

CE301*

Settlement Agents Act 1981

Settlement Agents Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Settlement Agents Amendment Regulations (No. 2) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Settlement Agents Regulations 1982**.

[* Reprinted as at 12 December 1997.

For amendments to 12 May 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 352, and Gazette 6 April 2004.*]

3. Regulation 6 replaced

Regulation 6 is repealed and the following regulation is inserted instead —

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6. Examinations

- (1) For the purposes of clause 1(1)(a) of Schedule 1 to the Act the prescribed examinations are the examinations

required to be passed to complete units covering the following subjects —

- (a) taking instructions;
 - (b) obtaining and analysing information;
 - (c) liaising with clients and other persons;
 - (d) negotiations and management of disputes;
 - (e) preparation and execution of documents;
 - (f) finalising real estate transactions;
 - (g) establishing and maintaining trust accounts.
- (2) The prescribed examinations for the purposes of clause 2(1)(a) of Schedule 1 to the Act are —
- (a) the examinations prescribed by subregulation (1); and
 - (b) the examinations required to be passed to complete a unit covering the settlement of business transactions.

- (3) In this regulation —

“**public training provider**” and “**registered training provider**” have the same meanings as they have in the *Vocational Education and Training Act 1996*;

“**unit**” means a component of a course, provided by a public training provider or a registered training provider, for the training of real estate settlement agents or business settlement agents or both.

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4. **Transitional**

Despite the repeal effected by regulation 3, in relation to an application for a licence made under Part III of the Act before 1 July 2006, a person is taken to have passed the examinations prescribed for the purposes of clause 1(1)(a) or 2(1)(a) of Schedule 1 to the Act if the person has passed the examinations —

- (a) prescribed by the repealed regulation 6; or
- (b) required to be passed for the conferring by a college (within the meaning of the *Vocational Education and Training Act 1996*) of —
 - (i) a Certificate in Settlement Agency Procedure;
 - (ii) a Certificate IV in Conveyancing;
 - (iii) a Diploma of Conveyancing; or
 - (iv) an Advanced Diploma of Conveyancing.

5. Schedule 3 amended

Schedule 3, Part B, clause 5 is amended as follows:

- (a) in paragraph (b) by deleting “*Corporation*” and inserting instead —

“ *Operators* ”;

- (b) by deleting paragraph (e);

- (c) after paragraph (g) by inserting the following paragraph —

“

- (ga) *Public Works Act 1902*;

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.