



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 7 of 1964

An Act to amend the Land Agents Act, 1955-1960.

[Assented to 12th March, 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Land Agents Act Amendment Act, 1964". Short titles.
- (2) The Land Agents Act, 1955-1960, as amended by this Act, may be cited as the "Land Agents Act, 1955-1964".
- (3) The Land Agents Act, 1955-1960, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 5 of the principal Act is amended— Amendment of principal Act, s. 5.
 - (a) by inserting at the end of the definition of "land" therein the words "and any exclusive right whatsoever, whether deriving from the ownership of a share or interest in a company or partnership or otherwise, to the occupation of any home-unit or part of a building which is or has been designed whether originally or otherwise to be used as a dwellinghouse or place of residence independently of any other part of the building";
 - (b) by striking out the words "in allotments" in paragraph (b) of the definition of "land agent" therein and inserting in lieu thereof the words "whether with or without improvements thereon";

(c) by inserting the following subsection therein after subsection (4) thereof—

(5) A person who carries on the business of selling land as owner solely by or through a licensed land agent shall not by reason only of that fact be deemed to be a land agent within the meaning of this Act.

Amendment of
principal Act,
s. 27.

4. Subparagraph (iii) of paragraph (d) of subsection (1) of section 27 of the principal Act is amended by inserting the following proviso at the end thereof :—

Provided that in respect of any application for a licence made after the first day of January, one thousand nine hundred and sixty-six an applicant shall prove to the satisfaction of the Board that he has complied with such educational standards and qualifications or passed such examinations as shall be prescribed.

Amendment of
principal Act,
s. 32.

5. Subsection (4) of section 32 of the principal Act is amended by inserting the following proviso at the end thereof :—

Provided that the board may refuse to grant a renewal to an applicant if the board is satisfied that he has failed to comply with any requirement under this Act or the regulations concerning any audit of the applicant's trust account.

Enactment of
s. 38a of
principal Act—

6. The following section is inserted in the principal Act after section 38 thereof :—

Prohibition of
employment
by two agents.

38a. (1) A registered land salesman shall not accept or undertake employment or be or remain in the service of or by any means whatsoever hold himself out as being in the service of or act as a land salesman for or on behalf of any land agent at any time when he is employed by or in the service of any other land agent.

Penalty : Fifty pounds.

(2) A land agent shall not employ or have in his service as a land salesman any person who is to the knowledge of that land agent at the time employed by or in the service of any other land agent.

Penalty : Fifty pounds.

(3) A land agent shall not pay any remuneration whether by way of salary, wages, commission or otherwise howsoever—

(i) to any land salesman other than a land salesman who is in his service as such ;

(ii) to any registered manager other than a registered manager who is in his service as a manager or land salesman.

Penalty : Fifty pounds.

(4) For the purposes of this section two or more land agents carrying on business as such in partnership shall be deemed to be one land agent.

7. Subsection (1) of section 56 of the principal Act is amended— Amendment of principal Act, s. 56.

(a) by striking out the word "Part" therein and inserting in lieu thereof the word "Act" ;

(b) by inserting the following proviso at the end of subparagraph (iii) of paragraph (d) thereof—

Provided that in respect of any application for registration made after the first day of January, one thousand nine hundred and sixty-six an applicant shall prove to the satisfaction of the Board that he has complied with such educational standards and qualifications or passed such examinations as shall be prescribed.

8. The following section is inserted in the principal Act after section 58 thereof :— Enactment of s. 58a of principal Act—

58a. (1) A licensed land agent may register a branch office of his business by giving written notice of the situation of such office to the secretary. Registered branch offices.

(2) A licensed land agent carrying on business at a registered branch office shall nominate and have at all times in his service at each such registered branch office a registered manager who has his usual place of residence within the State.

(3) The registered manager nominated as manager of a registered branch office shall not be capable of being at the same time the manager nominated as the registered

manager of the licensed land agent or any other licensed land agent or of any other registered branch office of the licensed land agent or any other licensed land agent.

Amendment of
principal Act,
s. 60.

9. Subsection (7) of section 60 of the principal Act is amended by striking out the words "a trust account" (second occurring) therein and inserting in lieu thereof the passage "an account designated 'trust account'".

Amendment of
principal Act,
s. 64.

10. Section 64 of the principal Act is amended by inserting after the words "registered office" in paragraph (b) thereof the words "or of his registered branch office".

Enactment of
s. 64b of
principal Act—

11. The following section is inserted in the principal Act after section 64a thereof :—

Advertisement
by managers
or land sales-
men.

64b. A registered manager or land salesman shall not publish or cause or permit to be published any advertisement relating to or in connection with the sale or purchase or other disposal (not being letting) or acquisition of any land except on behalf and in the name of the licensed land agent by whom he is employed and stating the matters specified in paragraphs (a), (b) and (c) of section 64 of this Act.

Penalty : Fifty pounds.

Amendment of
principal Act,
s. 88a.

12. Section 88a of the principal Act is amended by inserting therein at the end thereof the words "or in lieu of making any such order may make an order reprimanding the land agent, registered land salesman or registered manager concerned. If within a period of five years any licensed or registered person under this Act receives three reprimands from a Court or from the Board or from both a Court and the Board his licence or registration shall be cancelled."

Amendment of
principal Act,
s. 89.

13. Section 89 of the principal Act is amended by inserting at the end thereof the following subsection (the previous portion of the section being designated as subsection (1) thereof) :—

(2) Proceedings in respect of an offence against this Act may be commenced at any time within two years from the time when the matter of the complaint arose.

Amendment of
principal Act,
s. 93.

14. Subsection (1) of section 93 of the principal Act is amended by inserting therein after paragraph (a) thereof the following paragraph :—

(a1) prescribing educational standards, qualifications and examinations for the purposes of sections 27 and 56 of this Act ;

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.