

BILL NO. 18 OF 2022

A BILL

FOR AN ACT TO AMEND THE REAL ESTATE AGENTS ACT 2006

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Real Estate Agents (Revised Budget Amendment) Act 2022.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Real Estate Agents Act 2006 is referred to as the “Principal Act”.

Section 8 amended

2. Section 8(1)(d) of the Principal Act is amended after “discipline” by inserting “and complaints”.

Section 65A inserted

3. The Principal Act is amended before section 66 by inserting the following new section—

“Complaints

65A.—(1) Any person may make a complaint to the Board regarding any matter under this Act including matters relating to the conduct of real estate business by a real estate agent.

(2) A complaint under subsection (1) must be made in writing and specify the grounds on which the complaint is made.

(3) The Board, upon assessment of the complaint, may conduct an investigation and must make a determination on the matter, including imposing conditions on a licence issued under this Act as the Board deems necessary.”.

Section 66 amended

4. Section 66 of the Principal Act is amended by—

(a) in paragraph (e) after “;”, deleting “or”;

(b) in paragraph (f), deleting “.” and substituting “; or”; and

(c) after paragraph (f), inserting the following new paragraph—

“(g) that in the case of an investigation of a complaint made under section 65A, the Board has determined that a licence issued under this Act be cancelled.”.

March 2022

REAL ESTATE AGENTS (REVISED BUDGET AMENDMENT) BILL 2022

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Real Estate Agents Act 2006 (**'Act'**) provides for *inter alia* the regulation of real estate agents in Fiji.
- 1.2 Under the Act, a real estate agent is a person who acts, or who holds himself or herself out to the public as ready to act, for reward as an agent, in respect of the sale or other disposition of land, or the purchase or other acquisition of land, or the leasing or letting of land.
- 1.3 Under the Act, it is also an offence for a real estate agent or an officer of a licensee company to charge excessive commission or other fee as prescribed under regulations. To ensure affordable housing is made available and that transactions occur in a fair and transparent manner, the regulations will prescribe the rates of commission that can be charged.
- 1.4 Therefore, the Real Estate Agents (Revised Budget Amendment) Bill 2022 (**'Bill'**) seeks to amend the Act to provide an avenue for the public to be able to make complaints and to empower the Board to investigate and make determinations accordingly.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 8(1)(d) of the Act to extend the functions and powers of the Board to matters relating to complaints made to the Board under Part 9.

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2.3 Clause 3 of the Bill amends the Act by inserting section 65A which allows a person to make written complaints to the Board and empowers the Board to make determinations upon investigation.

2.4 Clause 4 of the Bill amends section 66 of the Act to specify an additional ground for the cancellation of a licence issued under the Act, to align to the amendments in clauses 2 and 3.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for commerce and trade.

A. SAYED-KHAIYUM
Attorney-General