



Western Australia

Real Estate and Business Agents (General) Regulations 1979

Compare between:

[01 Jul 2008, 05-e0-05] and [24 Dec 2008, 05-f0-01]

Real Estate and Business Agents (General) Regulations 1979

1. Citation

These regulations may be cited as the *Real Estate and Business Agents (General) Regulations 1979* ¹.

2. Terms used in these regulations

In these regulations, unless the contrary intention appears —

approved educational activity means —

- (a) for the calendar year beginning 1 January 2007 — an educational activity approved under regulation 4AA(3) of the previous regulations; or
- (b) otherwise — an educational activity approved under regulation 4AB(1)(a)(ii) or (b);

dwelling has the same meaning as it has in section 131L of the Act;

mandatory professional development subject means a professional development subject approved under regulation 4AB(1)(a)(i);

points, in respect of an approved educational activity, means —

- (a) for the calendar year beginning 1 January 2007 — the number of points calculated in accordance with regulation 4AA(7) of the previous regulations; or

- (b) otherwise — the number of points specified in respect of that activity under regulation 4AB(1);

previous regulations means these regulations as in force immediately before the commencement of the *Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2007*;

record means a record under section 69(1)(b) of the Act;

register means the register referred to in regulation 7(b);

registered training provider has the same meaning as in section 5(1) of the *Vocational Education and Training Act 1996*;

working day means a day that is not a Saturday, Sunday, public holiday or public service holiday.

[Regulation 2 inserted in Gazette 25 Jun 1996 p. 2918; amended in Gazette 7 Feb 2003 p. 385; 28 Dec 2007 p. 6403-4.]

3. Common seal

- (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.

3A. Prescribed duty for purposes of section 4(4)(d)

For the purposes of section 4(4)(d) of the Act the prescribed duty is collecting a payment on behalf of the owner of premises from a person in respect of the right of that person to occupy the premises.

[Regulation 3A inserted in Gazette 24 Jul 2007 p. 3660.]

4. Fees

- (1) The fees set out in Schedule 1 shall be payable in respect of the matters prescribed in that Schedule.
- (2) If a certificate of registration is renewed in accordance with section 49 of the Act after the day on which the certificate expired, a late fee equal to one quarter of the fee specified in item 7 of Schedule 1 for the renewal of the certificate is payable in addition to that specified fee.

[Regulation 4 amended in Gazette 2 Jul 1982 p. 2334; 25 Jun 1996 p. 2924.]

4A. Holding fee

- (1) In this regulation —
holding fee means the fee set out in item 11 of Schedule 1 and referred to in section 30(2a)(b) of the Act.
- (2) The holding fee is payable —
 - (a) in the case of a licensee who, on the coming into operation of Part 8 of the *Business Licensing Amendment Act 1995*, holds a licence but does not hold a triennial certificate in respect of the licence, within 60 days after the coming into operation of that Part, and triennially after that payment; or
 - (b) in any other case, within 60 days after a licensee ceases to hold a current triennial certificate in respect of the licence held by the licensee, and triennially after that payment.

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- (3) The Board may refund to a licensee —
 - (a) two-thirds of the holding fee paid by the licensee if the licensee is granted a triennial certificate less than one year after paying the holding fee; or
 - (b) one-third of the holding fee paid by the licensee if the licensee is granted a triennial certificate one year or more, but less than 2 years, after paying the holding fee.

*[Regulation 4A inserted in Gazette 25 Jun 1996 p. 2924;
amended in Gazette 17 Jun 2008 p. 2558.]*

4AA. Prescribed educational requirements — section 31(3)(b)

- (1) This regulation applies only in respect of a licensee —
 - (a) who is a natural person; and
 - (b) whose triennial certificate is due to expire on or after 1 January 2008.
- (2) The educational requirements prescribed for the purposes of section 31(3)(b) of the Act are that during each of the preceding 3 full calendar years before the year in which a triennial certificate is due to expire —
 - (a) approved educational activities to the total value of at least 10 points have been undertaken; and
 - (b) those activities include at least one activity —
 - (i) approved under regulation 4AA(3) in respect of each of the subjects listed in Schedule 1A Division 1 of the previous regulations; or
 - (ii) approved under regulation 4AB(1)(a)(ii) in respect of each mandatory professional development subject approved for that year.
- (3) In respect of a triennial certificate that is due to expire —
 - (a) in 2008, the educational requirements prescribed in subregulation (2)(a) and (b) are to be met only in respect of the calendar year beginning 1 January 2007; and

- (b) in 2009, the educational requirements prescribed in subregulation (2)(a) and (b) are to be met only in respect of the calendar years beginning 1 January 2007 and 1 January 2008.
- (4) Nothing in these regulations is to be taken to affect the time within which a licensee is to undertake an educational activity under the previous regulations and such activity is to be taken to have been undertaken in respect of the calendar year beginning 1 January 2007.
- (5) In respect of a triennial certificate that is due to expire for the first time after it was granted, the educational requirement prescribed in subregulation (2)(a) and (b) are to be met only in respect of each of the preceding 2 full calendar years before the year in which the certificate is due to expire.
- (6) The value in points accrued by a person in a calendar year is the sum of the points specified for each approved educational activity undertaken by the person in that year.

[Regulation 4AA inserted in Gazette 28 Dec 2007 p. 6404-5.]

4AB. Board to approve educational activities

- (1) In respect of each calendar year, commencing with the calendar year beginning 1 January 2008, the Board —
 - (a) is to —
 - (i) approve 3 of the subjects listed in Schedule 1A as mandatory professional development subjects for that year; and
 - (ii) approve one or more educational ~~activity~~activities referred to in subregulation (35) in respect of each subject approved under subparagraph (i);

and

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- (b) may approve one or more educational ~~activity~~activities referred to in subregulation (5) in respect of each other professional development subject listed in Schedule 1A, and, in respect of each educational activity approved, is to specify the value in points that is to be allotted to undertaking the activity.
- (2) The Board is to ensure that there is published on its website on or before 1 January of the calendar year to which an approval under subregulation (1) relates a notice setting out —
- (a) sufficient details to identify —
- (i) the 3 mandatory professional development subjects approved under subregulation (1)(a)(i); and
- (ii) the educational activity or activities approved in respect of each of those subjects under subregulation (1)(a)(ii);
- and
- (b) the value in points that is to be allotted to undertaking each of the activities approved.
- (3) If, in respect of a calendar year, the Board approves one or more educational ~~activity~~activities under subregulation (1)(b) it is to ensure that there is published on its website a notice setting out —
- (a) sufficient details to identify —
- (i) each activity approved; and
- (ii) the professional development subject to which it relates;
- and
- (b) the value in points that is to be allotted to undertaking each of the activities approved.

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- (4) If a person undertakes, or commences to undertake, an educational activity the details of which are later published on the Board's website as an approved educational activity, then the person does not accrue any points in respect of that activity.
- (5) The following types of educational activities that may be approved under subregulation (1) are —
- (a) attendance, including by means of audiolink or videolink, at a training course provided by a specified body or person and successful completion of any assessment requirements for that course;
 - (b) attendance, including by means of audiolink or videolink, at a seminar presented by a specified body or person and successful completion of any assessment requirements for that seminar;
 - (c) viewing of a specified recording, and successful completion of any assessment requirements for that viewing;
 - (d) participation in a specified course of study, or a specified component of a course of study, and successful completion of any assessment requirements for that course or component.
- (6) In subregulations (1) and (5) —
specified means specified by the Board in the notice published under subregulation (2) or (3).
- (7) An approval under subregulation (1) [in respect of the calendar year beginning 1 January 2008](#) may apply in relation to all licensees to whom regulation 4AA applies, or to any class of such licensees.
- [\(8\) An approval under subregulation \(1\) in respect of the calendar year beginning 1 January 2009 or any later calendar year may apply in relation to —](#)

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- (a) all licensees to whom regulation 4AA applies and all sales representatives to whom regulation 4AC applies; or
- (b) any class or classes of such licensees or such sales representatives.

[Regulation 4AB inserted in Gazette 28 Dec 2007 p. 6405-6; amended in Gazette 23 Dec 2008 p. 5465-6.]

4AC. Prescribed educational requirements — section 48(5)(b)

- (1) This regulation applies only in respect of a sales representative whose certificate of registration is due to expire on or after 1 January 2010.
- (2) The educational requirements prescribed for the purposes of section 48(5)(b) of the Act are that during each of the preceding 3 full calendar years before the year in which a certificate of registration is due to expire —
 - (a) approved educational activities to the total value of at least 10 points have been undertaken; and
 - (b) those activities include at least one activity approved under regulation 4AB(1)(a)(ii) in respect of each mandatory professional development subject approved for that year.
- (3) In respect of a certificate of registration that is due to expire —
 - (a) in 2010, the educational requirements prescribed in subregulation (2)(a) and (b) are to be met only in respect of the calendar year beginning 1 January 2009; and
 - (b) in 2011, the educational requirements prescribed in subregulation (2)(a) and (b) are to be met only in respect of the calendar years beginning 1 January 2009 and 1 January 2010.
- (4) In respect of a certificate of registration that is due to expire for the first time after it was granted, the educational requirements prescribed in subregulation (2)(a) and (b) are to be met only in

respect of each of the preceding 2 full calendar years before the year in which the certificate is due to expire.

- (5) The value in points accrued by a person in a calendar year is the sum of the points specified for each approved educational activity undertaken by the person in that year.

[Regulation 4AC inserted in Gazette 23 Dec 2008 p. 5466-7.]

4B. Prescribed periods

- (1) For the purposes of section 48(1) and (2) of the Act, the prescribed period is 3 years.
- (2) For the purposes of section 49(2) of the Act, the prescribed period is 3 years.

[Regulation 4B inserted in Gazette 25 Jun 1996 p. 2924.]

5. Notice of application for licence

- (1) Notice of an application for the grant of a licence to be advertised pursuant to section 24(2) of the Act —
 - (a) shall be in a form approved by the Board; and
 - (b) shall be published by the Board in an issue of the newspaper known as “The West Australian” on a Saturday not less than 14 days before the day fixed for the hearing of the application.

[(2) repealed]

[Regulation 5 amended in Gazette 26 Oct 1990 p. 5370.]

6. Prescribed examinations

- (1) The prescribed examinations for the purposes of clause 1(a) of the Schedule to the Act are —
 - (a) the examinations which are required by a registered training provider to be passed for a Diploma of Property (Real Estate), together with the examinations conducted

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by a registered training provider in the following courses —

- (i) Unit 15826 — Rural Sales;
- (ii) Unit 15825 — Selling Businesses; and
- (iii) Unit 15892 — Real Estate Law;

or

- (b) the examinations required to be passed for the conferring of a Bachelor of Commerce (Property and Marketing) or a Bachelor of Commerce (Property) by the Curtin University of Technology.
- (2) In respect of a person who was a licensee and ceased to be licensed due to section 30(2a) of the Act the prescribed examinations for the purposes of clause 1(a) of the Schedule also include the examinations which were prescribed under regulation 6 of these regulations immediately before the commencement of the *Real Estate and Business Agents (General) Amendment Regulations 2003* ¹.

[Regulation 6 inserted in Gazette 7 Feb 2003 p. 385; amended in Gazette 13 Jan 2004 p. 145.]

6A. Prescribed qualifications for sales representatives

- (1) The prescribed qualifications for the purposes of section 47(2) of the Act are the successful completion of —
 - (a) the TAFE Sales Representatives Registration Course provided by a registered training provider; or
 - (b) the REIWA Sales Representatives Registration Course provided by the Real Estate Institute of Western Australia Incorporated; or
 - (c) both —
 - (i) Real Estate Business 305; and
 - (ii) Property Management 330,provided by the Curtin University of Technology; or

- (d) each of the following modules from the CPP07 Property Services Training Package —
 - (i) CPPDSM4003A — Appraise property;
 - (ii) CPPDSM4007A — Identify legal and ethical requirements of property management to complete agency work;
 - (iii) CPPDSM4008A — Identify legal and ethical requirements of property sales to complete agency work;
 - (iv) CPPDSM4012A — List property for sale;
 - (v) CPPDSM4014A — Market property for sale;
 - (vi) CPPDSM4022A — Sell and finalise the sale of property by private treaty;
 - (vii) CPPDSM4080A — Work in the real estate industry,provided by a registered training provider; or
- (e) in the case of an application for registration as a sales representative with a condition restricting the registrant to property management transactions only — each of the following modules from the CPP07 Property Services Training Package —
 - (i) CPPDSM4007A — Identify legal and ethical requirements of property management to complete agency work;
 - (ii) CPPDSM4010A — Lease property;
 - (iii) CPPDSM4011A — List property for lease;
 - (iv) CPPDSM4013A — Market property for lease;
 - (v) CPPDSM4016A — Monitor and manage lease/tenancy agreements;
 - (vi) CPPDSM4080A — Work in the real estate industry,provided by a registered training provider.

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- (2) In this regulation —

CPP07 Property Services Training package means the CPP07 Property Services Training Package published by the National Training Information Service.

[Regulation 6A inserted in Gazette 7 Feb 2003 p. 386; amended in Gazette 24 Jun 2008 p. 2886-7.]

6B. Grant of certificate of registration

The Board or the Registrar may grant a certificate of registration under section 47 of the Act to an applicant —

- (a) who applies within one year of successfully completing a qualification prescribed in regulation 6A;
- (b) who has held a certificate of registration for at least 3 of the 5 years immediately preceding the making of the application; or
- (c) who complies with regulation 6(1)(a) or (b).

[Regulation 6B inserted in Gazette 8 May 1987 p. 2103; amended in Gazette 30 Oct 1987 p. 4047; 12 Aug 1988 p. 2770; 7 Feb 2003 p. 386-7; 30 Dec 2004 p. 6924; 17 Nov 2006 p. 4760.]

6BA. Requirements for appointment to act as an agent

- (1) If an amount is not fixed under section 61(1) of the Act, an appointment to act as an agent —
 - (a) where the commission, reward or other valuable consideration to be received by the agent for the services rendered by the agent is expressed as a percentage, is to clearly set out the basis (e.g. selling price, gross rental) on which the percentage is to be calculated;
 - (b) where —
 - (i) the appointment is to act as an agent in a transaction as defined in section 61(4a) of the Act; and

- (ii) the commission, reward or other valuable consideration to be received by the agent for the services rendered is expressed as an hourly, weekly or other periodic rate,
is to specify the maximum amount to be received by the agent, expressed as a monetary amount;
 - (c) where the consideration to be received by the agent for the services rendered by the agent is based on the use by a person of certain services provided by the agent, is to provide a full explanation of the nature of the services so provided; and
 - (d) where any expenses (in addition to the commission, reward or other valuable consideration) are to be received by the agent, is to —
 - (i) specify the nature of those expenses; and
 - (ii) clearly set out the method by which the expenses will be calculated.
- (2) If an amount is not fixed under section 61(1) of the Act, an appointment to act as an agent by a person for whom services are to be rendered is to contain, immediately before the statement of the commission, reward or other valuable consideration to be received by the agent, a statement that the commission, reward or consideration is not to be received pursuant to a scale fixed by law but is to be agreed upon between the person and the agent.
- (3) An appointment to act as an agent is to include a statement in clear, concise and plain English to the effect that the person for whom the services are to be rendered by the agent (e.g. the vendor or landlord) may seek assistance from the Real Estate and Business Agents Supervisory Board in relation to disputes as to the commission, reward or other valuable consideration to be received by the agent.

[Regulation 6BA inserted in Gazette 16 Oct 1998 p. 5734-5.]

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6C. Definition of “authorised financial institution” — prescribed classes

For the purposes of the definition of *authorised financial institution* in section 67 of the Act, the following classes of bodies are prescribed —

- (a) the class that consists of all banks; and
- (b) the class that consists of all societies.

[Regulation 6C inserted in Gazette 25 Jun 1996 p. 2918.]

6D. Designation of trust accounts

- (1) For the purposes of section 68(1) of the Act, a trust account is to be designated in the manner provided for in this regulation.
- (2) The designation of a trust account, other than a separate account, is to include —
 - (a) the description “REBA Trust Account” or “REBA Tenancy Bond Trust Account” as appropriate;
 - (b) the name of the holder of the triennial certificate, and any business name of that holder, recorded in the register; and
 - (c) the letters “TC” followed by the triennial certificate number recorded in the register.
- (3) The designation of a separate account is to include —
 - (a) the description “REBA Trust Account — IB”;
 - (b) the name of the holder of the triennial certificate, and any business name of that holder, recorded in the register;
 - (c) the words “in trust for” followed by the name of the person who requested the separate account; and
 - (d) the letters “TC” followed by the triennial certificate number recorded in the register.

[Regulation 6D inserted in Gazette 25 Jun 1996 p. 2918-19.]

6E. Prescribed requirements for separate accounts

- (1) For the purposes of section 68A(4) of the Act, where the transaction in respect of which moneys are paid relates to the sale of real estate or a business, an agent shall only comply with the request for a separate account if the agent is satisfied that —
 - (a) the amount of moneys paid to the agent exceeds \$20 000; or
 - (b) the transaction is not to be settled within 60 days.
- (2) In subregulation (1) —
business means any commercial undertaking or enterprise in respect of any profession, trade, employment, vocation, or calling.

[Regulation 6E inserted in Gazette 25 Jun 1996 p. 2919.]

6F. Interest payable on trust accounts

- (1) For the purposes of section 68B(1) of the Act, interest on the balance of a trust account is to be paid —
 - (a) at the rate that is 70% of the relevant bank accepted bills rate calculated on a daily basis; and
 - (b) within 5 working days of the end of each month.
- (2) In subregulation (1)(a) —
relevant bank accepted bills rate means the 30 day bank accepted bills rate as published in Table F.1 of the “Reserve Bank of Australia Bulletin” for the month that is 2 months before the month in respect of which the interest is to be paid.

(For example, the relevant bank accepted bills rate for May is the 30 day bank accepted bills rate for March.)

[Regulation 6F inserted in Gazette 25 Jun 1996 p. 2919.]

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6G. Content of receipts

A receipt given under section 69(1)(a) of the Act shall contain the following information —

- (aa) the heading “Trust Account Receipt”;
- (a) the name of the holder of the triennial certificate, and any business name of that holder, recorded in the register;
- (b) a number or letter, or a combination of both, in consecutive order that allows the receipt to be uniquely identified;
- (c) the date on which the money is received;
- (d) the name of the person paying the money;
- (e) the amount of money received;
- (f) a brief description of the purpose of the payment; and
- (g) if the receipt is hand-written, the name of the person receiving the money evidenced by the signature of that person.

*[Regulation 6G inserted in Gazette 25 Jun 1996 p. 2919;
amended in Gazette 17 Nov 2006 p. 4760.]*

6H. Records under section 69(1)(b)

- (1) A record shall be —
 - (a) kept in written form;
 - (b) kept for a period of not less than 6 years from the date on which the money was received; and
 - (c) readily accessible.
- (2) Where a receipt has been given for money received, a record shall contain the information contained in the receipt and may take the form of a duplicate copy of the receipt.

- (3) Where money has been received by electronic transfer, a record shall contain the information specified in regulation 6G(b), (c), (d), (e) and (f) and, for that purpose, the reference in regulation 6G(b) to “receipt” is to be read as a reference to “record”.

[Regulation 6H inserted in Gazette 25 Jun 1996 p. 2919-20.]

7. Particulars to be included in registers

The prescribed particulars to be recorded, pursuant to section ~~13~~133(2) of the Act, by the Registrar —

- (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;

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- (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);
- (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 the holder commenced and ceased to so act or be employed by each of them, respectively.

*[Regulation 7 amended in Gazette 7 Feb 2003 p. 387;
23 Dec 2008 p. 5467.]*

7AA. Definition of “lending institution” — prescribed class

For the purposes of the definition of ***lending institution*** in section 131A of the Act, the class consisting of bodies, other than bodies referred to in paragraphs (a), (b) and (c) of that definition, that provide loans to persons in order to assist those persons to purchase a dwelling is prescribed.

[Regulation 7AA inserted in Gazette 25 Jun 1996 p. 2920.]

7A. Prescribed form of application for assistance from Home Buyers Assistance Fund

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.

[Regulation 7A inserted in Gazette 2 Jul 1982 p. 2355.]

7B. Prescribed amount for purposes of section 131M(3)

For the purposes of section 131M(3) the prescribed maximum amount is \$2 000.

[Regulation 7B inserted in Gazette 30 Sep 1994 p. 4969.]

8. Notice of changes in particulars

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.

9. Recovery of fees, fines and costs

- (1) The amount of —

- (a) any fees prescribed by these regulations;

[(b) deleted]

- (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.

[Regulation 9 amended in Gazette 30 Dec 2004 p. 6924.]

10. Refund to unsuccessful applicant

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.

11. Application of Board Interest Account

For the purposes of section 127 of the Act —

- (a) moneys standing to the credit of the Account are to be applied monthly before the end of each month; and
- (b) the following proportions are prescribed —
 - (i) 4.5% to the Fidelity Fund;
 - (ii) 57% to the General Purpose Fund; and
 - (iii) 38.5% to the Assistance Fund.

[Regulation 11 inserted in Gazette 25 Jun 1996 p. 2920; amended in Gazette 6 Nov 2001 p. 5837.]

[11A, 11AA and 11B. Repealed in Gazette 25 Jun 1996 p. 2920.]

12. Claims against the Fidelity Fund

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.

13. Codes of conduct

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*.

Schedule 1 — Fees

[r. 4 and 4A]

[Heading inserted in Gazette 17 Jun 2008 p. 2558.]

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1.	Application for licence	60
2.	Grant of licence to natural person	628
3.	Grant of licence to firm	822
4.	Grant of licence to body corporate	822
5.	Renewal of triennial certificate	404
6.	Grant of certificate of registration	162
7.	Renewal of certificate of registration	132
8.	Inspection of a register	10
9.	Copy (certified or uncertified) or an extract of an individual registration —	
	first page	20
	each subsequent page	2
10.	Copy (certified or uncertified) or an extract of all registrations in a register	278
11.	For the purposes of section 30(2a) (the holding fee)	190

[Schedule 1 inserted in Gazette 17 Jun 2008 p. 2558.]

Schedule 1A — Professional development subjects

[r. 4AB]

[Heading inserted in Gazette 28 Dec 2007 p. 6407.]

1. Agency agreements
2. Auctions
3. Business broking
4. Business management practices
5. Buyer's agents
6. Communication
7. Conflict of interest and disclosure
8. Customer service skills
9. Disciplinary proceedings
10. Law of contracts
11. Managing agency risk
12. Legislation regulating the carrying on of business as an agent in Western Australia
13. Property management
14. Sale and lease of commercial property
15. Sale process
16. Strata management
17. Trust accounting
18. Understanding real estate documents
19. Valid appointment to act

[Schedule 1A inserted in Gazette 28 Dec 2007 p. 6407.]

Schedule 2

[Regulation 7A]

Forms

Form 1

Western Australia

Real Estate and Business Agents Act 1978

[s. 131L(1)]

Real Estate and Business Agents (General) Regulations 1979

[r. 7A]

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

To be completed by applicant and submitted to a lending institution with application for a housing loan.

All details in this application form must be supplied.

1. Particulars of Applicant(s)

Applicant 1.

Please tick (✓): ☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

Surname

Given Names

Previous Name

Occupation

Street Address

Suburb/Town Post Code

Telephone No. (Business) (Home)

..... (Mobile)

Date of Birth/...../.....

Applicant 2. (If applicable)

Please tick (✓): ☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

Surname

Given Names

Previous Name

Occupation

Street Address

Suburb/Town Post Code

Telephone No. (Business) (Home)

..... (Mobile)

Date of Birth/...../.....

2. Particulars of any other dwelling owned or partially owned

Do either of the applicants own or partially own, or have either of the applicants ever owned, or partially owned, any dwelling in Western Australia?

Please tick (✓): ☐ Yes ☐ No

If so, please give particulars of the dwelling(s) and ownership:

.....

.....

3. Particulars of Dwelling to be purchased

Please tick (✓):

Is dwelling complete? ☐ Yes ☐ No Partially erected? ☐ Yes ☐ No

Street Address

Suburb/Town Post Code

Purchase price

Amount of loan

Name of lending institution(s)

Name of real estate agent

4. Particulars of Incidental Expenses

Expense	Amount \$	Carried forward	\$
Stamp duty — transfer — mortgage		Lending institution fees for lodging this application	
Registration fees — transfer — mortgage — caveat		Mortgage guarantee fees or mortgage insurance premium (not house and contents insurance or mortgage protection insurance)	
Conveyancing fees		Inspection fees	
Solicitor's fees		Establishment fees	
Valuation fees			
Sub Total	\$	Total	\$

Declaration

I do solemnly declare that:

- (a) the information provided by me in this application is true and correct;
- (b) I do not intend to lease the dwelling, or permit it to be leased, for the period of 12 months after settlement on its purchase; and
- (c) the dwelling, unless it is a partly built dwelling, is to be used as the principal place of residence of myself and my immediate family for at least the period referred to in paragraph (b) of this declaration.

And I make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

Declared at

Dated this day of 2

Declarant 1.

Declarant 2.
(If applicable)

Before me
[Justice of the Peace, Commissioner for Declarations, or
Authorised Person]

*[Schedule 2 inserted in Gazette 2 Jul 1982 p. 2335-6; amended in
Gazette 30 Dec 1983 p. 5121-2; 30 Sep 1994 p. 4969-72; 25 Jun 1996
p. 2920-2; 27 Jun 1997 p. 3099-101; 8 Feb 2002 p. 599-602.]*

Notes

- ¹ This is a compilation of the *Real Estate and Business Agents (General) Regulations 1979* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Real Estate and Business Agents (General) Regulations 1979</i>	31 Aug 1979 p. 2616-18	1 Sep 1979
<i>Real Estate and Business Agents (General) Amendment Regulations 1980</i>	26 Sep 1980 p. 3312	26 Sep 1980
<i>Real Estate and Business Agents (General) Amendment Regulations 1981</i>	26 Jun 1981 p. 2293	26 Jun 1981
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1981</i>	6 Nov 1981 p. 4526	1 Dec 1981 (see r. 2)
<i>Real Estate and Business Agents (General) Amendment Regulations 1982</i>	2 Jul 1982 p. 2334-6	2 Jul 1982 ²
Reprint of the <i>Real Estate and Business Agents (General) Regulations 1979</i> in <i>Gazette</i> 26 Nov 1982 p. 4667-74 (includes amendments listed above)		
<i>Real Estate and Business Agents (General) Amendment Regulations 1983</i>	21 Oct 1983 p. 4298	1 Jan 1984 (see r. 2)
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1983</i>	30 Dec 1983 p. 5121-2	30 Dec 1983
<i>Real Estate and Business Agents (General) Amendment Regulations 1984</i> ³	21 Dec 1984 p. 4191	21 Dec 1984
<i>Real Estate and Business Agents (General) Amendment Regulations 1985</i>	21 Jun 1985 p. 2262	21 Jun 1985
<i>Real Estate and Business Agents (General) Amendment Regulations 1986</i>	28 Feb 1986 p. 668	28 Feb 1986

Citation	Gazettal	Commencement
<i>Real Estate and Business Agents (General) Amendment Regulations 1986</i>	13 Jun 1986 p. 1997-8	1 Jul 1986 (see r. 2)
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1986</i>	8 Aug 1986 p. 2870-1	1 Feb 1987 (see r. 2)
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 1986</i>	24 Dec 1986 p. 4998	24 Dec 1986
<i>Real Estate and Business Agents (General) Amendment Regulations 1987</i>	8 May 1987 p. 2103	8 May 1987
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1987</i>	4 Sep 1987 p. 3519	4 Sep 1987
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1987</i>	30 Oct 1987 p. 4047	30 Oct 1987
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 1987</i>	18 Dec 1987 p. 4516	18 Dec 1987
<i>Real Estate and Business Agents (General) Amendment Regulations 1988</i>	12 Aug 1988 p. 2770	12 Aug 1988
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1988</i>	2 Sep 1988 p. 3466	2 Sep 1988
<i>Real Estate and Business Agents (General) Amendment Regulations 1989</i>	20 Jan 1989 p. 132	20 Jan 1989
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1989</i>	3 Feb 1989 p. 360	3 Feb 1989
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1989</i>	30 Jun 1989 p. 1979	1 Jul 1989 (see r. 2)

Citation	Gazettal	Commencement
<i>Real Estate and Business Agents (General) Amendment Regulations 1990</i>	15 Jun 1990 p. 2723 (erratum 22 Jun 1990 p. 3034)	15 Jun 1990
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1990</i>	20 Jul 1990 p. 3461	20 Jul 1990
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1990</i>	1 Aug 1990 p. 3652-3	1 Aug 1990
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 1990</i>	26 Oct 1990 p. 5370	26 Oct 1990
<i>Real Estate and Business Agents (General) Amendment Regulations 1991</i>	28 Jun 1991 p. 3119	28 Jun 1991
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1991</i>	13 Dec 1991 p. 6160	13 Dec 1991
<i>Real Estate and Business Agents (General) Amendment Regulations 1992</i>	14 Aug 1992 p. 4011-12	14 Aug 1992
Reprint of the <i>Real Estate and Business Agents (General) Regulations 1979</i> as at 1 Oct 1992 (includes amendments listed above)		
<i>Real Estate and Business Agents (General) Amendment Regulations 1993</i>	30 Nov 1993 p. 6411-12	30 Nov 1993
<i>Real Estate and Business Agents (General) Amendment Regulations 1994</i>	30 Sep 1994 p. 4969-72	6 Oct 1994 (see r. 2)
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1994</i>	9 Dec 1994 p. 6661-2	9 Dec 1994
<i>Real Estate and Business Agents (General) Amendment Regulations 1996</i>	7 Jun 1996 p. 2392	7 Jun 1996
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1996</i>	25 Jun 1996 p. 2917-22	1 Jul 1996 (see r. 2 and <i>Gazette</i> 25 Jun 1996 p. 2902)

Citation	Gazettal	Commencement
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1996</i>	25 Jun 1996 p. 2923-5	1 Jul 1996 (see r. 2 and <i>Gazette</i> 1 Jul 1996 p. 3179)
<i>Real Estate and Business Agents (General) Amendment Regulations 1997</i>	27 Jun 1997 p. 3099-101	1 Jul 1997 (see r. 2)
Reprint of the Real Estate and Business Agents (General) Regulations 1979 as at 28 Nov 1997 (includes amendments listed above)		
<i>Real Estate and Business Agents (General) Amendment Regulations 1998</i>	16 Oct 1998 p. 5733-5	1 Nov 1998 (see r. 2 and <i>Gazette</i> 16 Oct 1998 p. 5729)
<i>Real Estate and Business Agents (General) Amendment Regulations 1999</i>	8 Oct 1999 p. 4782-3	8 Oct 1999
<i>Real Estate and Business Agents (General) Amendment Regulations 2000</i>	18 Feb 2000 p. 913-14	18 Feb 2000
<i>Real Estate and Business Agents (General) Amendment Regulations 2001</i>	6 Nov 2001 p. 5837	6 Nov 2001
<i>Real Estate and Business Agents (General) Amendment Regulations 2002</i>	8 Feb 2002 p. 599-602	8 Feb 2002
Reprint of the Real Estate and Business Agents (General) Regulations 1979 as at 8 Mar 2002 (includes amendments listed above)		
<i>Real Estate and Business Agents (General) Amendment Regulations 2003</i> ^{4, 5}	7 Feb 2003 p. 384-7 (as amended 13 Jan 2004 p. 145-6)	7 Feb 2003
<i>Real Estate and Business Agents (General) Amendment Regulations 2004</i>	13 Jan 2004 p. 145-6	13 Jan 2004
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2004</i>	30 Dec 2004 p. 6924	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Real Estate and Business Agents (General) Amendment Regulations 2006</i>	27 Jun 2006 p. 2269-70	1 Jul 2006 (see r. 2)

Citation	Gazettal	Commencement
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2006</i>	17 Nov 2006 p. 4759-60	17 Nov 2006
<i>Real Estate and Business Agents (General) Amendment Regulations 2007</i>	6 Feb 2007 p. 307-10	6 Feb 2007
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2007</i>	9 Mar 2007 p. 847-8	9 Mar 2007
Reprint 5: The Real Estate and Business Agents (General) Regulations 1979 as at 8 June 2007 (includes amendments listed above)		
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 2007</i>	24 Jul 2007 p. 3659-60	r. 1 and 2: 24 Jul 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jul 2007 (see r. 2(b) and <i>Gazette</i> 25 Jul 2007 p. 3657)
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2007</i>	28 Dec 2007 p. 6403-7	r. 1 and 2: 28 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Dec 2007 (see r. 2(b))
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2008</i>	17 Jun 2008 p. 2557-8	r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Real Estate and Business Agents (General) Amendment Regulations 2008</i>	24 Jun 2008 p. 2886-7	r. 1 and 2: 24 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jun 2008 (see r. 2(b))
<i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2008</i>	23 Dec 2008 p. 5465-7	r. 1 and 2: 23 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Dec 2008 (see r. 2(b))

² The commencement date in r. 2 was of no effect as it was before the date of gazettal.

³ The *Miscellaneous Regulations (Validation) Act 1985* applied to these regulations. It deems the regulations not to have ceased to have effect as a result of the failure to comply with section 42(1) of the *Interpretation Act 1984*, subject to their being laid before the Legislative Assembly. The *Interpretation Act 1984* s. 42(2) then applied as if the words “or if any regulations are not laid before both Houses of Parliament in accordance with subsection (1)” had been omitted.

- ⁴ The *Real Estate and Business Agents (General) Amendment Regulations 2003* r. 4(2) (as amended in *Gazette* 13 Jan 2004 p. 146) reads as follows:

“

- (2) Despite the amendments effected by subregulation (1), examinations referred to in a provision of the *Real Estate and Business Agents (General) Regulations 1979* referred to in column 1 of the Table to this subregulation, as in force immediately before the commencement of these regulations, continue to be prescribed examinations for the purposes of clause 1(a) of the Schedule to the Act until the date specified in column 2 of that Table opposite the reference to the provision.

Table

r. 6(a)(i)	1 Jul 2003
r. 6(a)(ii), (b) or (c)	1 Jan 2004
r. 6(a)(iii)	1 Jan 2006

[Regulation 4(2) amended in *Gazette* 13 Jan 2004 p. 146.]

”.

- ⁵ The *Real Estate and Business Agents (General) Amendment Regulations 2003* r. 5(2) reads as follows:

“

- (2) Despite the amendment effected by subregulation (1), the qualification referred to in regulation 6A(c) of the *Real Estate and Business Agents (General) Regulations 1979*, as in force immediately before the commencement of these regulations, continues to be a prescribed qualification for the purposes of section 47(2) of the Act in respect of an application for registration as a real estate and business sales representative made under the Act on or before 1 January 2004.

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