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Crown Law Department,
Perth, 31st January, 1957.

THE undermentioned Regulations made under the provisions of the Land Agents Act, 1921, and amended from time to time prior to the 27th September, 1956, are reprinted, as so amended, pursuant to the Reprinting of Regulations Act, 1954, by Authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

LAND AGENTS ACT, 1921.

Regulations.

Published in the *Government Gazette* on the 20th February, 1953, and incorporating amendments thereto published in the *Government Gazette* on the 19th March, 1954; 9th December, 1955; and 13th January, 1956; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister dated 25th January, 1957.

LAND AGENTS ACT, 1921.

Regulations.

[As published in the *Government Gazette* on the 20th February, 1953, and incorporating the amendments thereto published in the *Government Gazette* on the 19th March, 1954; 9th December, 1955; and 13th January, 1956; and reprinted pursuant to the Reprinting of Regulations Act, 1954.]

Citation.

1. These regulations may be cited as the Land Agents Act Regulations.

Interpretation.

2. In these regulations unless the context requires otherwise—
“Act” means the Land Agents Act, 1921, and Acts passed in amendment of or substitution for that Act;
“Appendix” means the appendix to these regulations;
expressions used in these regulations have the same respective meanings as in the Act;
sections mentioned are sections of the Act;
Schedules mentioned are schedules to the Act;
Regulations mentioned are these regulations.

Applications for Licenses in the First Instance and for Renewals of Licenses.

3. (1) Subsections (1) and (2) of section four, and subsections (1) and (2) of section five and section five A are repeated in these regulations for convenience of reference and are as follows:—

4. (1) Every person who desires to obtain a license shall, in accordance with the regulations, lodge with the clerk of a Court of Petty Sessions in the district wherein he resides an application in the form in the First Schedule hereto.

(2) The application shall state the principal place of business of the applicant, and shall be accompanied by testimonials as to the character of the applicant, signed by not less than three reputable persons.

5. (1) Such license shall take effect from a date to be therein stated, and shall expire on the thirty-first day of December next following, and shall authorise the licensee to act as a land agent in Western Australia during the currency of the license, unless the same is cancelled as hereinafter provided.

(2) The issue of every license shall, within ten days after the issue thereof, be notified by the Clerk of the Court to the Under Treasurer.

5A. Applications for renewals and transfers of licenses may be made and shall be dealt with in accordance with the regulations.

(2) A copy of the form mentioned in subsection (1) of section four is repeated in these regulations for convenience of reference as Form No. 1 in the Appendix.

(3) The applicant shall lodge the original testimonials and three copies of the testimonials and four completed copies of the application with the clerk of the Court of Petty Sessions, but, in the case of an application for renewal of a current license, the applicant is not obliged to lodge together with the copies of the application any testimonial or testimonials unless the Court having jurisdiction to hear the application, or the Committee, so requires.

Subregulation (3) amended. G.G. 13/1/56, p. 95.

(4) The clerk of the Court of Petty Sessions shall appoint a time, being not less than thirty-five days after the date of the lodging of the application, for the hearing of the application, and shall endorse the four copies of the form of application accordingly, and return one of the copies to the applicant.

(5) Not less than twenty-eight days before the day appointed for the hearing of the application—

Subregulation (5) amended. G.G. 19/3/54, p. 451 and G.G. 13/1/56, p. 95.

(a) the applicant shall, in the case of an application for a License in the first instance, cause one copy of the form as completed and endorsed to be published, once in the *Government Gazette* and once in a newspaper circulating in the district appointed for the hearing of the application, but publication of an application for renewal of a license is not required; and

(b) the clerk of the Court of Petty Sessions, in case of either application, shall cause a copy of the form as so completed and endorsed, and, if a testimonial or testimonials are required to be lodged in accordance with the provisions of subregulation (3) of this regulation, a copy of each of the testimonials to be served on each of the following—

the officer in charge of Police, stationed in that district; and
the Committee.

Objections to Granting of Applications for Licences in the First Instance and Renewals of Licences.

4. The Commissioner of Police or a person authorised for the time being by him, or the Committee, or a person authorised for the time being by the Committee, or any other person, may show cause against the granting of the application at the hearing, if, not less than seven days before the date appointed for the hearing, he serves upon the applicant and the clerk of the Court of Petty Sessions appointed for the hearing a notice in Form No. 2 in the Appendix of his intention to object to the granting of the application stating the grounds of objection shortly but sufficiently to show their substance.

Regulation 4 amended. G.G. 19/3/54, p. 451.

Grounds of Objection.

5. An objection shall be competent only if and to the extent that the grounds of the objection affect the character, business methods or financial position of the applicant, or the dishonest or fraudulent conduct of any person in the employ of the applicant, or, in the case of an application by or on behalf of a firm, the character, business methods or financial position of the partners or any of them, or the dishonest or fraudulent conduct of any person in the employ of the firm, or, in the case of an application by or on behalf of a company, the financial position of the company or the character or business methods of the directors, or of the general manager or the dishonest or fraudulent conduct of any person in the employ of the company.

Regulation 5 amended. G.G. 19/3/54, p. 451.

6. The form of bond mentioned in paragraph (a) of subsection (3) of section four which a successful applicant is required to lodge before the issue of a license and the form of the license are, for the convenience of reference, repeated as Forms Nos. 3 and 4 respectively in the Appendix.

Applications for Transfers of Licenses.

7. (1) Application for transfer of a license may be made by a person who proposes to take a transfer of a license from—

- (a) a licensee;
- (b) the personal representative of a deceased licensee;
- (c) the trustee of the property of a licensee who is bankrupt or who has assigned his property for the benefit of his creditors generally;
- (d) the liquidator of a company which is a licensee; or
- (e) the person or persons lawfully authorised to manage the affairs of a licensee who has become insane or incapable of managing his affairs.

(2) The application shall be in Form No. 5 in the Appendix and shall be signed by the applicant and the proposed transferor.

(3) The provisions of regulations 3 to 6 both inclusive relating to an application for a license in the first instance apply *mutatis mutandis* in respect of an application for transfer of a license as if repeated at length in this regulation.

Verification of Report of Result of Audit.

Regulation
7A added.
G.G. 19/3/54,
p. 451.

7A. The form of statutory declaration verifying the report of the result of the audit, required under subparagraph (ii) of paragraph (a) of subsection (4) of section fourteen G of the Act is that set out in Form No. 7 in the Appendix.

Application for Approval to Act as Auditor.

Regulation
7B added.
G.G. 19/3/54,
p. 451.

7B. Applications for the approval of the Minister for an applicant to act as an auditor under section fourteen G of the Act shall be signed by the applicant.

Regulation
7C added.
G.G. 19/3/54,
p. 451.

7C. (1) The application shall be accompanied by—

- (i) testimonials as to the good character of the applicant signed by not less than two reputable persons;
- (ii) where the applicant claims to be a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Accountants, a certificate of the State Registrar of the society or body certifying that he is a current member of the society or body;
- (iii) a statutory declaration in Form No. 8 in the Appendix verifying the testimonials and stating that the applicant has been engaged in practice as a public accountant in the State either as a principal or as an employee in the office of a public accountant or firm of public accountants for not less than three years.

(2) The applicant shall supply to the Minister such further particulars relating to the application as the Minister may require.

Regulation
7D added.
G.G. 19/3/54,
p. 451.

7D. The form of statutory declaration verifying the statement of moneys and securities and deposit receipts held by a land agent required under paragraph (a) of subsection fourteen of section fourteen G of the Act is that set out in Form No. 9 in the Appendix.

Regulation
7E added.
G.G. 19/3/54,
p. 451.

7E. The forms set out in the Appendix to these regulations, or forms to the like effect shall be used for the purposes for which they are respectively appropriate. The directions contained in any such form for the completion thereof shall be observed.

7F. The form of statutory declaration to the effect that a land agent has in any year neither received, sent nor held any money for or on behalf of any other person required under subsection twenty of section fourteen G of the Act, is that set out in Form No. 10 of the Appendix.

Regulation 7F added.
G.G. 19/3/54,
p. 451.

7G. The fees to be paid to witnesses summoned to appear and appearing at any inquiry before the Committee shall be the same as those paid to witnesses in the Local Court.

Regulation 7G added.
G.G. 19/3/54,
p. 451.

Applications for Cancellation of License.

8. (1) Application for cancellation of a license may be made—

Regulation 8 amended.
G.G. 19/3/54,
p. 451.

- (a) by the licensee, the personal representative of a deceased licensee, the trustee of a licensee who is bankrupt or who has assigned his property for the benefit of his creditors generally, the liquidator of a company which being a licensee goes into liquidation, or the person or persons lawfully authorised to manage the affairs of a licensee who has become insane or incapable of managing his affairs;
- (b) by the Commissioner of Police or a person for the time being authorised by him, or by the Committee or a person authorised for the time being by the Committee, or by any other person;
- (c) [*Paragraph (c) deleted by G.G., 9/12/55.*]
- (d) [*Paragraph (d) deleted by G.G., 9/12/55.*]

(1a) (a) An application mentioned in paragraph (a) of subregulation (1) of this regulation shall be competent, if the ground on which the application is made is that the business for which the license was granted has ceased.

Subregulation (1a) inserted.
G.G. 9/12/55,
p. 2941.

(b) An application mentioned in paragraph (b) of subregulation (1) of this regulation shall be competent if the ground on which the application is made is that the business for which the license was granted has ceased or is any of the grounds of objection mentioned in regulation 5 of these regulations or is that—

- (i) the licensee has been out of the State for a continuous period of two months; or
- (ii) the licensee has entirely or habitually been absent during business hours from his registered office for a continuous period of two months,

without the written permission of the Committee or a Magistrate.

(2) The application shall be in Form No. 6 in the Appendix and shall state the grounds of the application shortly but sufficiently to show their substance.

(3) The applicant shall lodge two copies of the completed form of the application with the clerk of the Court of Petty Sessions by which the license was issued.

(4) The clerk of the Court of Petty Sessions shall appoint a time being not less than twenty-one days from the date of the lodging of the application for the hearing of the application and shall endorse the two copies of the form of application accordingly and hand one of the copies to the applicant.

(5) Not less than fourteen days before the day appointed for the hearing of the application the applicant shall serve the copy so completed and endorsed upon the licensee.

Land Agents Act, 1921.

Form No. 4.

LICENSE.

Western Australia.

In the Court of Petty Sessions held at

A.B., of (name in full and address)

is hereby licensed to carry on the business of a Land Agent in Western Australia, from the day of

instant until the 31st day of December next (if issued on behalf of a firm or company, add "on behalf of the firm (or company) registered as ,," stating name of firm or company).

Principal place of business

Given under my hand and the seal of the Court this

day of 19 .

S.M., P.M., R.M. or J.P.

Land Agents Act, 1921.

Form No. 5.

APPLICATION FOR TRANSFER OF A LICENSE.

To the Court of Petty Sessions at.....

I (name in full).....

of (address).....

occupation

having attained the age of twenty-one years, hereby apply on my

behalf (on behalf of.....a firm of

which I am a member)* (on behalf of the Company registered by

the name of.....Limited)* for a transfer

of a license to carry on the business of a land agent under the

Land Agents Act, 1921, issued to—

(name in full).....

(address)

(occupation)

The principal place of business will be at.....

* (Strike out if not applicable.)

Dated the day of 19 .

Signature of Applicant.

I (name in full).....

of (address)

(occupation)

being the licensee (the lawfully appointed executor of the will of

the licensee who died on the day of 19)*

(the lawfully appointed administrator of the estate of the licensee

who died on the day of 19)*

(the lawfully appointed trustee of the licensee who became bankrupt

(who assigned his estate to me for the benefit of his creditors

generally) on the day of 19)*

(the lawfully appointed liquidator of the company named

on the day of Limited which went into liquidation

lawfully appointed to manage the affairs of the licensee who

became insane (incapable of managing his affairs) on the

day of 19) concur in this application.

* (Strike out if not applicable.)

Dated the day of 19 .

Signature and representative capacity (if any).

Appointment of Hearing.

I hereby appoint the..... day of..... 19..... at..... o'clock in the..... noon as the time for the hearing of the foregoing application at the Court of Petty Sessions at.....

Dated the day of 19 ..

..... Clerk of Petty Sessions.

Objection to the granting of the license may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

Land Agents Act, 1921.

Form No. 6.

APPLICATION FOR CANCELLATION OF LICENSE.

I (name in full)..... of (address)..... (occupation) hereby apply for the cancellation of a license to carry on the business of a land agent under the Land Agents Act, 1921, issued to (name in full)..... (address) (occupation) on his own behalf (on behalf of.....)* on the following grounds:—

* (Strike out if not applicable.)

Dated the day of 19 ..

..... Signature of Applicant.

To the licensee (name in full)..... (address) (occupation) and to the Clerk of Petty Sessions at.....

Appointment for Hearing.

I hereby appoint the..... day of..... 19....., at..... o'clock in the..... noon as the time for the hearing of the foregoing application at the Court of Petty Sessions at.....

Dated the day of 19 ..

..... Clerk of Petty Sessions.

Land Agents Act, 1921.

Form No. 7.

STATUTORY DECLARATION BY AUDITOR.

(Section 14G (4) (a) (ii).)

I, (name in full)..... of (address)..... do solemnly and sincerely declare—

1. That I am a person approved by the Minister as an auditor for the purposes of the Land Agents Act, 1921, and the regulations thereunder.

Form No. 7 added. G.G. 19/3/54, p. 451.

2. That in accordance with the Land Agents Act, 1921, I have personally (with the assistance of my staff), (if the fact be so) audited the trust accounts of *(name of land agent), a land agent carrying on business at (address)..... (or, carrying on business under the firm name of..... at.....) for the year† ending the..... day of....., 19.....

3. That the document hereto annexed marked "A" which is dated the.....day of....., 19....., and signed by me is my report of the result of such audit and that all statements therein are true and correct.

4. That I am not a land agent carrying on business as such nor a partner, clerk or servant of the abovenamed land agent or of any other land agent actually in practice.

And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act, 1906.

Declared at..... this }
..... day of....., 195.... }

Before me,.....

A Justice of the Peace (or other authorised person).

Note*—(1) (a) Where the report is on the trust accounts of a firm of land agents the names of individual partners constituting the firm are to be separately specified.

(b) In the case of a company land agent, the company name, registered office and the name of the person who holds the license on its behalf shall be specified.

†(2) Where changes have taken place during the year in the firm the periods in respect of which trust accounts of any new or retiring partner have been audited are to be shown.

(3) The above declaration carries 1s. stamp duty under the Stamp Act, 1921.

Form No. 8
added.
G.G. 19/3/54,
p. 451.

Form No. 8.

STATUTORY DECLARATION BY APPLICANT FOR APPROVAL TO ACT AS AUDITOR.

(Section 14G (6)).

1. I (full name and address)..... do solemnly and sincerely declare—

That I have been engaged in practice as a Public Accountant in the State of Western Australia—

- (a) as a principal from (date)..... to (date).....
- (b) as an employee in the office of..... a public accountant from (date)..... to (date).....;
- (c) as an employee in the firm of..... public accountants from (date)..... to (date).....

2. Annexed hereto and marked with the letters "A" and "B" respectively are testimonials signed by..... of..... and by..... of.....

And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act, 1906.

Declared at..... this }
..... day of....., 195.... }

Before me,.....

A Justice of the Peace (or other authorised person).

Note.—The above declaration carries 1s. stamp duty under the Stamp Act, 1921.

Form No. 9.
 STATUTORY DECLARATION BY LAND AGENT VERIFYING
 STATEMENT OF BALANCES HELD.
 (Section 14G (14)).

Form No. 9
 added.
 G.G. 19/3/54,
 p. 451.

I (full name),..... of (address).....
 do solemnly and sincerely declare—

1. That annexed hereto and marked with the letter "A" is a true and correct statement of—

(i) All moneys and bank balances held on the..... day of....., 19....., by me (or by.....) in course of business as a land agent for or on behalf of any other persons.

(ii) All negotiable or bearer securities or deposit receipts in my name (or in the name of.....) which represent moneys drawn from my trust account (or the trust account of.....) and which were held by me (or by.....) in course of business as a land agent on that day.

2. That the particulars shown in the annexed statement are true and correct in every detail therein shown or set out.

And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act, 1906.

Declared at..... this }
day of....., 195.... }

Before me,.....

A Justice of the Peace (or other authorised person).

Note.—(1) Where the land agent is a company the declaration shall be modified accordingly and made by the person to whom a land agent's license is issued on behalf of the company.

(2) In the case of a partnership the declaration shall be made by a partner.

(3) The above declaration carries 1s. stamp duty under the Stamp Act, 1921.

Form No. 10.
 STATUTORY DECLARATION OF NO RECEIPTS OF TRUST
 FUNDS BY A LAND AGENT.
 (Section 14G (20)).

Form No. 10
 added.
 G.G. 19/3/54,
 p. 451.

I (full name)....., of (address)..... carrying on business as a land agent (in partnership with.....) at....., do solemnly and sincerely declare that neither I nor the said partnership has nor has any other person by my order or for my use (or by the order or for the use of my said partners) during the period from the.....day of....., 19....., to the.....day of....., 19....., received nor held any money in the course of business as a land agent for or on behalf of any other person.

And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act, 1906.

Declared at..... this }
day of....., 195.... }

Before me,.....

A Justice of the Peace (or other authorised person).

Note.—(1) Where the land agent is a company the declaration shall be modified accordingly and made by the person to whom a land agent's license is issued on behalf of the company.

(2) In the case of a partnership the declaration shall be made by a partner.

(3) The above declaration carries 1s. stamp duty under the Stamp Act, 1921.