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REAL ESTATE AND BUSINESS AGENTS ACT 1978.

REAL ESTATE AND BUSINESS AGENTS (GENERAL) REGULATIONS 1979.

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REAL ESTATE AND BUSINESS AGENTS ACT 1978.

REAL ESTATE AND BUSINESS AGENTS (GENERAL) REGULATIONS 1979.

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REAL ESTATE AND BUSINESS AGENTS ACT 1978.

**REAL ESTATE AND BUSINESS AGENTS (GENERAL)
REGULATIONS 1979.**

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| Citation. | 1. These regulations may be cited as the Real Estate and Business Agents (General) Regulations 1979. |
| Interpretation. | 2. In these regulations, unless the context otherwise requires—
“the Act” means the Real Estate and Business Agents Act 1978. |
| Common seal. | 3. (1) The common seal of the Board shall be in the form of a circular embossment inscribed with the passage “Real Estate and Business Agents Supervisory Board—Western Australia” around its circumference and the coat of arms of Western Australia in its centre.

(2) The common seal shall be kept in safe custody by the Registrar and shall not be applied to any document except pursuant to a resolution of the Board and upon the common seal being so applied the document shall be signed by the Chairman and either the Registrar or another officer nominated by the Board for that purpose.

(3) Every resolution to apply the common seal to a document shall be recorded in the minutes of the meetings of the Board. |
| Fees.
Amended by
G.G. 2/1/82,
p. 2334. | 4. The fees set out in Schedule 1 to these regulations shall be payable in respect of the matters prescribed in that Schedule. |
| Notice of
application
for licence. | 5. (1) Notice of an application for the grant of a licence to be advertised pursuant to subsection (2) of section 24 of the Act—
(a) shall be in a form approved by the Board; and
(b) shall be published by the applicant in an issue of the newspaper known as “The West Australian” on a Saturday not less than fourteen days before the day fixed for the hearing of the application.

(2) An applicant for a licence shall, not less than seven days before the day fixed for the hearing of his application, lodge with the Registrar the whole of each page in which notice of his application was advertised in accordance with this regulation. |
| Prescribed
examina-
tions. | 6. The prescribed examinations for the purposes of paragraph (a) of clause 1 of the Schedule are—
(a) examinations required to be passed for the conferring of a Certificate in Real Estate Management by the Technical Education Division of the Education Department of the State; or
(b) the examinations required to be passed for the conferring of a Diploma in Valuations by the Western Australian Institute of Technology, together with the examinations conducted by that body in the following courses—
Accounting (Systems) 153.
Property Marketing and Management. |
| Prescribed
qualifica-
tions for
sales repre-
sentatives.
Inserted by
G.G. 26/9/80,
p. 3312. | 6A. The prescribed qualifications for the purpose of subsection (2) of section 47 are—
(a) the Certificate of Real Estate Sales Representative conferred by the Technical Educational Division of the Education Department of the State; or
(b) the Certificate of Real Estate Sales Representative conferred by the Real Estate Institute of Western Australia Incorporated. |

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7. The prescribed particulars to be recorded, pursuant to subsection (2) of section 133 of the Act, by the Registrar—

Particulars
to be
included in
registers.

(a) in the register of licensees are, in respect of each licensee—

- (i) the name and address of the licensee;
- (ii) where the licensee is a firm, the name, address, and, where applicable, licence number of each partner constituting the firm;
- (iii) where the licensee is a body corporate, the name, address, and, where applicable, licence number of each director of the licensee;
- (iv) the licence number and the date on which the licence held by the licensee was granted;
- (v) any special condition to which the licence held by the licensee is subject;
- (vi) where a claim has been made or sustained against the Fund in respect of the licensee, a reference to that claim;

(b) in the register of holders of current triennial certificates are, in respect of each holder—

- (i) the name and address of the holder;
- (ii) any business name under which the holder carries on business as an agent;
- (iii) the situation of the registered office of the holder;
- (iv) where the holder is a firm, the name, address, and, where applicable, licence number of each partner constituting the firm;
- (v) where the holder is a body corporate, the name, address and, where applicable, licence number of each director of the holder;
- (vi) where the holder is a firm or body corporate, the name and address of the person in *bona fide* control of the business of the holder;
- (vii) the licence number, and the date on which the licence held by the holder of the certificate was granted;
- (viii) the certificate number, and the date on which the certificate currently held by the holder was granted or renewed, as the case may be;
- (ix) the name and address of the auditor appointed by the holder;
- (x) the amount of any payment made under section 113 of the Act by the holder;

(c) in the register of holders of current certificates of registration are, in respect of each holder—

- (i) the name and address of the holder;
- (ii) the certificate number and the date on which the certificate currently held by the holder was granted or renewed, as the case may be;
- (iii) any special condition to which the certificate held by the holder is subject;
- (iv) the amount of any payment made under section 113 of the Act by the holder;
- (v) the name and address of the licensee or developer for and on behalf of whom the holder acts or by whom the holder is employed;
- (vi) the date upon which a holder commenced in that capacity to act for and on behalf of, or be employed by, the licensee or developer referred to in subparagraph (v) of this paragraph;
- (vii) the name and address of every other licensee or developer for and on behalf of whom the holder has acted, or by whom the holder has been employed in that capacity, and the dates on which he commenced and ceased to so act or be employed by each of them, respectively.

Prescribed form of application for assistance from Home Buyers Assistance Fund.
Inserted by G.G. 2/7/82, p. 2355.

7A. For the purposes of section 131L (1) of the Act, the prescribed form of application is in the form of Form 1 set out in Schedule 2 to these regulations.

Notice of changes in particulars.

8. A licensee shall give to the Registrar notice in writing—
- (a) where the licensee is a body corporate, of any change in the directors of the body corporate;
 - (b) where the licensee is a firm and any of the persons by whom or by which it is constituted is a body corporate, of any change in the directors of any such body corporate;
 - (c) where the licensee is a firm or body corporate, of any change in the person in *bona fide* control of the business operated under the licence held by the licensee,

within one month of the change.

Penalty: \$100.00.

Recovery of fees, fines and costs.

9. (1) The amount of—
- (a) any fees prescribed by these regulations;
 - (b) any fine ordered by the Board to be paid pursuant to the Act;
 - (c) any costs ordered by the Board to be paid to the Registrar upon the determination of any proceedings,
- may be sued for and recovered by the Registrar on behalf of the Crown in any court of competent jurisdiction.

(2) Where, upon the determination of any proceedings, the Board makes an order for costs in favour of a person other than the Registrar, the amount of those costs may be sued for by that person and recovered from the person against whom the order is made, in any court of competent jurisdiction.

Refund to unsuccessful applicant.

10. An amount paid to the Board under section 113 of the Act in respect of an application referred to in that section shall, where that application does not result in the grant or renewal of a licence, triennial certificate, or certificate of registration, be refunded to the applicant from the Fidelity Guarantee Fund.

Deposits Trust. Prescribed percentage for purposes of s. 127.

11. For the purposes of section 127 of the Act the prescribed percentage is thirty-five per centum.

Prescribed days for application of Trust Interest account.
Inserted by G.G. 26/6/81, p. 2293.

11A. For the purposes of section 130 of the Act the prescribed days upon which moneys accruing to the credit of the Trust Interest Account shall be applied are 30 June and 31 December in each year.

Prescribed educational facilities.
Inserted by G.G. 26/6/81, p. 2293.

11B. For the purposes of section 130 (c) of the Act the prescribed educational facilities are—

- (a) the Technical Education Division of the Education Department of the State;
- (b) the Real Estate Institute of Western Australia Incorporated; and
- (c) the Western Australian Institute of Technology.

Claims against the Fidelity Fund.

12. A claim against the Fidelity Guarantee Fund shall be made in writing and be verified by a statutory declaration made by a person who deposes to the facts therein set out of his own knowledge.

Codes of conduct.

13. Any code of conduct that the Board may from time to time prescribe pursuant to section 101 of the Act shall be published in the *Government Gazette*.

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SCHEDULE 1.

(Regulation 4)

FEES.

	\$
1. Grant of licence to natural person	200
2. Grant of licence to firm	200
3. Grant of licence to body corporate	200
4. Renewal of triennial certificate	180
5. Grant of certificate of registration	30
6. Renewal of certificate of registration	30
7. Inspection of registers	2
8. Issue of certificate as to any of the contents of registers	5
9. Grant of Business Agent's Permit	75
10. Renewal of Business Agent's Permit	60

Amended by
G.G. 6/11/81,
p. 4526;
G.G. 2/7/82,
p. 2335.

SCHEDULE 2.

(Regulation 7A)

FORMS.

WESTERN AUSTRALIA.

Form 1

REAL ESTATE AND BUSINESS AGENTS ACT 1978 (Section 131L (1).)

REAL ESTATE AND BUSINESS AGENTS (GENERAL)

REGULATIONS 1979.

(Regulation 7A.)

APPLICATION FOR GRANT OF WHOLE OR ANY PART OF INCIDENTAL
EXPENSES IN CONNECTION WITH PURCHASE OF A PROPERTY WITH
A DWELLING OR PARTIALLY ERECTED DWELLING THEREON.

TO BE COMPLETED BY APPLICANT AND SUBMITTED TO BANK OR
BUILDING SOCIETY WITH APPLICATION FOR A HOUSING LOAN.

1. Particulars of applicant:

Full name
Occupation
Date of birth
Present address
.....
Telephone No. (Business) (Home)
Name of spouse
Ages of dependent children

2. Particulars of income:

Weekly gross income from employer

(a) Applicant \$
(b) Applicant's spouse \$
(c) Any other dependent
person(s) residing \$
with applicant

Do you, your spouse or dependents receive any income other than from
main employment? YES/NO

If "yes", details

Have you received, or are you eligible to receive, a Home Savings Grant
or any other form of free housing assistance? If so, state amount
\$.....

3. Particulars of any other real estate property owned:

Have you or has your spouse or any other dependent persons residing with
you ever owned, or do you or does he or she own, any other real estate
property in this State? YES/NO

If so, please give particulars of property and ownership

.....
.....
.....

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4. Particulars of property to be purchased:
 Is dwelling complete/partially erected?
 Address of property
- Purchase price \$.....
 Amount of loan 1st mortgage \$.....
 2nd mortgage \$.....
 (if any)
- Name of lending authority/authorities
- Name of real estate agent
5. Particulars of incidental expenses:
 (If details of actual expenses are not known at the time this form is completed, please estimate)
- | Expense | \$ | | \$ |
|-------------------|----|--------------------|----|
| Stamp duty | | Bank or building | |
| Registration fees | | society fee for | |
| Settlement | | lodging this | |
| agents fees | | application | |
| Solicitors fees | | Mortgage guarantee | |
| Valuation fees | | fee or mortgage | |
| Inspection fees | | insurance | |
| | | premium | |
| | | Other | |
| TOTAL | \$ | | \$ |

I declare that:

1. The foregoing particulars are true in every respect to the best of my knowledge and belief;
2. The dwelling to be purchased is the first dwelling to be owned by me in this State; and
3. The dwelling is to be used as a house by me and/or my spouse and/or my dependent children.

SIGNED

DATED

WITNESS

SignatureNameAddress