any such license from performing any such function or exercising any such power, or to render him liable to any penalty in respect thereof.