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# Real Estate Agents Bill, 1916.

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No. , 1916.

# A BILL

To provide for the licensing and regulation of real estate agents; and for purposes consequent thereon or incidental thereto.

**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:—

## PART I.

### PRELIMINARY.

#### *Short title.*

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

52451

784-(4)

*Commencement.*

*Commencement.*

(2) This Act shall except where otherwise specially provided commence and come into operation on its passing, and shall be administered by the Minister administering the Local Government Act, 1906. Commencement.

*Division into Parts.*

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

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 REGISTERED REAL ESTATE AGENTS.

PART V.—DISABILITIES OF UNREGISTERED AGENTS.

PART VI.—THE REAL ESTATE AGENTS BOARD.

PART VII.—FINANCE.

PART VIII.—GENERAL.

*Definitions.*

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

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

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

“Fidelity bond” includes insurance policy.

“Public Service Acts” mean the Public Service Act, 1902, and any Act now or hereafter passed consolidating or amending that Act. Vide s. 48.

“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 any interest in

in land or buildings, and to receive payment therefor by way of a commission (at a percentage rate or otherwise) upon the proceeds of the sale or disposal or of the rents; 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.L.A. Act, 1912, ss. 4, 5.
- (a) full names;
  - (b) business address;
  - (c) name of firm (if any) of which he is a member or with which he is associated;
  - (d) date of registration; and
  - (e) reference to minute of meeting of board approving 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)

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(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.

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

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

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

*Who disqualified for registration.*

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

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

- 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; or
  - (e) a person who is not qualified to be registered under this Act.

*When board may refuse to register.*

7. The board may refuse to register any person who is disqualified for registration under this Act or who has not complied with the conditions specified by this Act as qualifying a person to apply for registration.

Refusal of registration.  
cf. L. A. Act, 1912 (N.Z.), s. 4 (3).

*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 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 Government 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 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 shall have been subsequently removed from the register, or unless his registration shall have been suspended or cancelled, be evidence that such person is a registered real estate agent.

*Fee*



*Fee for registration.*

**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.

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

*Registration to be annual.*

**11.** Every registration shall lapse on the thirty-first day of December of each year; and the registration year shall run from the first day of January to the thirty-first day of December.

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

*Certificate of registration.*

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

Certificates.

(2) Such certificate shall be in the prescribed form.

(3) Such certificate shall be the property of the board.

(4) Such certificate shall be returned to the board on demand.

*False representations.*

**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 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.

Procuring  
registration  
improperly.

*Fidelity bond.*

**14.** (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

Bond.

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.

(2) Any such person may on payment of a fee of two shillings and sixpence to the board inspect such bond or surety and take a copy thereof. Inspection of bond.

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

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### PART III.

#### REMOVAL, SUSPENSION, AND CANCELLATION.

##### *Voluntary removal from register and refund of fee.*

**15.** (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.

(3) Such person shall be entitled to a refund of as many twelfths of the registration fee as there are at the time of application complete unexpired months in the current registration year.

##### *Removal on death.*

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

##### *Removal on ceasing to practise as registered real estate agent.*

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

##### *Suspension*

*Suspension or cancellation.*

- 18.** The board may suspend or cancel the registration of any person under this Act—
- (a) if he has been registered erroneously or in consequence of any false or fraudulent declaration or certificate or representation; or
  - (b) if he was at the time of registration, or if after registration he became disqualified for registration under this Act or the regulations; or
  - (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 the regulations; or
  - (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.

Suspension or cancellation.  
 cf. L.A. Act, 1912, s. 11, N.Z.  
 cf. Pharmacy Act, 1897, s. 9.  
 cf. Dentists Act, 1912, s. 8.

*Procedure prior to refusal, suspension, or cancellation of registration.*

**19.** (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.

Procedure.

(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 suspension or cancellation.

(3) Where the board proposes to refuse to register any person such person may request the board to hold a public inquiry.

Inquiry re refusal to register.

(4) Where any person has shown cause in writing, 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.

Board may hold inquiry.

(5)

(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.

Powers of board—Royal Commissioners Evidence Act, 1901.

*Notice to be given by board.*

**20.** (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.

Notice of refusal, suspension, or cancellation.

(2) Such person may within six months after service of such notice require the board to report the matter to a judge of the district court, together with the grounds of its decision.

Appeal to a district court judge.

(3) Upon such report such judge may make an order either confirming or varying or reversing the decision.

(4) The order of such judge shall be final.

PART IV.

RIGHTS, DUTIES, AND LIABILITIES OF REGISTERED REAL ESTATE AGENTS.

*Right to practise.*

**21.** Registration under this Act shall authorise the person registered to act as a real estate agent in any part of New South Wales unless such registration has been suspended or cancelled, or unless the name of such person has been removed from the register.

Right to act as estate agent.

*Trust moneys—How to be dealt with.*

**22.** (1) All moneys received by a real estate agent in respect of any sale or disposal of land or buildings or of any interest in land or buildings shall be paid into a bank

Trust moneys. cf. L.A. Act, 1912, s. 8 (N.Z.).

bank to a general or separate trust account in the name of the agent, and thereafter dealt with according to the common law.

(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) 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. Trust moneys not available to pay debts of agent.

*Estate agent to render accounts of trust moneys.*

**23.** (1) Within one calendar month after the receipt of any moneys in respect of any sale or disposal as aforesaid by a real estate agent he shall render to the person on whose behalf the sale or disposal was made an account in writing of all such moneys and of the application thereof, except in a case where that person, by order in writing, directs otherwise, in which case the real estate agent shall comply with such order. Account of trust moneys. cf. L.A. Act, 1912, s. 9 (N.Z.).

(2) Every estate agent who fails to render such account accordingly 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. Penalty.

*Fraud and false accounts.*

**24.** Every 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 not exceeding *ten* years if he Fraud. cf. L.A. Act, 1912, s. 10 (N.Z.).

- (a) fraudulently converts to his own use any moneys received by him in respect of any sale or disposal as aforesaid; or
- (b) fraudulently renders an account of any such moneys knowing the same to be false in any material particular. Civil

*Civil remedies not affected.*

**25.** 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.*

**26.** 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, or disposal, or letting, or rental of land or buildings or of any interest in land or buildings made or effected after the expiration of three months from the passing of this Act, unless his engagement or appointment to act as agent in respect of such sale or disposal 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.*

**27.** 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.*

**28.** (1) From and after the expiration of three months after the passing of this Act, it shall not be lawful for any person (except a person in the employ of the Crown) who is unregistered—

Unregistered agents.

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

(a) for or in consideration of any payment or other remuneration (whether monetary or otherwise)

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

to dispose of, or to offer for sale or other disposal, by public auction or by private bargain on behalf of some other person any

cf. s. 12 Dentists Act, 1912.

land or buildings or any interest in land or buildings; or

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

(b) to hold himself out to the public as ready to undertake for pay to offer for sale or disposal as aforesaid; or

(c) to take or use any title, description or addition by letters or otherwise stating or implying that he is a registered estate agent or that he is in practice as a registered estate agent.

(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 and unincorporate.

(4) A person shall be deemed to be unregistered—

(a) if his name has not been entered in the register; or

(b) if, having been entered, his name has been removed from the register and not restored; or

(c) if, his name having been registered, the registration has expired and not been renewed; or

(d) if, his name having been registered, the registration has been suspended, and the period of suspension has not expired; or

(e) if, his name having been registered, the registration has been cancelled.

*Unauthorised*

*Unregistered agent not entitled to recover.*

**29.** 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 or disposal of land or buildings or any interest in land or buildings made or effected after the expiration of three months from the passing of this Act unless he is a registered real estate agent under this Act. No right of recovery. cf. s. 13, L.A. Act, 1912 (N.Z.).

*Onus of proof that person is licensed.*

**30.** In any proceedings in any court any person shall be deemed to be unregistered under this Act unless he produces his certificate of registration or brings other satisfactory proof of his having been registered at the time pertinent to such proceedings. Proof of license. cf. s. 15, L.A. Act, 1912 (N.Z.).

PART VI.

THE REAL ESTATE AGENTS BOARD.

*Establishment of board.*

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

*Body corporate.*

**32.** 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.*

**33.** (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)



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

(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 appointed by the Governor.

*Disqualification for membership.*

**34.** A person shall be disqualified for nomination or appointment to the office of president or member of the board— Disqualification for membership.

- (a) if he is not a registered real estate agent :  
    Provided that this shall not come into operation until the expiration of three 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.*

**35.** (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. Term of office.

(2) If the office of the president or of any 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. Extraordinary vacancies.

*Selection of persons for nomination to Governor.*

**36.** (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. Selection of members.

(2)

(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 re certain cases.*

**37.** 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.*

**38.** 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.*

**39.** (1) The president or any other member of the board shall temporarily vacate his office on the board immediately if he is called upon under this Act to show cause why his registration should not be suspended or cancelled. Temporary vacation of office.

(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.*

**40.** (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. Absence.

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

*Fees.*

**41.** The president and members of the board may be paid such fees for their services as the Governor may approve. Fees. As to accounts, see s. 53 post.

*Procedure—Regulations.*

**42.** 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. Procedure at meetings.

*Quorum.*

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

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

(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 further postpone such business or may forthwith, or at any postponed consideration if the voting be again equal, give a casting vote.

*Board's common seal.*

**45.** The seal of the board shall not be attached to 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 of its registrar. Seal.

*Board may delegate matters to president.*

**46.** (1) The board may by resolution under seal authorise the president to determine such matters as it therein specifies. Delegation of seal powers.

(2) The board may by resolution under seal revoke the authority at any time.

*Evidence on which board may act.*

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

*Ancillary powers.*

**48.** (1) The board may provide such offices as may be necessary for transacting its business under this Act, and for that purpose may lease land and buildings. Ancillary powers of board.

(2) The board may incur expenditure upon office fittings, furniture, stationery, and in such other ways as it may deem necessary for the carrying out of the purposes of this Act.

*Staff.*

**49.** A registrar and such other officers as may be necessary shall be appointed under the provisions of the Public Service Acts.

*Acts valid notwithstanding technicalities.*

**50.** 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.*

**51.** 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.

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PART VII.

FINANCE.

*Income.*

**52.** All fees, penalties, and other moneys received under this Act shall be paid into the Consolidated Revenue Fund.

*Expenditure.*

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

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PART

PART VIII.

GENERAL.

*Falsification of register.*

**54.** 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.*

**55.** Notices under this Act may be served by post.

Notices.

*Registered address of agent.*

**56.** (1) The place of business mentioned in an estate agent's application for registration (or such other place of business as any registered estate agent notifies in writing to the registrar as his changed address) shall be the registered office of that 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 estate agent shall be deemed to be duly served or given if left at the said registered office.

Service of  
writs, &c.

*Who may take proceedings.*

**57.** (1) Proceedings for the recovery of penalties under this Act or the regulations may be taken by the board or by any person; provided that two-thirds of all penalties recovered by any person other than the board over and above the costs and expenses of the proceedings shall be paid to the board.

Legal  
proceedings.

(2) Such penalties may be recovered in a summary way before any two justices in petty sessions.

*Regulations.*

*Regulations.*

**58.** (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; and
- (b) procedure at meetings of the board; and
- (c) notices, documents, and forms; and
- (d) 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.*

**59.** Nothing in this Act shall be construed as prohibiting—

Rights of  
solicitors,  
conveyancers,  
and others.

- (a) any person for the time being entitled to practise as a solicitor or conveyancer from performing any function or exercising any power which

which if this Act had not been passed he might lawfully have performed or exercised as such solicitor or conveyancer; or

- (b) any person not being an auctioneer or 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.*

**60.** 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 the taking out of any such license.

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