

**BEFORE THE REAL ESTATE AGENTS DISCIPLINARY TRIBUNAL**

[2022] NZREADT 28

Reference No: READT 014/2022

**IN THE MATTER OF**

An application for review under s 112 of the  
Real Estate Agents Act 2008

**BETWEEN**

**JACOB WI JOHN VINCENT HARRIS**  
Applicant

**AND**

**THE REGISTRAR OF THE REAL ESTATE  
AGENTS AUTHORITY**  
Respondent

Hearing on the papers

Tribunal:

D J Plunkett (Chair)  
G J Denley (Member)  
F J Mathieson (Member)

Representation:

Counsel for the applicant:  
Counsel for the respondent:

R Hern, R Judd  
J Garden, M Clement

---

**DECISION**  
**Dated 14 December 2022**

---

## **INTRODUCTION**

[1] Jacob Wi John Vincent Harris, the applicant, has filed an application under s 112 of the Real Estate Agents Act 2008 (the Act), for review of the Registrar's determination on 24 May 2022 to cancel his licence.

[2] The Registrar notified Mr Harris that his licence would be cancelled under s 54(d) of the Act, because he had not completed the mandatory continuing professional development (CPD) requirements. Mr Harris challenges that decision. One of the issues is whether the Registrar validly cancelled his licence.

## **BACKGROUND**

[3] Mr Harris previously held a salesperson's licence under the Act.

[4] On 15 October 2021, the Real Estate Agents Authority (the Authority) sent an email to Mr Harris advising that he had not completed the required 10 hours of 2021 verifiable CPD. He had to do so by 31 December 2021. If not, he would not be able to work in real estate from January 2022 as the Authority would be required to cancel his licence.

[5] On 21 October 2021, the Authority sent an email to Mr Harris advising that it had approved an application to renew his salesperson's licence. The expiry date was 23 October 2022. He was reminded that all licensees were required to complete at least 20 hours of CPD each year by 31 December. Unless he was exempt, he would need to complete the 2021 CPD requirements by 31 December 2021. If he did not do so, his licence would be cancelled in January 2022.

[6] On 14 January 2022, the Authority sent an email to Mr Harris advising that it did not have a record that he had completed 10 hours of 2021 verifiable CPD. The cancellation process would be started. If he intended to complete the 2021 CPD, he would need to do so as soon as possible. Mr Harris was informed that the Registrar "must" cancel a person's licence for failure to complete CPD. He was advised that if his licence was cancelled, he would not be able to apply for another licence for five years. He should complete the CPD "now" in order to avoid cancellation.

[7] On 6 May 2022, the Authority advised Mr Harris by email of an intention to cancel his licence because he had not completed 10 hours of verifiable CPD in the 2021 calendar year. He had 10 working days (until 20 May 2022) to give any reason why the licence should not be cancelled. He was informed of the options for avoiding cancellation of his licence, including completing the 10 hours of training within the next 10 working

days. If he was unable to provide proof of having done so, the Registrar “must” cancel his licence.

[8] On 23 May 2022, the Registrar wrote to Mr Harris by email noting that he had not completed the 2021 verifiable and non-verifiable CPD training by 31 December 2021, and notifying him that his licence would be cancelled on 24 May 2022. It is useful to set out the relevant text of the letter:<sup>1</sup>

**Cancellation of Licence**

Further to my letter of 09 May 2022 this is to advise that your Salesperson’s licence will be cancelled on 24 May 2022 under section 54(d) of the Real Estate Agents Act 2008 (the Act).

**Reason for cancellation**

Your licence will be cancelled because you have not completed the 2021 Verifiable and Non Verifiable training hours by 31 December 2021.

Section 54(d) of the Act stipulates that the Registrar must cancel a person’s licence and remove their name from the Public Register, if the person has failed to complete any continuing education required by the Practice Rules made by the Authority.

**Review of determination**

Pursuant to section 112 of the Act, a licensee whose licence has been cancelled by the Registrar may seek a review of that decision by the Real Estate Agents Disciplinary Tribunal (the Tribunal). Should you wish to seek a review of the Registrar’s decision to cancel your licence, you are required to submit an application to the Tribunal no later than **20 working days** from the date of this letter.

...

Please note that a person whose licence has been cancelled is prohibited, under section 37(1)(d)(i) of the Act, from being licensed for a period of five years from the date of cancellation.

[9] On 24 May 2022 at 9:28 am, the Authority sent an email to the principal of the real estate agency where Mr Harris worked advising that Mr Harris’ licence “is now cancelled” and that he was no longer eligible to carry out real estate work.

[10] The principal forwarded the Authority’s email to Mr Harris. This was when he first become aware of the issue affecting his licence. He rang the Authority. There is a file note prepared by an officer of the Authority at 1:16 pm on 24 May 2022, recording a telephone call from Mr Harris that day. The officer confirmed his licence had been cancelled. Mr Harris said he had completed training through the Open Polytechnic, but

---

<sup>1</sup> The text refers to a letter dated 9 May 2022 from the Registrar. This is a mistaken reference to the Registrar’s letter of 6 May 2022.

it had not been reported. He was advised to send proof by 5 pm that day, otherwise he would have to appeal to the Tribunal.

[11] Mr Harris accessed an online verifiable training provider and completed the training on 24 May 2022. Prior to 5 pm that day, he duly provided the record of completing 20 hours of training on the same day.<sup>2</sup>

[12] At 10:00 am on 25 May 2022, the principal sent an email to the Authority asking whether there was anything he could do to obtain the reinstatement of Mr Harris. The principal believed Mr Harris did not get the notifications as he had not updated his new email and contact details.

[13] The Authority's officer sent an email to the principal at 2:23 pm on 25 May 2022. He had escalated the case to the Registrar. It was understood that it was a very difficult time for Mr Harris given the punishment was that he could not be licensed for five years. The Registrar would review the case to see if some leniency could be exercised.

[14] Another officer (the head of regulatory services) sent an email to Mr Harris on 3 June 2022. He said he was unable to reinstate his licence, as it had been cancelled. Mr Harris had sent evidence showing he had completed 10 hours of verifiable CPD training on the afternoon of 24 May 2022, but unfortunately the Act did not empower the Registrar to reinstate a licence after it had been cancelled.

## **REVIEW APPLICATION**

[15] On about 20 June 2022, Mr Harris sought review by the Tribunal of the Registrar's decision of 23 May 2022 to cancel his licence.

[16] Counsel for Mr Harris notes that, in March 2021, Mr Harris separated from his former partner in circumstances he describes as traumatic. He moved from his personal address and stopped using his private email address in order to shield himself from emails relating to his former partner. The circumstances of the relationship breakdown affected him so significantly that he could not bear being exposed to emails mentioning or relating to his former partner. Due to the difficult nature of the relationship breakdown, he did not turn his mind to updating his details with the Authority. He did not receive any of the notices sent by the Authority. He was not aware he failed to complete the CPD requirement.

---

<sup>2</sup> It would appear that CPD courses can be completed in less than the attributed time (see the applicant's submissions of 18 August 2022 at [21]).

[17] A Minute was issued by the Tribunal on 30 June 2022 as to the procedure and setting out a timetable.

[18] Submissions were received from counsel for Mr Harris (29 July and 18 August 2022) and counsel for the Registrar (12 August 2022).

[19] Counsel for Mr Harris submits that the impact of the failure to complete the CPD requirement is harsh, as he will be unable to be licensed for five years. It was open to the Registrar to exempt Mr Harris or defer his 2021 requirement due to the exceptional circumstances, in accordance with cl 13 of the Real Estate Agents (Continuing Professional Development Rules) Notice 2018 (the CPD Rules). Counsel submits that the situation affecting Mr Harris was quite out of the ordinary in that:

1. His relationship breakdown affected him so significantly that he ceased using his longstanding personal email address.
2. He did not receive the notices sent by the Authority until his licence had already been cancelled.
3. As a result, he was not aware of his failure to complete the CPD requirement and had no opportunity to do so during the year.
4. Nor did he have any opportunity to make written representations to the Registrar in relation to the intention to cancel his licence.
5. As soon as he became aware of his failure (on the day his licence was cancelled), he completed 10 hours of CPD and provided verification to the Authority.
6. The Authority expressed in correspondence that it may be able to exercise leniency in his circumstances.
7. The impact of the failure to complete the CPD within the calendar year is harsh, as he will be unable to be licenced for five years.
8. It was a highly relevant factor that Mr Harris did not make contact with the Authority following the 6 May letter, which amounted to exceptional circumstances. The Registrar did not take this into account.

[20] If the Registrar exempted Mr Harris or deferred the requirement, there would be no valid basis for cancellation as he has now complied with the requirement. The cancellation is therefore void and his licence continues as if it had never been cancelled.

[21] It is submitted that Mr Harris' circumstances are so exceptional and the cancellation of his licence such a harsh and disproportionate outcome that it is appropriate that he be granted an exemption or deferral from the CPD requirements for the 2021 calendar year and the Tribunal set aside the cancellation of his licence.

[22] Counsel for the Registrar submits that the Registrar was bound to cancel Mr Harris' licence and had no discretion in the matter. The cancellation process was mandated by the Act (s 55) and there was no basis upon which to find exceptional circumstances, whether before or after cancelling the licence. The harsh result for Mr Harris was a consequence of the legislative scheme. The onus is upon licensees to ensure the Registrar has good contact details for them.

[23] It is further submitted on behalf of the Registrar that the letter of 6 May 2022 (offering a grace period of 10 days to complete the 2021 CPD requirements) confused the right to make written representations under s 55(1) with the requirements of the CPD notice. The offer should not have been made.

*Further submissions sought on whether licence validly cancelled*

[24] The Tribunal sought further submissions from the parties on whether Mr Harris' licence had in fact been cancelled. Submissions were received from counsel for Mr Harris (19 October 2022) and counsel for the Registrar (19 and 28 October 2022).

[25] Counsel for Mr Harris submits that the Registrar's letter of 23 May 2022 is defective and does not meet the criteria in s 55(1)(d) of the Act. Mr Harris' licence cannot be said to have been cancelled. The status of his licence is therefore "expired".

[26] It is submitted that the statutory scheme contains prescriptive natural justice obligations reflecting not just the fundamental right to natural justice, but also the harsh consequence of a decision to cancel a licence (notably that it prevents a person earning a living in his or her chosen profession for five years).

[27] There is an obligation to properly communicate the decision to the person affected once the decision has been made. Without notification to the licensee, the decision cannot be said to have been perfected.<sup>3</sup>

[28] The purpose of s 55 is to put in place procedural safeguards which recognise the right to natural justice for persons at risk of losing their livelihood. Any notification under

---

<sup>3</sup> *Goulding v Chief Executive, Ministry of Fisheries* [2004] 3 NZLR 173 (CA) at [43].

s 55(1)(d) must evidence the decision that has been made. The procedural requirements in s 55 must be interpreted strictly.

[29] It is not sufficient for cancellation to be presented as an inevitability without reference to the decision-maker having considered the relevant circumstances and having actively taken a decision to cancel the licence. It is important that the decision-maker not be seen to abdicate the s 55 discretion. Nowhere in the letter of 23 May 2022 does the Registrar state that he had “decided” to cancel Mr Harris’ licence.

[30] It is insufficiently clear from the terminology in the letter of 23 May 2022 that the Registrar has taken a decision to cancel the licence, as opposed to continuing to have the intention to cancel first notified in the letter of 6 May 2022. The formulation in the letter of 23 May is that the licence “will be cancelled”, as distinct from a decision. The prescriptive terms of s 55(1)(d) require that the letter must use the term “decision” where the decision to cancel is conveyed.

[31] Counsel for the Registrar submits that the licence of Mr Harris was validly cancelled.

[32] Turning to the original grounds advanced to the Tribunal by Mr Harris, counsel repeats that the Registrar was bound to cancel his licence and had no discretion in the matter. As for cl 13 of the CPD Rules, they could only be used when applied for before the date on which the individual is required to complete their CPD. Even if an exemption could have been granted, the Registrar was not required to consider the circumstances advanced by Mr Harris.

[33] As for the communications from the Registrar prior to cancellation, it is now accepted by the Registrar that there is no legislative basis for offering a grace period of 10 days.

[34] In answer to the contention that the Registrar’s decision is not valid, counsel submits that it is important to note s 56 which outlines the effective date of cancellation. It confirms that cancellation becomes effective on the date specified in the s 55(1)(d) notice, which must be a date after the date of the notice.

[35] It is submitted that the effect of the wording of s 56, read in conjunction with s 55, is that no further notification is required by the Registrar, other than that in s 55(1)(d). Section 56 indicates that the cancellation notice must be given at least a day in advance of the day that cancellation takes effect.

[36] The final requirement of the legislation, as set out in s 55(2)(c), was fulfilled on 24 May 2022 when the register of licensees was amended to record the cancellation.

[37] Counsel for the Registrar contends that the cancellation of Mr Harris' licence was perfected with the letter of 23 May 2022 and consequent amendment of the register on the following day. The requirement for perfection of a valid administrative decision discussed in *Goulding* is that the decision is communicated "in a way that makes it clear the decision is not of a preliminary or provisional kind, it is final".<sup>4</sup> The letter of 23 May was unambiguous.

[38] Even if the Tribunal considered the letter of 23 May 2022 equivocal, the fact of cancellation was placed beyond doubt when Mr Harris' name was removed from the register. The Registrar then further confirmed the status of the licence in the letter of 3 June 2022, sent in response to the inquiries of Mr Harris and his employer.

[39] In the supplementary submissions of counsel for the Registrar, it is argued that *Goulding* specifies only that a decision must be communicated in a way that makes it clear the decision is not provisional or preliminary, as the Registrar's letter of 23 May satisfies.

## JURISDICTION AND PRINCIPLES

[40] The Registrar's power to cancel a licence for the failure to complete continuing education and the process that must be followed are set out in ss 54–56 of the Act:

### **54 Cancellation of licence**

The Registrar must cancel a person's licence and remove that person's name from the register,—

...

- (d) if the person has failed to complete any continuing education required by practice rules made by the Authority pursuant to section 15; or

...

### **55 Process for cancellation**

- (1) The process for cancellation of a licence, other than by determination of the Tribunal under section 110 or at the request of the licensee under section 54(b), is as follows:
  - (a) the Registrar must give the licensee written notice of the Registrar's intention to cancel the licence; and

---

<sup>4</sup> *Goulding*, above n 3.



- (b) the notice must—
    - (i) contain or be accompanied by a statement of the Registrar’s reasons for the cancellation; and
    - (ii) state that the licensee has 10 working days within which to make written representations to the Registrar as to why the licence should not be cancelled; and
  - (c) if any written representations are made by the licensee in accordance with paragraph (b)(ii), the Registrar must take those representations into account when deciding whether to cancel the licence; and
  - (d) the Registrar must then decide whether to cancel the licence and notify the licensee of the Registrar’s decision as soon as practicable.
- (2) If the Registrar decides to cancel the licence, the Registrar must—
- (a) include in the notice referred to in subsection (1)(d) the grounds for the decision and the date on which the cancellation takes effect; and
  - (b) specify in the notice that the licensee has a right of appeal to the Tribunal under section 112; and
  - (c) record the cancellation on the register as soon as practicable.

#### **56 Effective date of cancellation**

The cancellation takes effect on the date specified by the Registrar in the notice given to the licensee under section 55(1)(d), which must be a date after the date of that notice.

[41] A licensee’s CPD obligations are set out in the CPD Rules, issued pursuant to s 15 of the Act. The annual requirement is for 10 hours of non-verifiable CPD and 10 hours of verifiable CPD.<sup>5</sup> A licensee must provide evidence of completion of CPD to the Registrar by 1 January of the following year.<sup>6</sup>

[42] The Tribunal has found that s 54 is written in the imperative and the Registrar “must” cancel a person’s licence if one of the subsections (a) to (h) applies.<sup>7</sup>

[43] A licensee whose licence is cancelled has the right to seek review of the Registrar’s determination under s 112 of the Act:

#### **112 Application to Tribunal to review determination by Registrar**

- (1) An applicant may apply to the Tribunal against a determination of the Registrar that adversely affects the applicant within 20 working days after the date the applicant is notified of the determination.

<sup>5</sup> See Real Estate Agents (Continuing Professional Development Rules) Notice 2018, cl 5.

<sup>6</sup> Above n 5, cl 6(1).

<sup>7</sup> *Troughton v Registrar of the Real Estate Agents Authority* [2019] NZREADT 43 at [23], *Callaghan v Registrar of the Real Estate Agents Authority* [2019] NZREADT 47 at [17], *Chen v Registrar of the Real Estate Agents Authority* [2020] NZREADT 53 at [8]–[9].

...

- (4) After conducting the review, the Tribunal may confirm, reverse, or modify the decision of the Registrar.
- (5) If the Tribunal reverses or modifies a determination of the Registrar, it may exercise any of the powers that the Registrar could have exercised.

[44] Such an application must be conducted on the papers, unless the applicant requests otherwise.<sup>8</sup> After conducting the review, the Tribunal may confirm, reverse, or modify the decision.<sup>9</sup>

[45] The Tribunal's powers on review are no wider than those given to the Registrar. If one of the circumstances listed in s 54 is found to exist and the Registrar has followed the correct procedure, the Tribunal cannot interfere with the Registrar's decision.<sup>10</sup>

## DISCUSSION

*Was the licence validly cancelled?*

[46] The first issue for us is whether Mr Harris' licence was actually cancelled at all, or whether the Registrar's correspondence merely evinced an intention to cancel at some point in the future as against having made a decision to cancel. In terms of the requirements for perfecting an administrative decision set out in *Goulding*, has a final decision to cancel (not merely of an intention to cancel) been formally communicated to Mr Harris in a way that makes it clear the decision is not of a preliminary or provisional kind?

[47] The letter relied on by the Registrar notifying the decision to cancel is that of 23 May 2022. The operative sentence advises Mr Harris that "your Salesperson's licence will be cancelled on 24 May 2022 under section 54(d) of the ... Act". The letter goes on to give the reason his licence "will be cancelled" and advises him of the right to seek review of "that decision" by the Tribunal.

[48] This letter had followed earlier correspondence advising Mr Harris that the Authority did not have a record that he had met the CPD requirements and the Registrar "must" cancel his licence, if he failed to complete any CPD (Authority's email 14 January 2022) or if he did not provide proof of completion of his 2021 verifiable CPD (Authority's email 6 May 2022).

---

<sup>8</sup> Real Estate Agents Act 2008, s 112(3).

<sup>9</sup> At s 112(4).

<sup>10</sup> *Troughton* at [24], *Callaghan* at [18].

[49] Mr Harris contends that the letter of 23 May 2022 does not meet the requirements of s 55(1)(d). It is argued that it is not sufficient for cancellation to be presented as an inevitability without reference to the decision-maker having considered the relevant circumstances and having actively taken a decision to cancel. Nowhere in the letter does the Registrar expressly use the term “decided” or “decision”. It is insufficiently clear from the letter that the Registrar had taken a decision to cancel, as opposed to continuing to have an intention to cancel.

[50] Mr Harris did not actually receive the emailed letter of 23 May 2022. He first became aware of the cancellation as a result of an email received by his principal on 24 May which stated that this licence “is now cancelled”. It is not known when Mr Harris actually read the letter of 23 May, but when he did so he must have been aware that a decision had been made to cancel his licence from the unequivocal email to his principal.

[51] The subsequent conduct of Mr Harris and his principal shows they understood that a decision had been made to cancel his licence. Mr Harris, through his principal, sought reinstatement and went on to complete the CPD requirements on 24 May in anticipation of reinstatement (the revocation of his cancellation). It would seem the Authority’s officers to whom he spoke were sympathetic. He was in fact advised by an officer on 25 May after he had completed the CPD hours, that the Registrar would be asked to review his case. There is no evidence he undertook the CPD in the belief his licence remained alive.

[52] The letter of 23 May is clumsily written. It states that Mr Harris’ licence “will be cancelled on 24 May 2022” and that the reason his licence “will be cancelled” is his failure to complete training. However, from the sequence of correspondence leading up to the letter of 23 May, it is clear this communication is advising that the decision to cancel (foreshadowed in the earlier communications) had been made, with the cancellation to be effective one day later (as required by s 56).

[53] The letter would better have read, “... the Registrar has cancelled your salesperson’s licence, with effect from 24 May 2022”, or even more legally precise, “... the Registrar has decided to cancel your salesperson’s licence, with effect from 24 May 2022”. The second sentence would better have read, “Your licence has been cancelled because ...”.

[54] What the Registrar was clearly conveying was not a future decision to cancel, but a future effective date of a cancellation which had already been decided. Section 56 required the Registrar to notify Mr Harris of the cancellation at least one day beforehand.

[55] In terms of *Goulding*, the letter of 23 May is final. It is not preliminary or provisional. The letter read as a whole (the operative first sentence, the reason and the right of review) all reinforce the finality of that first sentence. The letter is not equivocal, but if Mr Harris was in any doubt, it must have been eliminated by the email of 24 May 2022 to the principal, which was the first communication seen by Mr Harris. He cannot have been confused about what the letter of 23 May meant once he read it, after having read the email of 24 May to the principal.

[56] There is no need, as submitted, for the words “decision” or “decided” or even “final” to be used, provided the fact of a final decision is clear from the text.

[57] The fact a decision had been made was also put beyond doubt when the public, including Mr Harris, were effectively notified on 24 May by the removal of his name from the public register.<sup>11</sup>

[58] We find that the Registrar made the decision to cancel the licence of Mr Harris on 23 May 2022, with the cancellation to take effect on 24 May 2022. The letter of 23 May 2022 complies with ss 55(1)(d) and 56 of the Act.

*Should the Registrar exempt Mr Harris or defer the CPD hours?*

[59] Mr Harris’ original ground of review of the decision is that he has exceptional circumstances justifying an exemption from or deferral of the 2021 CPD requirements under cl 13 of the CPD Rules.

[60] Clause 13 stipulates:

**13 Exemptions or deferrals in exceptional circumstances**

- (1) The Registrar may exempt a person from some or all of the CPD requirements for the calendar year in exceptional circumstances.
- (2) The Registrar may defer some or all of the CPD requirements for a licensee for the calendar year in exceptional circumstances.
- (3) The Authority may develop and make available guidelines for applications for an exemption or deferral in exceptional circumstances.

[61] Mr Harris says there are no guidelines for applications for an exemption or deferral, as provided in cl 13(3). We observe that there are notes on the Authority’s website under the heading “Exemptions and deferrals” which come under the primary heading “Understanding your CPD requirements”, together with a template application.

---

<sup>11</sup> Real Estate Agents Act 2008, ss 63–65.

Those notes can be considered guidelines. They are not material to Mr Harris' circumstances.

[62] The difficulty faced by Mr Harris is that he did not seek an exemption or deferral before the cancellation of his licence on 23 May 2022. It is not clear whether he ever formally sought an exemption or deferral, but it would have been apparent to the Registrar as a result of the communications with Mr Harris and his principal from about 24 or 25 May that potentially exceptional circumstances were being advanced.

[63] However, drawing to the Registrar's attention circumstances which might warrant consideration by the Registrar under cl 13 must occur before the decision to cancel is made. That decision had been made at least one day before the Registrar was informed of the circumstances. It is too late to raise what might be relevant circumstances after the decision, even if it was on the day the decision took effect.

[64] Indeed, the deadline for seeking exemption or deferral may be even earlier than when the decision has been made. The Registrar contends that an application pursuant to cl 13 of the CPD Rules can only be made before the date on which the individual is required to complete his or her CPD.<sup>12</sup> That would appear to be correct. While there is no such express restriction in cl 13, if s 54(d) has already been satisfied (by the failure to complete CPD prior to the end of the calendar year), the Registrar has no discretion and is compelled to cancel. A discretion given in rules (albeit issued pursuant to a statutory power) could not override the statutory duty to cancel.

[65] In any event, once the decision to cancel is made, the Registrar could not be required to retrospectively consider circumstances later brought to his or her attention.

[66] The submission on behalf of Mr Harris that cl 13 must be capable of retrospective application is not accepted. The grace period of 10 working days offered on 6 May 2022 to Mr Harris, which Mr Harris did not avail himself of, cannot abrogate the Registrar's statutory duty to cancel if s 54(d) is satisfied. Nor is the Registrar, as contended, required to proactively contact the licensee if no representations are made under s 55(1)(c) in reply to the notice of intention to cancel. The onus is plainly on the licensee to ensure his or her contact details held by the Authority are correct and any relevant circumstances are drawn to the Registrar's attention.

[67] We find that Mr Harris was lawfully required to complete the specified 2021 hours by a certain date in order to comply with the CPD Rules, the required communications

---

<sup>12</sup> The guidelines on the website state that applications for exemption or deferral must be received and approved before 31 December.

were sent and hence the statutorily prescribed process was followed. He did not complete those hours by the deadline. That being the case, the Registrar “must” cancel his licence, as s 54(d) stipulates.

[68] It is unfortunate that the Authority’s communications were not seen by Mr Harris until 24 May 2022 because of his personal circumstances. It is Mr Harris’ responsibility to ensure he receives and reviews communications from the Authority. He does not dispute that the communications were sent to his email address registered with the Authority.

[69] The prohibition on renewing the licence for five years is harsh, but is statutorily prescribed.<sup>13</sup>

### *Conclusion*

[70] Section 54(d) of the Act is satisfied. Mr Harris failed to complete the required CPD hours by the deadline. A valid decision to cancel was made by the Registrar and he was duly notified. The Registrar followed the statutory process. There was no error of fact or law by the Registrar, who was compelled by statute to cancel Mr Harris’ licence.

### **OUTCOME**

[71] The application is dismissed and the Registrar’s decision is confirmed.

---

D J Plunkett  
Chair

---

G J Denley  
Member

---

F J Mathieson  
Member

---

<sup>13</sup> Real Estate Agents Act 2008, s 37(1)(d)(i).