

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

LAND AGENTS (REGISTRATION) AMENDMENT ACT 2001

No. 32 of 2001

[Assented to 3 August 2001]

An Act to amend the Land Agents Act 1994.

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 3—Interpretation
4. Amendment of s. 8—Entitlement to be registered
5. Amendment of s. 11—Entitlement to be sales representative

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Land Agents (Registration) Amendment Act 2001*.

(2) The *Land Agents Act 1994* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended by striking out the definition of "legal practitioner" and substituting the following definition:

"legal practitioner" has the same meaning as in the *Legal Practitioners Act 1981*;

Amendment of s. 8—Entitlement to be registered

4. Section 8 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) has not—

- (i) been convicted of an indictable offence of dishonesty; or
- (ii) during the period of 10 years preceding the application for registration, been convicted of a summary offence of dishonesty; and;

(b) by striking out subparagraph (i) of subsection (2)(b) and substituting the following subparagraph:

(i) has—

- (A) been convicted of an indictable offence of dishonesty; or
- (B) during the period of 10 years preceding the application for registration, been convicted of a summary offence of dishonesty; or.

Amendment of s. 11—Entitlement to be sales representative

5. Section 11 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) has not—

- (i) been convicted of an indictable offence of dishonesty; or
- (ii) during the period of 10 years preceding the employment, been convicted of a summary offence of dishonesty; and;

(b) by striking out subsection (2) and substituting the following subsections:

(2) A person must not act as a sales representative unless the person complies with each of the following requirements:

- (a) he or she must—
 - (i) hold the qualifications required by regulation; or
 - (ii) be registered as an agent under this Act or have been registered as a sales representative or manager, or licensed as an agent, under the repealed *Land Agents, Brokers and Valuers Act 1973*;
- (b) he or she must not—
 - (i) have been convicted of an indictable offence of dishonesty; or
 - (ii) during the period of 10 years preceding acting as a sales representative, have been convicted of a summary offence of dishonesty;
- (c) he or she must not be suspended or disqualified from practising or carrying on an occupation, trade or business under a law of this State, the Commonwealth, another State or a Territory of the Commonwealth.

Maximum penalty: \$5 000.

(3) For the purposes of subsection (2), a person acts as a sales representative if the person—

- (a) is or remains in the service of a person as a sales representative; or
- (b) holds himself or herself out as a sales representative; or
- (c) otherwise acts as a sales representative.