

NORTHERN TERRITORY OF AUSTRALIA

AGENTS LICENSING REGULATIONS

As in force at 14 December 2005

Table of provisions

Part I	Preliminary	
1	Citation	1
2	Commencement	1
3	Definitions.....	1
Part II	Licensing and registration	
Division 1	Notice of intention to apply for registration as an agent's representative	
5	Notice of intending agent's representative.....	1
Division 2	Application for a licence, renewal of a licence or registration as an agent's representative	
6	Application for licence.....	2
6A	Certificate of eligibility.....	2
8	Application for registration	3
Division 3	Educational qualifications	
9	Prescribed educational qualifications for conveyancing agent, &c.	3
9A	Exemption from certain educational qualifications for sales agents.....	4
9B	Exemption from certain educational qualifications for property management agents.....	4
9C	Exemption from certain educational qualifications for corporation managers.....	5
10	Prescribed educational qualifications for representative.....	5
10AA	Exemption from qualifications where restricted registration as sales representative	5
10AB	Exemption from qualifications where restricted registration as property management representative.....	6
10AC	Recognition of prior learning.....	7
Division 3A	Educational schemes	
10A	Institute may expend money.....	7

Division 4	Form of licences and certificates of registration	
11	Licence	8
12	Certificate of registration.....	8
Part III	Audit of accounting records relating to trust moneys	
13	First audit.....	8
14	Audit where agent ceases to carry on business	8
15	Disclosure of information by auditor	9
16	Exemption from audit requirements.....	10
16A	Exemption for trust money of corporation manager.....	10
Part IIIA	Indemnity insurance	
16B	Prescribed class of agents.....	10
16C	Agents to insure.....	10
16D	Minister may grant exemption.....	11
Part IV	Miscellaneous	
17	Testimonials	11
18	Responsibility where licensed agent a company or firm	12
19	Disclosure of information by Board.....	12
20	Registers of agents.....	13
21	Register of representatives.....	13
22	Changes to be notified.....	13
22A	Regulatory offences.....	14
23	Prescribed fees.....	14
24	Disclosure of intention to purchase or sell, &c.	14
24A	Persons and organisations to be consulted regarding proposed rules of conduct	15
25	Rules of conduct.....	15
Schedule 1		
Schedule 2		
Schedule 3	Scheme relating to trust money of corporation manager under Unit Titles Act	
Schedule 4	Rules of conduct	
Schedule 5	Educational qualifications for agents' licences	

**Schedule 6 Educational qualifications for agent's
restricted licences**

**Schedule 7 Educational qualifications – agent's
representatives**

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 14 December 2005

AGENTS LICENSING REGULATIONS

Regulations under the *Agents Licensing Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Agents Licensing Regulations*.

2 Commencement

These Regulations shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In these Regulations, unless the contrary intention appears:

licence includes a provisional licence.

Part II Licensing and registration

Division 1 Notice of intention to apply for registration as an agent's representative

5 Notice of intending agent's representative

A person who intends to apply for registration as an agent's representative shall cause to be published in a newspaper or newspapers nominated by the Board a notice in a form approved by the Board.

Division 2 Application for a licence, renewal of a licence or registration as an agent's representative

6 Application for licence

An application for a licence to carry on business as a real estate agent or business agent, or both, or as a conveyancing agent must be accompanied by:

- (e) in the case of an application by a person, not being a company or firm – a testimonial in accordance with regulation 17;
- (f) in the case of an application by a company – a testimonial in accordance with regulation 17 in respect of each director of the company who is resident in the Territory and each person concerned in the management or control of the company who is resident in the Territory other than such a director or person who is a licensed agent or a registered agent's representative;
- (g) in the case of an application by a firm – a testimonial in accordance with regulation 17 in respect of each person by whom the firm is constituted and each person concerned in the management or control of the firm, other than such a person who is a licensed agent or a registered agent's representative; and
- (h) a statutory declaration made by the applicant, a director of the applicant company or a person by whom the applicant firm is constituted, as the case may be, verifying all statements contained in the application and in the documents, certificates or copies of documents or certificates that are required to accompany the application.

6A Certificate of eligibility

- (1) For the purposes of section 22(3) of the Act, a certificate shall be in accordance with Form 2A in Schedule 1.
- (1A) For the purposes of section 22(2) of the Act, the prescribed period is 3 years.
- (2) The certificate referred to in subregulation (1) shall be signed by a person specified in section 22(3) of the Act who has employed the applicant for a period not less than 3 years, or if the applicant has not been employed by one person for the period, the applicant shall provide a certificate from each person by whom the applicant was employed for an aggregate period of 3 years.

- (3) The person signing the certificate shall, in accordance with the form, indicate that the applicant is capable of performing the functions set out in the Schedule to the Act.

8 Application for registration

- (1) An application for registration as an agent's representative is to be lodged with the Registrar not earlier than 7 days after, and not later than 14 days after, the applicant has:
- (a) caused to be published a notice in accordance with regulation 5; and
 - (b) served on the Commissioner of Police notice of the fact that the applicant intends to apply for registration as an agent's representative and setting out the applicant's full name, the date and place of his or her birth, the applicant's present residential address and any other residential addresses at which he or she has resided during the 3 years immediately before the date on which the notice is given to the Commissioner of Police.
- (2) An application for registration as an agent's representative is to be accompanied by a testimonial in accordance with regulation 17 and a statutory declaration made by the applicant verifying all statements contained in the application and any document required to accompany the application.

Division 3 Educational qualifications

9 Prescribed educational qualifications for conveyancing agent, &c.

- (1) For the purposes of section 22(1)(c) of the Act, the prescribed educational qualification for a licence to carry on business as:
- (a) a real estate agent, is the completion of the units of study specified in Part 1 of Schedule 5; or
 - (b) a business agent, is the completion of the units of study specified in Part 2 of Schedule 5.
- (2) For the purposes of section 22(1)(c) of the Act, the prescribed educational qualification for a licence to carry on business as a conveyancing agent is a Certificate in Conveyancing as accredited by the Northern Territory Employment and Training Authority under section 55 of the *Northern Territory Employment and Training Authority Act* as in force immediately before the commencement of the *Northern Territory Employment and Training Authority Act 1999*.

9A Exemption from certain educational qualifications for sales agents

The Board may exempt under section 5A of the Act a person from section 22(1)(c) of the Act, insofar as the person is required under that section to hold the educational qualifications prescribed in regulation 9(1)(a), if:

- (a) it is satisfied that the person has completed the units of study specified in Part 1 of Schedule 6; and
- (b) it then authorises, under section 29 of the Act, the issue to the person of a restricted licence (a ***Sales Agent's Restricted licence***) specifying:
 - (i) that the person may perform the functions of a real estate agent that are specified in section 5(2)(a) of the Act, other than:
 - (A) functions relating to the leasing or letting of land; or
 - (B) the functions of a corporation manager under the *Unit Titles Act*; and
 - (ii) the condition that the person not act as a branch manager except in relation to matters in respect of which he or she is permitted to perform functions under subparagraph (i).

9B Exemption from certain educational qualifications for property management agents

The Board may exempt under section 5A of the Act a person from section 22(1)(c) of the Act, insofar as the person is required under that section to hold the educational qualifications prescribed in regulation 9(1)(a), if:

- (a) it is satisfied that the person has completed the units of study specified in Part 2 of Schedule 6; and
- (b) it then authorises, under section 29 of the Act, the issue to the person of a restricted licence (a ***Property Management Agent's Restricted licence***) specifying:
 - (i) that the person may perform the functions of a real estate agent that are specified in section 5(2)(a) of the Act, other than:
 - (A) functions relating to the sale, purchase or exchange of land; and

(B) the functions of a corporation manager under the *Unit Titles Act*; and

(ii) the condition that the person must not act as a branch manager except in relation to matters in respect of which he or she is permitted to perform functions under subparagraph (i).

9C Exemption from certain educational qualifications for corporation managers

The Board may exempt under section 5A of the Act a person from compliance with section 22(1)(c) of the Act, insofar as the person is required under that section to hold the educational qualifications prescribed in regulation 9(1)(a), if:

(a) it is satisfied that the person has completed the units of study specified in Part 3 of Schedule 6; and

(b) it then authorises, under section 29 of the Act, the issue to the person of a restricted licence (a ***Body Corporate Manager's Restricted licence***) specifying:

(i) that the person may only perform the functions of a corporation manager under the *Unit Titles Act*; and

(ii) the condition that the person must not act as a branch manager except in relation to matters in respect of which he or she is permitted to perform functions under subparagraph (i).

10 Prescribed educational qualifications for representative

For the purpose of section 39(1)(c) of the Act, the prescribed educational qualification for registration as an agent's representative is completion of the units of study specified in Part 1 of Schedule 7.

10AA Exemption from qualifications where restricted registration as sales representative

The Board may exempt under section 5A of the Act a person from compliance with section 39(1)(c) of the Act, insofar as the person is required under that section to hold the educational qualifications prescribed in regulation 10, if:

(a) it is satisfied that the person has completed the units of study specified in Part 2 of Schedule 7; and

- (b) it then directs the Registrar:
 - (i) to register the person as an Agent's Representative (Sales); and
 - (ii) to issue to the person a certificate of restricted registration (an **Agent's Representative (Sales) Restricted registration**) specifying that the person may perform the functions of an agent's representative by negotiating, or holding himself out as being prepared to negotiate, a transaction of a description specified in section 5(2)(a) of the Act, other than a transaction relating to:
 - (A) the leasing or letting of land; or
 - (B) the functions of a corporation manager under the *Unit Titles Act*.

10AB Exemption from qualifications where restricted registration as property management representative

The Board may exempt under section 5A of the Act a person from compliance with section 39(1)(c) of the Act, insofar as the person is required under that section to hold the educational qualifications prescribed in regulation 10, if:

- (a) it is satisfied that the person has completed the units of study specified in Part 3 of Schedule 7; and
- (b) it then directs the Registrar:
 - (i) to register the person as an Agent's Representative (Property Management); and
 - (ii) to issue to the person a certificate of restricted registration (an **Agent's Representative (Property Management) Restricted registration**) specifying that the person may carry out the business of an agent's representative by negotiating, or holding himself out as being prepared to negotiate, a transaction of a description referred to in section 5(2)(a) of the Act, other than a transaction relating to:
 - (A) the sale, purchase or exchange of land;
 - (B) the sale of a business; or
 - (C) the management of a body corporate.

10AC Recognition of prior learning

In these Regulations, a reference to a person having completed a unit of study includes a reference to a person who has been granted a credit in the unit of study in recognition of prior learning, in accordance with the National Framework of Recognition of Training, by an educational or training establishment approved by the Northern Territory Employment and Training Authority established under the *Northern Territory Employment and Training Act*.

Division 3A Educational schemes

10A Institute may expend money

- (1) In this regulation ***educational purposes*** means purposes relating to laws applying to and in relation to licensed agents and their business and the practices and procedures of licensed agents in their business, but does not include a purpose which relates to the tactics or techniques of selling or advertising or which the Board declares not to be an educational purpose.
- (2) Subject to this regulation, the amount that Institute may expend on educational purposes under section 92(4) of the Act is \$150 000.
- (3) Every proposal of the Institute to expend money under this regulation shall be presented, together with a budget for the proposal, to the Board, whether as a separate proposal or as a program of proposals to be implemented during the financial year of the Fund to which the proposals relate.
- (4) The Institute may, in respect of proposals presented to the Board, either:
 - (a) pay the costs of implementation of a proposal or the proposals from its own resources and, on presentation to the Committee of completed accounts (together with, if the proposal relates to an educational course, details of the persons attending the course and an evaluation of the course by those persons) be reimbursed from the Fund by the Committee; or
 - (b) obtain an advance from the Fund by the Committee of the amount budgeted for in the proposal as presented to the Board under subregulation (3) and, after implementation of the proposal or proposals and presentation to the Committee of the materials mentioned in paragraph (a), make any necessary financial adjustments.

Division 4 Form of licences and certificates of registration**11 Licence**

A licence to carry on business as a real estate agent, business agent or conveyancing agent or a renewal of such a licence shall be in accordance with Form 8, 9 or 10 of Schedule 1, as the case requires.

12 Certificate of registration

A certificate of registration as an agent's representative shall be in accordance with Form 12.

Part III Audit of accounting records relating to trust moneys**13 First audit**

Subject to regulation 14, where a person commences to carry on business as a licensed agent during the 3 months immediately preceding 30 June in any year, unless the Board otherwise directs, a reference to the *prescribed period* in Division 3 of Part V of the Act shall, for the purposes of the first audit of the licensed agent's accounting records relating to trust moneys, be read as a reference to the period commencing on the date when the licensed agent commenced to carry on business as a licensed agent and ending on 30 June in the next following year.

14 Audit where agent ceases to carry on business

- (1) Where a person ceases to carry on business as a licensed agent he shall, within 2 months after the date that he so ceases, cause to be audited his accounting records relating to trust moneys received and paid by him during the period commencing on the date to which those accounting records were last audited or, if they have not previously been audited, the date when the person commenced to carry on business as a licensed agent, and ending on the date when he ceased to carry on such business.
- (2) Where a person:
 - (a) who carries on business as a licensed agent; or
 - (b) who is required, pursuant to subregulation (1), to cause to be audited his accounting records relating to trust moneys but has not caused those accounting records to be audited,

dies, his personal representative shall, within 2 months after his death, cause to be audited that person's accounting records relating to trust moneys received and paid by him during the period commencing on the date to which those accounting records were last audited or, if they have not previously been audited, the date on which he commenced to carry on business as a licensed agent, and ending on the date when he died or ceased to carry on business as a licensed agent.

- (3) The provisions of Division 3 of Part V of the Act, with such alterations or additions as the circumstances may require, apply to and in relation to an audit conducted in pursuance of this regulation.
- (4) This regulation does not apply to or in relation to a person who was a licensed agent and who:
 - (a) was a branch manager, employee or director of a company that is a licensed agent; or
 - (b) was a branch manager or employee of a firm that is a licensed agent or a person by whom a firm that is a licensed agent is constituted,

where the company or firm has continued to carry on business as a licensed agent after the person ceased to carry on business as a licensed agent or died.

15 Disclosure of information by auditor

- (1) Subject to this regulation, an auditor shall not disclose or give to any other person any information obtained in conducting an audit in pursuance of the Act or these Regulations.

Penalty: \$100.

- (2) Subregulation (1) does not apply to or in relation to any information disclosed:
 - (a) by means of any report made pursuant to the Act or these Regulations;
 - (b) in or for the purpose of any legal proceedings arising out of such a report or instituted in connection with a trust account of the licensed agent to whom the information relates;
 - (c) to the Board or a member of the Board; or
 - (d) with the consent of the person to whom the information relates.

16 Exemption from audit requirements

- (1) Where, during any period in respect of which a licensed agent is required by a provision of the Act or these Regulations to cause to be audited his accounting records relating to trust moneys received and paid by him during that period, that provision does not apply to the licensed agent if he did not, at any time during the period, receive or hold any trust moneys and the licensed agent, within 2 months after the end of that period makes and delivers to the Board a statutory declaration to that effect.
- (2) For the purposes of subregulation (1), **licensed agent** includes the personal representative of a licensed agent.

16A Exemption for trust money of corporation manager

For the purposes of the exemption afforded by section 5B of the Act, the scheme set out in Schedule 3 is a prescribed scheme.

Part IIIA Indemnity insurance

16B Prescribed class of agents

For the purposes of Part XIA of the Act, the prescribed class of agents and former agents is all agents carrying on business as such other than as an employee.

16C Agents to insure

- (1) Within 1 month after being advised by the Institute or, as the case may be, the Registrar that an arrangement under section 108B(1) of the Act has been made with an authorized insurer for the provision of indemnity insurance, an agent who is a member of the class prescribed by regulation 16B shall take out and maintain with the appropriate authorized insurer indemnity insurance in the sum of \$500,000 or any maximum sum agreed under the arrangement, whichever is the less.

Penalty: \$5,000.

- (2) Where an agent who is a member of the class prescribed by regulation 16B commences business as such after an arrangement under section 108B(1) of the Act has been made with an authorized insurer, the agent shall, within 1 month after commencing business, take out and maintain with the appropriate authorized insurer indemnity insurance in the sum of \$500,000 or any maximum sum agreed under the arrangement, whichever is the less.

Penalty: \$5,000.

- (4) Every agent to which this regulation applies shall, before 1 July next following in each year indemnity insurance is taken out or maintained furnish evidence to the Institute or, as the case may be, Registrar, that this regulation has been complied with.

Penalty: \$1,000.

16D Minister may grant exemption

The Minister may:

- (a) exempt from compliance with this Part an agent or person who is a member of a specified class of agents;
- (b) grant an exemption referred to in paragraph (a) indefinitely or for a specified period or subject to any other conditions determined by the Minister; and
- (c) revoke an exemption or vary any conditions referred to in paragraph (b).

Part IV Miscellaneous

17 Testimonials

- (1) For the purposes of these Regulations, a testimonial is to be in the form approved by the Board and shall be signed by a person:
- (a) who has known the person to whom the testimonial relates for a period of not less than 12 months; and
 - (b) who is not a relation of that second-mentioned person; and
 - (c) who is:
 - (i) a person authorized by the *Oaths Act* to administer an oath for any purpose;
 - (ii) a Justice of the Peace;
 - (iii) a commissioner for declarations appointed by the Attorney-General of the Commonwealth under the *Statutory Declaration Act 1959* of the Commonwealth;
 - (iv) a barrister or solicitor;
 - (v) a member of the Northern Territory Police Force;
 - (vi) a bank manager;

- (vii) a judge;
- (viii) a magistrate;
- (ix) a notary public;
- (x) a Registrar of the Local Court; or
- (xi) a commissioner for taking affidavits in the Supreme Court of a State or Territory.

(2) For the purposes of subregulation (1), **relation** means:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece or adopted child of that person or of a spouse or de facto partner of that person; or
- (b) a spouse or de facto partner of that person or of any other person specified in paragraph (a).

18 Responsibility where licensed agent a company or firm

A provision of Part V or XII of the Act or these Regulations that requires a licensed agent to do, or to refrain from doing, an act or to carry out an obligation shall, in the case of a licensed agent which is a company or firm, be read as imposing jointly and severally on:

- (a) in the case of a company which is a licensed agent – a licensed agent who is a branch manager, employee or director of the company; or
- (b) in the case of a firm which is a licensed agent – a licensed agent who is a branch manager or employee of the firm or a person, being a licensed agent, by whom the firm is constituted,

a like requirement to do, or to refrain from doing, the act or to carry out the obligation, as the case may be, in relation to the business of the licensed agent.

19 Disclosure of information by Board

(1) On request by any person, the Board, if it is satisfied that:

- (a) the person has a sufficient interest in any moneys or securities; and
- (b) the moneys or securities are held or ought to be held or have been received by an agent,

may disclose to the person such portion of any report of an auditor, or any statutory declaration, statement or other document delivered to the Board or the Registrar under the Act or these Regulations or in the course of doing anything under the Act or these Regulations as affects or may affect the person.

- (2) The Board may, if it thinks fit, permit an auditor engaged by a licensed agent to inspect and make copies of statutory declarations, statements or other documents delivered to the Board or the Registrar under the Act or these Regulations or in the course of doing anything under the Act or these Regulations.

20 Registers of agents

The Registrar shall record in the Register of Licensed Real Estate Agents, Register of Licensed Business Agents or the Register of Licensed Conveyancing Agents, as the case requires:

- (a) the residential address of each licensed agent;
- (b) the date upon which the licence of each licensed agent is, or is deemed to have been, granted or renewed; and
- (c) in the case of a licensed agent which is a company or firm – the name of each branch manager of the company or firm.

21 Register of representatives

The Registrar shall record in the Register of Agents' Representatives:

- (a) the residential address of each agent's representative who is entitled to be registered;
- (b) the date upon which the certificate of registration of each agent's representative is issued; and
- (c) the name and address of the registered office or principal office, as the case may be, of the licensed agent by whom an agent's representative is employed.

22 Changes to be notified

- (1) A licensed agent shall, in writing, within 14 days after:
 - (a) commencing to carry on business as a licensed agent under a name registered under the *Business Names Act*;
 - (b) changing the name under which he carries on business as a licensed agent;

- (c) changing his residential address; or
- (d) entering into or dissolving a partnership in the business of a licensed agent,

notify the Registrar accordingly.

- (2) A registered agent's representative shall, in writing, within 14 days after changing his residential address notify the Registrar accordingly.
- (3) A licensed agent which is a company shall, unless exempted in writing to such extent and upon such conditions as the Board thinks fit, in writing, within 14 days after a change in the directors, general manager or other principal officer or shareholders of the company, notify the Registrar of particulars of the change.

Penalty: \$100.

22A Regulatory offences

An offence of contravening or failing to comply with regulation 15, 16C or 22 is a regulatory offence.

23 Prescribed fees

The fees set out in Schedule 2 are prescribed fees for the purposes of the Act.

24 Disclosure of intention to purchase or sell, &c.

- (1) A disclosure pursuant to section 121B of the Act shall be in accordance with Form 13 or 14.
- (2) A disclosure referred to in subregulation (1) shall:
 - (a) be made to each person who is purchasing or selling the land or business; and
 - (b) be made at the same time as, or immediately after, the agreement to purchase and sell the land or business is made.
- (3) A person to whom a disclosure is made shall, before the expiry of a 7 day cooling off period commencing on the day on which disclosure is made:
 - (a) elect to affirm the agreement for the sale and purchase of the land or business; or
 - (b) elect to avoid the agreement.

- (4) Where a person to whom disclosure is made elects to avoid the agreement for sale and purchase of the land or business, then where the person is the vendor, the person shall repay to the licensed agent, registered agent's representative or employee the amount of money he received in relation to the agreement less an amount representing any cost or expenses incurred by him in relation to the agreement, but where the amount of money received does not cover the costs or expenses, the licensed agent, agent's representatives or employee shall pay to the person the balance of the costs and expenses.

24A Persons and organisations to be consulted regarding proposed rules of conduct

The following persons and organisations are prescribed for section 64A(1)(a) of the Act:

- (a) the Australian Competition and Consumer Commission established under the *Trade Practices Act 1974* of the Commonwealth;
- (b) the Australian Securities and Investments Commission continued in existence by the *Australian Securities and Investments Commission Act 2001* of the Commonwealth;
- (c) the Consumer Affairs Council established under the *Consumer Affairs and Fair Trading Act*;
- (d) the Law Society Northern Territory constituted under the *Legal Practitioners Act*;
- (e) the Australian Institute of Conveyancers;
- (f) Chamber of Commerce Northern Territory.

25 Rules of conduct

- (1) For the purposes of sections 65(n) and 127(j) of the Act, the general rules of conduct applicable to all agents are set out in Part 1 of Schedule 4 and additional rules for conveyancing agents are set out in Part 2 of that Schedule.
- (2) The Rules of Conduct set out in Schedule 4 are in addition to the rules of conduct set out in section 65 of the Act.

Schedule 1

FORM 2A

regulation 6(A)

NORTHERN TERRITORY OF AUSTRALIA

Agents Licensing Act

section 22(3)

CERTIFICATE OF QUALIFICATIONS OR EXPERIENCE

1. I, (*full name*) of (*address*)

being, in accordance with the corresponding paragraphs of section 22(2) of the Act (*indicate authority for providing certificate*):

- (a) authorised to act as a legal practitioner;
- (b) a conveyancing agent;
- (c) a land broker under law of South Australia;
- (d) a settlement agent under the law of Western Australia; or
- (e) a prescribed person,

certify that (*name of applicant*) of (*address of applicant*) was employed by me or was under my control and direction during the period (*specify period of applicant's employment*), and during that time was capable, to my knowledge, of performing the functions specified in the Schedule to the Act in the following manner (*briefly indicate applicant's experience and ability in relation to each of the following that are relevant*):

- (a) searching land titles including caveats;
- (b) searching at Government offices and local government offices, obtaining certificates of plants or other matters relating to the transaction involved;
- (c) preparation and execution of contracts of sale;
- (d) attendance at settlements;
- (e) lodging and uplifting documents;
- (f) completing powers of attorney;

- (g) drawing and arranging execution of documents;
- (h) making progress reports.

Dated 199 .

Signature

FORM 8

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

Agents Licensing Act

PROVISIONAL LICENCE OF REAL ESTATE AGENT, BUSINESS AGENT
OR CONVEYANCING AGENT

The Agents Licensing Board of the Northern Territory hereby certifies that
..... carrying on business at
and having undertaken to obtain

(description of prescribed educational qualifications)

on or before the day of, 19... is
the holder of PROVISIONAL LICENCE, NUMBER to carry on
business as a REAL ESTATE, BUSINESS AGENT OR CONVEYANCING
AGENT in accordance with the provisions of the *Agents Licensing Act*.

Unless sooner revoked or suspended, this provisional licence continues in
force until the day of, 19....

Dated this day of, 19...

.....
For and on behalf of the Agents
Licensing Board of the
Northern Territory

FORM 9

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

Agents Licensing Act

LICENCE OF REAL ESTATE AGENT, BUSINESS AGENT OR
CONVEYANCING AGENT

The Agents Licensing Board of the Northern Territory hereby certifies that carrying on business at is the holder of LICENCE, NUMBER to carry on business as a REAL ESTATE AGENT, BUSINESS AGENT OR CONVEYANCING AGENT in accordance with the provisions of the *Agents Licensing Act*.

Unless sooner revoked or suspended, this licence continues in force until the day of, 19....

Dated this day of, 19...

.....
For and on behalf of the Agents
Licensing Board of the
Northern Territory

FORM 10

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

Agents Licensing Act

LICENCE OF REAL ESTATE AGENT, BUSINESS AGENT OR
CONVEYANCING AGENT OF COMPANY OR FIRM

The Agents Licensing Board of the Northern Territory hereby certifies that
..... whose registered (principal) office is situated at
..... and carrying on business under
the supervision and control of
(insert name(s) of business manager)

at
(insert "that office" or address(es) of branch offices as applicable)

is the holder of LICENCE, NUMBER to carry on business as a REAL
ESTATE AGENT and/or BUSINESS AGENT in accordance with the
provisions of the *Agents Licensing Act*.

Unless sooner revoked or suspended, this licence continues in force until
the day of, 19....

Dated this day of, 19...

.....
For and on behalf of the Agents
Licensing Board of the
Northern Territory

FORM 12

regulation 12

NORTHERN TERRITORY OF AUSTRALIA

Agents Licensing Act

CERTIFICATE OF REGISTRATION AS AN AGENT'S REPRESENTATIVE

The Agents Licensing Board of the Northern Territory hereby certifies that is REGISTERED AS AN AGENT'S REPRESENTATIVE in accordance with the provisions of the *Agents Licensing Act*.

Dated this day of, 19...

.....
For and on behalf of the Agents
Licensing Board of the
Northern Territory

FORM 13

NORTHERN TERRITORY OF AUSTRALIA

section 121B

Agents Licensing Act

regulation 8

DISCLOSURE OF INTEREST IN PURCHASE OF LAND/BUSINESS BY
AGENT, &c. TO PERSON WHO IS SELLING THAT LAND/BUSINESS.

TO¹:

FROM²:

Section 121B of the *Agents Licensing Act* requires me to give notice to you of the following information because my position with³ may have allowed me to gain information that may have given me an advantage over you in respect of the sale of your land/business⁴

Full details of my interest in the purchase of that land/business are⁵:
.....
.....

Dated 199 .

.....
(Signature)

1. Insert name and address of vendor of land/business
2. Insert name and address of licensed agent, agent's representative or employee of a licensed agent who is purchasing the land/business or has a beneficial interest in the purchase of the land/business.
3. Insert name of real estate agent or firm.
4. Insert details of land/business including business name, if any.
5. Include full details of the intention to purchase or the beneficial interest in the purchase. If there is insufficient space provided attach separate sheet setting out the details.

FORM 14

NORTHERN TERRITORY OF AUSTRALIA

section 121B

Agents Licensing Act

regulation 8

DISCLOSURE OF INTEREST IN SALE OF LAND/BUSINESS BY AGENT,
&c., TO PERSON WHO IS PURCHASING THE LAND/BUSINESS.

TO¹:

FROM²

Section 121B of the *Agents Licensing Act* requires me to give notice to you of the following information because my position with³ may have allowed me to gain information that may give me an advantage over you in respect of your purchase of the land/business⁴

Full details of my interest in the sale of that land/ business are⁵:
.....
.....

Dated 199 .

.....
(Signature)

1. Insert name and address of purchaser of land/business
2. Insert name and address of licensed agent, agent's representative or employee of a licensed agent who is selling the land/business or has a beneficial interest in the sale of the land/business.
3. Insert name of real estate agent or firm.
4. Insert details of land/business including business name, if any.
5. Include full details of the intention to sell or the beneficial interest. If there is insufficient space provided attach separate sheet setting out the details.

Schedule 2

regulation 23

SCALE OF FEES

Item	Description of fee or charge	Section of Act	Prescribed fee \$
1.	Issue of provisional real estate agent's or business agent's licence	31(1)	300.00 or 1/12th of that amount for each whole month for which the licence is issued
2.	Issue of combined provisional real estate agent's and business agent's licence	31(1)	360.00 or 1/12th of that amount for each whole month for which the licence is issued
3.	Issue of real estate agent's or business agent's licence	31(1)	300.00 or 1/12th of that amount for each whole month for which the licence is issued
4.	Issue of combined real estate agent's and business agent's licence	31(2)	360.00 or 1/12th of that amount for each whole month for which the licence is issued
5.	Issue of restricted real estate agent's or business agent's licence	25A(1)	540.00 or 1/12th of that amount for each whole month for which the licence is issued
6.	Issue of conveyancing agent's licence	31(1)	480.00 or 1/12th of that amount for each whole month for which the licence is issued

7.	Issue of certificate of registration as an agent's representative	41(1)	60.00 or 1/12th of that amount for each whole month for which the licence is issued
8.	Issue of certificate of restricted registration as an agent's representative	41A(1)	120.00 or 1/2th of that amount for each whole month for which the licence is issued
9.	Renewal of provisional real estate agent's, provisional business agent's, real estate agent's, or business agent's licence	32(2)	300.00
10.	Renewal of conveyancing agent's licence	32(2)	480.00
11.	Renewal of combined provisional real estate agent's and business agent's licence or combined real estate agent's and business agent's licence	32(2)	360.00
12.	Renewal of restricted real estate agent's or business agent's licence	32(2)	540.00
13.	Annual fee payable by registered agent's representative		
	(a) being the holder of certificate of restricted registration	43A	120.00
	(b) being other than (a)	43A	120.00
14.	Copy of transcript of evidence at an inquiry held by the Board:		
	(a) per page	81(7)	7.00
	(b) per disk	81(7)	30.00

15.	Issue of duplicate or varied licence or certificate of registration as an agent's representative	127	5.00
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Schedule 3 Scheme relating to trust money of corporation manager under Unit Titles Act

regulation 16A

1. In this Schedule **corporation** means a corporation under the *Unit Titles Act*.
2. Notwithstanding section 50 of the Act or section 35(1) of the *Unit Titles Act*, a corporation manager under the *Unit Titles Act* may open an account at an ADI in the Territory for the purpose of dealing with trust money received in respect of each corporation that has agreed that its money can be dealt with under Scheme 1 or Scheme 2.

SCHEME 1

3. An account opened pursuant to Scheme 1:
 - (a) shall only contain money of corporations;
 - (b) shall be operated so that, on any one day, a notional credit or deficit for each corporation may be readily ascertained;
 - (c) shall be operated so that, in respect of each corporation, the crediting or paying of interest in accordance with the instructions of the corporation can be readily checked by the Board; and
 - (d) shall be operated under a name approved by the Board.
4. An account opened pursuant to Scheme 1 shall first be audited one month after it is opened and then at intervals of not more than 6 months or such longer periods as may be authorized by the Board.
5. Surplus money in an account opened pursuant to Scheme 1 may be invested in such manner as trust funds may be invested under the *Trustee Act*.

SCHEME 2

6. An account opened pursuant to Scheme 2 shall be operated so that on any one day, a notional credit for each corporation may be readily ascertained.
7. Interest from an account opened pursuant to Scheme 2 shall be paid to the Fund.

Schedule 4 Rules of conduct

regulation 25

Part 1 – General Rules

1. An agent shall not advise his or her client on matters in which the agent is not trained or qualified.
2. An agent shall advise his or her client to seek advice from a solicitor who specialises in conveyancing concerning the appropriate course of action where, in a transaction, there are substantial legal complexities.
3. An agent shall not give an undertaking without the approval of his or her client and shall fulfil all conditions of an undertaking given in the course of a transaction to another agent or to a solicitor.
4. An agent shall, in the investigation of a matter that may be grounds for revocation of a licence under section 68 of the Act or that may be the subject of an inquiry to be held by the Board, co-operate with the Board, the Registrar, an inspector and the Commissioner of Police.
5. Subject to any other specific rules of conduct, a real estate or business agent shall have due regard to and comply with:
 - (a) rules of real estate practice published or approved by the Real Estate Institute of the Northern Territory; and
 - (b) guidelines concerning fair trading practices issued by the Trade Practices Commission.
6. In a transaction for the purchase and sale of land, an agent shall not act in the capacity of conveyancer for the buyer of the land, whether or not for reward, if:
 - (a) the agent acted for the seller of the land in the capacity of a real estate agent; or
 - (b) the agent has a financial connection with the real estate agent involved in the transaction.
7. An agent shall ensure that he or she has a thorough knowledge of the practices and procedures of government offices relevant to transactions in which he or she may be involved with a client, in addition to a knowledge of the Act, the regulations, these rules and other relevant legislation as in force from time to time.

Part 2 – Additional Rules applicable to Conveyancing Agents

1. A conveyancing agent shall strictly observe promises and duties in relation to the interest of his or her client and shall be aware that the agent's obligation to his or her client is one of the utmost good faith that requires the agent not to put his or her duty to the client in conflict or in likelihood of conflict with his or her own interests or the interests of any other person.
2. A conveyancing agent shall perform his or her duties in a diligent and conscientious manner with proper regard to the relationship of principal and agent due to his or her client.
3. A conveyancing agent may advertise his or her professional qualifications and services but shall not compete for business with another agent or solicitor so that the client may become liable for 2 fees in respect of the same matter.
4. Subject to any other specific rules of conduct, a conveyancing agent shall have due regard to and comply with:
 - (a) guidelines as to good conveyancing practices issued from time to time by the Board;
 - (b) professional conduct rules as they relate to good conveyancing practice issued by the Law Society Northern Territory.
5. A conveyancing agent shall not carry on a business of a finance broker, being a person who, as agent and in the course of the agent's business, negotiates or arranges a loan of money for or on behalf of another person.
6. A conveyancing agent shall, at the same time as the agent presents to the client a form of appointment for signature in accordance with clause 1(1) of Part 2 of the Schedule to the Act, provide a bona fide quote of the cost of the services to be rendered in respect of the particular transaction for which the appointment is to be made. The amount of the cost shall be based on a fair and reasonable fee for the service at the prevailing rate in the Territory.
7. A conveyancing agent shall ensure that the agent, or a partner or employee of a firm of which the agent is a member does not act for 2 or more parties with conflicting interests in a transaction unless the agent has given notice in writing to all parties to a transaction that the agent is acting for more than one party and that their interests may not be the same. Where a conflict arises between the parties for whom the agent is acting, the agent has an obligation to cease to act for either of them and shall give advice that the parties obtain alternative advice. The agent is entitled to charge a

proportional fee until the time when he or she ceased to act for the parties.

8. A conveyancing agent shall, in the interest of a client, co-operate with and, where possible, assist, other persons involved in a transaction. In this rule:

assist includes reporting progress under item 1(a) in Part 1 of the Schedule to the Act and advising the parties and other persons involved of delays or requirements that are incidental to the functions of a conveyancing agent set out in that Part.

other persons involved in a transaction includes surveyors and engineers, real estate agents, government officers, solicitors, financial advisers and other conveyancing agents.

9. A conveyancing agent shall be responsible for the supervision and control of the persons, whether or not licensed conveyancing agents, engaged in the conduct of the agent's business and for that purpose:

- (a) where the licensee of the business is a natural person – the conveyancing agent; or
- (b) where the licensee of the business is a firm or a body corporate – the principals or the directors who are conveyancing agents,

shall spend sufficient time at the office where the business is transacted:

- (c) to enable supervision of a person conducting the business; and
- (d) to ensure satisfactory completion of each transaction.

Schedule 5 Educational qualifications for agents' licences

regulation 9

Part 1 Real estate agent's licence

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH507	–	property research and analysis
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law
ABH512	–	residential tenancies
ABH513	–	common building styles &c.
ABH514	–	property management listings
ABH515	–	renting residential properties
ABH516	–	servicing managed properties
ABH517	–	introduction to specialised property management
ABH518	–	body corporate legal requirements
ABH519	–	body corporate management
ABH522	–	contracts for the sale of land
ABH521	–	introduction to specialised body corporate management
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH526	–	property selling
ABH527	–	selling by auction
ABH528	–	introduction to specialised property sales
ABH530	–	selling businesses
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills
NCS011	–	client interaction
NOS015	–	presenting reports
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

Part 2 – Business agent's licence

Academic qualifications

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH507	–	property research and analysis
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law
ABH514	–	property management listings
ABH516	–	servicing managed properties
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH526	–	property selling
ABH527	–	selling by auction
ABH529	–	selling commercial and industrial property
ABH530	–	selling businesses
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills
NCS011	–	client interaction
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

Schedule 6 Educational qualifications for agent's restricted licences

regulations 9A, 9B and 9C

PART 1

SALES AGENT'S RESTRICTED LICENCE

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH507	–	property research and analysis
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law
ABH512	–	residential tenancies
ABH513	–	common building styles &c.
ABH514	–	property management listings
ABH515	–	renting residential properties
ABH516	–	servicing managed properties
ABH522	–	contracts for the sale of land
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH526	–	property selling
ABH527	–	selling by auction
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills
NCS011	–	client interaction
NCS015	–	presenting reports
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

PART 2

PROPERTY MANAGEMENT AGENT'S RESTRICTED LICENCE

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH507	–	property research and analysis
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law
ABH512	–	residential tenancies
ABH513	–	common building styles &c.
ABH514	–	property management listings
ABH515	–	renting residential properties
ABH516	–	servicing managed properties
ABH521	–	introduction to specialised body corporate management
ABH522	–	contracts for the sale of land
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH526	–	property selling
ABH527	–	selling by auction
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills
NCS011	–	client interaction
NCS015	–	presenting reports
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

PART 3

BODY CORPORATE MANAGER'S RESTRICTED LICENCE

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law

ABH512	–	residential tenancies
ABH513	–	common building styles &c.
ABH514	–	property management listings
ABH515	–	renting residential properties
ABH516	–	servicing managed properties
ABH517	–	introduction to specialised property management
ABH518	–	body corporate legal requirements
ABH519	–	body corporate management
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills
NCS011	–	client interaction
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

Schedule 7 Educational qualifications – agent's representatives

regulations 10AA and 10AB

PART 1

AGENT'S REPRESENTATIVE

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH508	–	real estate consumer protection
ABH510	–	contract law
ABH511	–	property law
ABH512	–	residential tenancies
ABH513	–	common building styles &c.
ABH514	–	property management listings
ABH515	–	renting residential properties
ABH516	–	servicing managed properties
ABH521	–	introduction to specialised body corporate management
ABH522	–	contracts for the sale of land
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH530	–	selling businesses
NCS009	–	negotiation skills
NCS011	–	client interaction
NOS215	–	data base fundamentals

PART 2

AGENT'S REPRESENTATIVE (SALES) RESTRICTED REGISTRATION

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH508	–	consumer protection
ABH510	–	contract law
ABH511	–	property law
ABH513	–	common building styles &c.
ABH521	–	introduction to specialised body corporate management
ABH522	–	contracts for the sale of land
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
NCS009	–	negotiation skills
NCS011	–	client interaction

NOS215 – data base fundamentals

PART 3

AGENT'S REPRESENTATIVE (PROPERTY MANAGEMENT) RESTRICTED
REGISTRATION

ABH500 – real estate industry overview
ABH501 – introduction to sales
ABH502 – introduction to property management
ABH508 – consumer protection
ABH510 – contract law
ABH511 – property law
ABH512 – residential tenancies
ABH513 – common building styles &c.
ABH514 – property management listings
ABH515 – renting residential properties
ABH516 – servicing managed properties
ABH521 – introduction to specialised body corporate management
NCS009 – negotiation skills
NCS011 – client interaction
NOS215 – data base fundamentals

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Land and Business Agents Regulations (SL No. 29, 1979)***

Notified	2 November 1979
Commenced	9 November 1979 (<i>Gaz G45</i> , 9 November 1979, p 2)

Amendment of the Land and Business Agents Regulations (SL No. 25, 1980)

Notified	11 July 1980
Commenced	11 July 1980

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

Amendment of the Land and Business Agents Regulations (SL No. 4, 1984)

Notified	14 March 1984
Commenced	14 March 1984

Statute Law Revision Act 1991 (Act No. 31, 1991)

Assent date	25 June 1991
Commenced	25 June 1991

Amendments of the Land and Business Agents Regulations (SL No. 36, 1991)

Notified	10 July 1991
Commenced	1 January 1992 (r 2, s 2 <i>Land and Business Agents Amendment Act 1990</i> (Act No. 44, 1990) and <i>Gaz G44</i> , 6 November 1991, p 3)

Amendments of Land and Business Agents Regulations (SL No. 41, 1992)

Notified	5 August 1992
Commenced	10 August 1992 (r 2, s 2 <i>Land and Business Agents Amendment Act 1991</i> (Act No. 79, 1991) and <i>Gaz S43</i> , 5 August 1992)

Amendments of Agents Licensing Regulations (SL No. 69, 1992)

Notified	9 December 1992
Commenced	1 February 1993 (r 1, s 2 <i>Land and Business Agents Amendment Act 1992</i> (Act No. 33, 1992) and <i>Gaz G49</i> , 9 December 1992, p 7)

Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)

Assent date	31 December 1993
Commenced	1 June 1994 (s 2, s 2 <i>Local Government Act 1993</i> (Act No. 83, 1993) and <i>Gaz S35</i> , 20 May 1994)

Amendments of Agents Licensing Regulations (SL No. 61, 1996)

Notified	19 December 1996
Commenced	19 December 1996

Northern Territory Employment and Training Authority (Consequential Amendments) Act 1999 (Act No. 52, 1999)

Assent date	30 November 1999
Commenced	30 November 1999

Amendments of Agents Licensing Regulations (SL No. 53, 2000)

Notified	15 November 2000
Commenced	15 November 2000

Amendment of Agents Licensing Regulations (SL No. 1, 2002)

Notified	10 April 2002
Commenced	10 April 2002

Statute Law Revision Act 2002 (Act No. 18, 2002)

Assent date	7 June 2002
Commenced	7 June 2002

Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)

Assent date	13 September 2002
Commenced	30 October 2002 (<i>Gaz G43</i> , 30 October 2002, p 3)

Northern Territory Employment and Training Authority (Consequential Amendments) Act 2002 (Act No. 47, 2002)

Assent date	13 September 2002
Commenced	6 November 2002 (s 2, s 2 <i>Northern Territory Employment and Training Authority Amendment Act 2002</i> (Act No. 46, 2002) and <i>Gaz G44</i> , 6 November 2002, p 2)

Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)

Assent date	7 January 2004
Commenced	17 March 2004 (<i>Gaz G11</i> , 17 March 2004, p 8)

Amendment of Agents Licensing Regulations (SL No. 6, 2005)

Notified	23 March 2005
Commenced	23 March 2005

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

3**SAVINGS AND TRANSITIONAL PROVISIONS**

r 13 *Amendments of Agents Licensing Regulations* (SL No. 69, 1992)

4**LIST OF AMENDMENTS**

r 1	sub No. 41, 1992, r 3
r 3	amd No. 69, 1992, r 3
pt II	
div 1 hdg	amd No. 53, 2000, r 1
r 4	amd No. 41, 1992, r 11 rep No. 53, 2000, r 2
r 5	amd No. 53, 2000, r 3
r 6	amd No. 41, 1992, r 11; No. 53, 2000, r 4
r 6A	ins No. 41, 1992, r 4 amd No. 69, 1992, r 4
r 7	rep No. 53, 2000, r 5
r 8	sub No. 53, 2000, r 5
r 9	amd No. 25, 1980; No. 41, 1992, rr 5 and 11; No. 61, 1996, r 2; Act No. 52, 1999, s 5
rr 9A – 9C	ins No. 61, 1996, r 3
r 10	amd No. 41, 1992, r 11; No. 61, 1996, r 4
rr 10AA – 10AB	ins No. 61, 1996, r 6
r 10AC	ins No. 61, 1996, r 6 amd Act No. 47, 2002, s 6
pt II	
div 3A hdg	ins No. 36, 1991, r 3
r 10A	ins No. 36, 1991, r 3 amd No. 1, 2002
r 11	amd No. 41, 1992, r 11
r 12	amd No. 69, 1992, r 5
r 14	amd No. 69, 1992, r 6
r 16A	amd No. 36, 1991, r 4
pt IIIA hdg	ins No. 36, 1991, r 5
r 16B	ins No. 36, 1991, r 5
r 16C	ins No. 36, 1991, r 5 amd No. 69, 1992, r 7
r 16D	ins No. 36, 1991, r 5
r 17	amd No. 53, 2000, r 6; Act No. 1, 2004, s 63; Act No. 44, 2005, s 35
r 18	amd No. 69, 1992, r 8
r 20	amd No. 41, 1992, r 11
r 22A	ins Act No. 68, 1983, s 140 amd No. 69, 1992, r 9
r 24	sub No. 69, 1992, r 10
r 24A	ins No. 6, 2005
r 25	rep Act No. 31, 1991, s 15 ins No. 41, 1992, r 6
sch 1	amd No. 41, 1992, rr 7 and 11; No. 69, 1992, r 11; Act No. 84, 1993, s 6; No. 53, 2000, r 7

ENDNOTES

sch 2	amd No. 4, 1984 sub No. 36, 1991, r 6 amd No. 41, 1992, r 8 sub No. 69, 1992, r 12
sch 3	ins No. 36, 1991, r 7 amd No. 41, 1992, rr 9 and 11; Act No. 38, 2002, s 7
sch 4	ins No. 41, 1992, r 10 amd Act No. 18, 2002, s 7
sch 5 – 7	ins No. 61, 1996, r 6