
CONSUMER PROTECTION

CP301

Charitable Collections Act 1946
Home Building Contracts Act 1991
Real Estate and Business Agents Act 1978
Residential Tenancies Act 1987
Settlement Agents Act 1981
Street Collections (Regulation) Act 1940

Consumer Protection Regulations Amendment Regulations 2019

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Consumer Protection Regulations Amendment Regulations 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Consumer Protection Legislation Amendment Act 2019* section 3 comes into operation.

Part 2 — *Charitable Collections Regulations 1947* amended

3. Regulations amended

This Part amends the *Charitable Collections Regulations 1947*.

4. Regulation 20 inserted

After regulation 19 insert:

20. Transitional provision for *Consumer Protection Regulations Amendment Regulations 2019*

- (1) In this section —
commencement day means the day on which this regulation comes into operation.

- (2) If an act, matter or thing done or omitted to be done by the Minister under or for the purposes of these regulations before commencement day has effect on or after commencement day, the act, matter or thing is taken to have been done or omitted to be done by the Commissioner.

5. Various provisions amended

In the provisions listed in the Table delete “Minister” (each occurrence) and insert:

Commissioner

Table

r. 2 def. of <i>approved</i>	r. 3(1)(h)
r. 8(1) and (2)	r. 10(1), (2) and (3)
r. 14(1) and (2)	r. 16
Sch. 1	

**Part 3 — *Home Building Contracts Regulations 1992*
amended**

6. Regulations amended

This Part amends the *Home Building Contracts Regulations 1992*.

7. Regulation 7A deleted

Delete regulation 7A.

**Part 4 — *Real Estate and Business Agents (General) Regulations 1979*
amended**

8. Regulations amended

This Part amends the *Real Estate and Business Agents (General) Regulations 1979*.

9. Regulation 2 amended

- (1) In regulation 2 delete the definitions of:

CPD activity

dwelling

- (2) In regulation 2 insert in alphabetical order:

CPD activity, in relation to a calendar year, means an educational activity approved for that calendar year in accordance with regulation 4AA(1);

10. Regulations 4AB and 4AC replaced

Delete regulations 4AB and 4AC and insert:

4AB. Prescribed educational requirement for licensees who are individuals (Act s. 40B)

- (1) For the purposes of section 40B of the Act, the prescribed educational requirement for a licensee who is an individual is that the licensee undertake CPD activities in each calendar year that —
- (a) when the points specified for each activity under regulation 4AA(2)(a) are added together, have a total value of 10 points; and
 - (b) include any mandatory CPD activities in relation to that licensee for that calendar year.
- (2) However, a licensee is not required to comply with subregulation (1) in the calendar year in which the licensee's licence and triennial certificate are first issued.

4AC. Prescribed educational requirement for sales representatives (Act s. 50C)

- (1) For the purposes of section 50C of the Act, the prescribed educational requirement for a sales representative is that the representative undertake CPD activities in each calendar year that —
- (a) when the points specified for each activity under regulation 4AA(2)(a) are added together, have a total value of 10 points; and
 - (b) include any mandatory CPD activities in relation to that sales representative for that calendar year.
- (2) However, a sales representative is not required to comply with subregulation (1) in the calendar year in which the representative's certificate of registration is first issued.

11. Regulation 7A deleted

Delete regulation 7A.

12. Schedule 2 amended

Delete Schedule 2 Form 1.

Part 5 — Residential Tenancies Regulations 1989 amended**13. Regulations amended**

This Part amends the *Residential Tenancies Regulations 1989*.

14. Regulation 5AA amended

In regulation 5AA delete the passage that begins with “paragraph (a):” and continues to the end of the regulation and insert:

paragraph (a)(i):

- (ia) a person who is an employee of, or acting on behalf of, the property manager mentioned in subparagraph (i) and who is registered as a sales representative under the *Real Estate and Business Agents Act 1978*; or

Part 6 — Settlement Agents Regulations 1982 amended**15. Regulations amended**

This Part amends the *Settlement Agents Regulations 1982*.

16. Regulation 4B replaced

Delete regulation 4B and insert:

4B. Prescribed educational requirements (Act s. 41B)

- (1) For the purposes of section 41B of the Act, the prescribed educational requirement for a licensee who is an individual is that the licensee undertake approved educational activities in each calendar year that —
 - (a) when the points allotted for each activity under regulation 4C(1) are added together, have a total value of 6 points; and
 - (b) include at least 2 activities that relate to 2 of the core professional development subjects approved for that calendar year under regulation 4C(1)(a)(ii).

- (2) However, a licensee is not required to comply with subregulation (1) in the calendar year in which the licensee's licence and triennial certificate are first issued.

Part 7 — *Street Collections Regulations 1999* amended

17. Regulations amended

This Part amends the *Street Collections Regulations 1999*.

18. Regulation 14 amended

- (1) In regulation 14(1) delete "The offences specified in Schedule 2 are offences" and insert:

An offence under section 3(1) of the Act is an offence

- (2) Delete regulation 14(2) and insert:

- (2) For the purposes of section 5(3) of the *Criminal Procedure Act 2004*, \$400 is the modified penalty for an offence under section 3(1) of the Act.

19. Schedule 1 amended

In Schedule 1 delete "Perth metropolitan area." and insert:

metropolitan region.

20. Schedule 2 deleted

Delete Schedule 2.

R. NEILSON, Clerk of the Executive Council.
