

**WHAT IS LISTED AS SANCTIONABLE CONDUCT IN SECTION 82 OF THE ACT**

## 62. Sanctionable conduct

- (1) A property practitioner is guilty of sanctionable conduct if he or she or it-
  - (a) in the same transaction acts as a property practitioner on behalf of two or more persons whose interests are not in all material respects identical in respect of that transaction, and receives remuneration from all parties concerned in respect of such transaction, unless all affected persons in writing agree thereto;
  - (b) fails in respect of any act performed by him or her or it as a property practitioner to give a full and proper explanation in writing, within 30 days of being called upon by the Authority in writing to do so, to any person having a material interest in the performance of such act;
  - (c) fails to pay any money due to the Authority or in respect of the Fund within one month after such monies become due;
  - (d) fails to furnish in writing within a period determined by the Authority any information that the Authority has requested in writing and reasonably requires in order to properly exercise its powers under this Act;
  - (e) fails to comply with or contravenes any provision of the code of conduct;
  - (f) in his or her capacity as a director of a company, or member contemplated in paragraph (b) of the definition of "property practitioner" in section (1), of a close corporation, or trustee of a trust, which is a property practitioner and which failed to comply with section 50 or 51, did not take all reasonable steps to prevent such failure;
  - (g) carries on an undesirable practice prohibited under section 63;
  - (h) commits an offence involving an element of dishonesty;
  - (i) fails to inform the Authority within 14 days of a change in his, her or its contact details;
  - (j) differentiates distinguishes or excludes consumers directly or indirectly on the basis of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or commit a criminal offence while performing a function of a property practitioner; or
  - (k) fails to comply with or contravenes any provision of this Act.
- (2) Subsequent ratification or correction of any conduct contemplated in subsection (1) does not constitute a defence.

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