



New South Wales

Property, Stock and Business Agents (General) Amendment (s 42A Notice) Regulation 1999

under the

Property, Stock and Business Agents Act 1941

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Property, Stock and Business Agents Act 1941*.

JOHN WATKINS, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to require a licensee to include in or append to a statement of claim or itemised account under section 42A of the *Property, Stock and Business Agents Act 1941* a notice in the form approved by the Director-General of the Department of Fair Trading containing advice concerning remedies available under the *Consumer Claims Act 1998*.

This Regulation is made under the *Property, Stock and Business Agents Act 1941*, including sections 42A (6) and 92.

1999 No 496

Clause 1 Property, Stock and Business Agents (General) Amendment (s 42A Notice)
Regulation 1999

**Property, Stock and Business Agents (General)
Amendment (s 42A Notice) Regulation 1999**

1 Name of Regulation

This Regulation is the *Property, Stock and Business Agents (General) Amendment (s 42A Notice) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Amendment of Property, Stock and Business Agents (General) Regulation 1993

The *Property, Stock and Business Agents (General) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Property, Stock and Business Agents (General) Amendment (s 42A Notice)
Regulation 1999

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clauses 16, 17 and 18

Omit the clauses. Insert instead:

16 Notice under section 42A

A licensee must include in or append to a statement of claim or itemised account under section 42A of the Act a notice in the form approved by the Director-General.

Maximum penalty: 20 penalty units in the case of a corporation or 10 penalty units in any other case.

Property Stock and Business Agents (General) Regulation 1993.

Form of Notice to be used for the purposes of clause 16 of the Regulation

Form of notice to be used from (and including) 1 December 1999

If you dispute part or all of the amount specified in this statement, and if you have been unable to resolve the dispute, you may apply to the Fair Trading Tribunal for a determination of the matter. By law legal action to recover the amount specified in this statement cannot be commenced until 28 days after it has been served on you.

Form of notice to be used up to and including 30 November 1999

Either one of the following notices may be used:

If you dispute part or all of the amount specified in this statement, and if you have been unable to resolve the dispute, you may apply to the Fair Trading Tribunal for a determination of the matter. By law legal action to recover the amount specified in this statement cannot be commenced until 28 days after it has been served on you.

or

Section 42A of the Property Stock and Business Agents Act provides that an application to review a statement of claim or itemised account may be made to the Director-General of the Department of Fair Trading within 28 days after the statement of claim or itemised account is served on you.

David O'Connor
Director-General
23 August 1999

BY AUTHORITY