



# Property, Stock and Business Agents Amendment (Refusal Details) Regulation 2004

under the

Property, Stock and Business Agents Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Property, Stock and Business Agents Act 2002*.

REBA PAIGE MEAGHER, M.P.,

Minister for Fair Trading

## Explanatory note

Section 220 of the *Property, Stock and Business Agents Act 2002* requires a Register to be maintained for the purposes of that Act.

The object of this Regulation is to amend the *Property, Stock and Business Agents Regulation 2003* to provide for details kept in the Register of any application for a licence or certificate of registration that is refused on the ground that the applicant is not a fit and proper person to be removed on the subsequent grant of a licence or certificate of registration to the applicant.

This Regulation also makes amendments in the nature of law revision.

This Regulation is made under the *Property, Stock and Business Agents Act 2002*, including sections 37, 55, 216, 220 and 230 (the general regulation-making power).

**2004 No 296**

Clause 1 Property, Stock and Business Agents Amendment (Refusal Details)  
Regulation 2004

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**Property, Stock and Business Agents Amendment  
(Refusal Details) Regulation 2004**

under the

Property, Stock and Business Agents Act 2002

**1 Name of Regulation**

This Regulation is the *Property, Stock and Business Agents Amendment (Refusal Details) Regulation 2004*.

**2 Amendment of Property, Stock and Business Agents  
Regulation 2003**

The *Property, Stock and Business Agents Regulation 2003* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 43 The Register

Omit “, together with details of any subsequent grant of a licence or certificate of registration to the person” from clause 43 (2).

### [2] Clause 43 (2A)

Insert after clause 43 (2):

- (2A) Details entered in the Register under subclause (2) in respect of a person whose application is so refused are to be removed from the Register on the subsequent grant of a licence or certificate of registration to the person.

### [3] Schedule 1 General rules of conduct applying to all licensees and registered persons

Omit “any other person” where secondly occurring in clause 14.

Insert instead “a third person”.

### [4] Schedule 2 Rules specific to real estate agents, real estate salespersons and on-site residential property managers

Omit “licensee” from clause 10. Insert instead “agent”.

### [5] Schedule 2, clause 10 (d)

Omit “licensee’s”. Insert instead “agent’s”.

### [6] Schedule 3 Rules specific to stock and station agents and registered persons they employ

Omit “licensee” from clause 8. Insert instead “agent”.

### [7] Schedule 3, clause 8 (d)

Omit “licensee’s”. Insert instead “agent’s”.

### [8] Schedule 4 Rules specific to business agents and registered persons they employ

Insert “or has the principal’s written instructions that such an inspection is not required by the principal” after “business” where secondly occurring in clause 1.

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Schedule 1 Amendments

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**[9] Schedule 6 Rules specific to strata, community, residential and other property managers**

Omit clause 4 (2).

**[10] Schedule 6, clause 5 (1)**

Omit “owner or”. Insert instead “owner of”.

**[11] Schedule 6, clause 5 (2)**

Omit the subclause.

**[12] Schedule 6, clause 6 (2)**

Omit the subclause.

**[13] Schedule 7 Terms applying to all agency agreements**

Insert “, business or professional practice” after “property” wherever occurring in clause 1.

**[14] Schedule 15 Penalty notice offences**

Omit “\$2,200” from Column 2 of the matter relating to section 9 (1).

Insert instead “\$1,100”.

**[15] Schedule 15**

Insert “\$2,200” in Column 3 of the matter relating to section 9 (1).

BY AUTHORITY

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