

**REAL ESTATE
AND BUSINESS AGENTS.**

No. 77 of 1984.

**AN ACT to amend the Real Estate and Business
Agents Act 1978.**

[Assented to 26 November 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Real Estate and Business Agents Amendment Act 1984*.

Short title
and principal
Act.

(2) In this Act the Real Estate and Business Agents Act 1978 is referred to as the principal Act.

Reprinted
as approved
23 February
1982 and
amended by
Acts Nos. 10
and 29 of
1982.

Commence-
ment.

2. This Act shall come into operation on the day on which it is assented to by the Governor.

Section 115
amended.

3. Section 115 of the principal Act is amended by repealing subsection (1) and substituting the following—

“ (1) If at any time the Fidelity Fund is, in the opinion of the Board, not sufficient to satisfy the liabilities of the Board in relation thereto, the Board may by resolution impose on each holder of a current triennial certificate and each holder of a current certificate of registration, for payment into the Fidelity Fund, a levy of such amount as it thinks fit not exceeding the relevant amount referred to in subsection (2). ”.

Section 130
amended.

4. Section 130 of the principal Act is amended—

(a) by inserting after the section designation “130.” the subsection designation “(1)”;

(b) in subsection (1) as so designated, by deleting paragraph (b) and substituting the following—

“ (b) as to the balance remaining after payment under paragraph (a), in payment, in equal shares or such other proportions as are prescribed—

(i) to the Fidelity Fund;

(ii) to the Assistance Fund; and

(iii) for the establishment and maintenance of such educational facilities relating to the functions and duties of persons under this Act as are prescribed. ”; and

(c) by inserting after subsection (1) the following subsections—

“ (2) Regulations shall not be made under section 145 to prescribe the proportions in which moneys are to be paid under subsection (1) (b) except on the recommendation of the Minister, and the Minister shall make such recommendation only after he has consulted the Board thereon.

(3) Notwithstanding anything in this section but subject to subsection (4), the Minister may, after consultation with the Board, in writing direct the Board to transfer a sum specified in the direction to the Assistance Fund from moneys held by it at the time of the direction for the purposes of subsection (1) (b) (iii), and the Board shall comply with such direction.

(4) The direction authorized by subsection (3) shall be given only during the financial year ending 30 June 1985 and after it is given once the power conferred by that subsection is spent. ”.

5. Section 145 of the principal Act is amended in subsection (2) by inserting, after paragraph (g), the following—

Section 145
amended.

“ (ga) subject to subsection (2) of section 130, prescribe the proportions in which moneys are to be paid under subsection (1) (b) of that section; ”.