

Land Agents Act 1927 No 3

[1927-3]



New South Wales

Status Information

Currency of version

Historical version for 4 July 2007 to 5 July 2009 (accessed 17 July 2024 at 22:28)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Miscellaneous Acts \(Local Court\) Amendment Act 2007 No 94](#) (amended by [Statute Law \(Miscellaneous Provisions\) Act 2009 No 56](#)) (not commenced)
- **Note**
The Act is to be repealed on the commencement of Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2009 No 56](#) (to commence on 17.7.2009).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Land Agents Act 1927 No 3



New South Wales

An Act to provide for the registration and control of land agents; to amend the *Crown Lands Consolidation Act 1913* and certain other Acts; and for purposes connected therewith.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Land Agents Act 1927*.

2 Commencement and application of Act

- (1) This Act shall come into force on the first day of January, one thousand nine hundred and twenty-seven.
- (2) This Act does not apply to an Australian legal practitioner.

3 Definitions

In this Act, unless the context otherwise requires:

Court means the Land and Environment Court.

The expressions **Crown Lands Acts** and **Local Land Board** have the meanings given to them respectively in the *Crown Lands Consolidation Act 1913*.

Land agent means a person acting for fee, gain, or reward in any matter or proceeding under the Crown Lands Acts, or the Closer Settlement Acts, or the *Returned Soldiers Settlement Act 1916*, or under the Western Lands Acts, or under any other Act the administration of which is or may be by statute, custom, or Executive authority vested in the Minister for Lands, or in any matter or proceeding under any of such Acts before the court or any local land board.

Registrar means registrar of the court.

Part 2 Registration

4 Registration of land agents

- (1) All land agents shall be registered in the court.
- (2) Any person who, after the expiration of six months from the commencement of this Act, carries on or advertises that the person carries on the business of land agent without being registered as aforesaid shall be liable to a penalty not exceeding 1 penalty unit, to be recovered in a summary way before a Local Court.
- (3) After the expiration of the said period, no person, unless the person is registered as aforesaid, shall be entitled to charge or recover any fees or other moneys for work done by the person as a land agent.
- (4) The registrar shall in the prescribed manner keep a register of land agents.
- (5) No person shall be qualified to be registered if the person:
 - (a) is under the age of twenty-one years at date of application for registration, or
 - (b) does not satisfy the court as to his or her good fame and character.

The Minister for Lands or any other person shall be entitled to be heard and to adduce evidence upon any such application.

5 Firm

The registrar may give notice to a person registered as a land agent under this Act who is a member of a firm carrying on business as land agents that any other partner thereof is a person who is disqualified from being registered on either of the grounds set out in paragraphs (a) or (b) of subsection (5) of section 4, and that steps to dissolve the partnership should be taken within a time specified in the notice or such further time as the court may allow.

6 Cancellation

- (1) The registration of a land agent shall be in force until cancelled. The court may cancel a registration on proof of the misconduct, malpractice, or gross negligence of an agent or
 - (a) on the occurrence of any event which would disqualify him or her from being registered, or
 - (b) if any such registration has been effected erroneously or in consequence of any false or fraudulent document, statement, or representation, or
 - (c) if being a member of a firm of which any other member is disqualified from being registered, the person registered fails to comply with a notice given by the registrar under section 5, or

(d) if the person registered employs in the control and management of his or her business as a land agent any person who is disqualified from being registered on either of the grounds specified in paragraphs (a) or (b) of subsection (5) of section 4 after notice has been given to him or her by the registrar that such person is so disqualified.

(2) Before cancelling the registration the court shall cause the prescribed notice to be given to the agent, and shall hear and consider any representations made by the agent or on his or her behalf.

7 Court's decision final

The decision of the court to refuse to register any applicant or to cancel any registration already effected shall be final, and effect shall be given thereto by the registrar.

Part 3 Taxation of bill of land agent

8 Delivery of signed bill by land agent

No land agent shall, unless by leave of the court, commence any action or suit for the recovery of any fee, charge, or disbursement for or in connection with work done by him or her as such agent until the expiration of one month after the land agent has delivered to the party charged therewith personally or by registered post a bill of such fee, charge, and disbursement signed by him or her.

9 Taxation of bill

(1) On application to the registrar made within the said month, or at any time thereafter on the order of the court, the bill shall be taxed by the registrar. Such order may in special circumstances be made although the bill has been paid. And the person who has paid such bill may recover from the land agent any sum in excess of the amount at which the bill is finally taxed.

(2) In any such order the court may restrain the land agent from commencing or continuing any action or suit for the recovery of the whole or any part of the fee, charge, or disbursement referred to in the bill, and may impose such terms as it thinks fit on the person chargeable under the bill.

(3) The court may order the registrar to review and correct his or her taxation of a bill.

Part 4 Orders

10 Order for delivery up of documents

The court may make any order for the delivery up of any documents or writings in the possession or under the control of a land agent.

11 Procedure

Applications to the court under this Act shall, until otherwise prescribed by rules of court, be made by motion made on notice, and the costs of and relating to any such application shall be in the discretion of the court, and may be assessed by the court or ordered to be taxed.

Part 5 Rules

12 Rules

The court may make rules:

- (a) for the registration of land agents, the fees to be paid therefor, and the cancellation of such registration,
- (b) for the taxation of bills of land agents,
- (c) prescribing a scale of the costs which may be allowed in respect of any proceeding under this Act, and the method of taxing such costs,
- (d) prescribing the fees and charges which may be demanded and recovered by land agents for work done by them as such,
- (e) for carrying the provisions of this Act into effect.