



Western Australia

Housing Regulations 1980

Compare between:

[12 Jun 2009, 01-c0-02] and [01 Jul 2009, 01-d0-03]

Western Australia

Housing Act 1980

Housing Regulations 1980

1. Citation

These regulations may be cited as the *Housing Regulations 1980*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Housing Act 1980* comes into operation¹.

3. Repeal

The *State Housing Act Regulations*², as amended are hereby repealed.

4. Definition

In these regulations *the Act* means the *Housing Act 1980*.

5. Common Seal

- (1) In this regulation *Common Seal* means the Common Seal of the Authority.
- (2) The Common Seal shall bear the name of the Authority within 2 concentric circles.
- (3) The Common Seal shall not be affixed to a document except in the presence of the chief executive officer of the Authority or 2 other officers of the Authority who may be appointed for that purpose by the Authority from time to time.

- (4) The Common Seal shall remain in the custody of the person appointed for that purpose by the Authority from time to time.
[Regulation 5 amended in Gazette 30 Jun 2006 p. 2361.]

6. Interest on loans made under 1978 agreement

- (1) In this regulation —
home purchaser has the same meaning as that expression has in clause 24 of the agreement;
the agreement means the agreement referred to in the *Housing Agreement (Commonwealth and State) Act 1973*³, as amended, as the second supplemental agreement.
- (2) The object of this regulation is to enable the Authority, as a lending authority of the State approved by the Minister for the purposes of clause 24 of the agreement, to on-lend moneys to home purchasers at rates of interest consistent with those applicable under clause 25 of the agreement.
- (3) Notwithstanding section 33 or 42 of the Act when moneys lent to the Authority pursuant to clause 24 of the agreement are used to grant financial assistance to a home purchaser the contract of sale, mortgage or other instrument relating to the transaction shall —
- (a) specify such rate of interest being —
 - (i) not less than 6% per annum; and
 - (ii) not greater than a rate equivalent to 1% per annum below the long term bond rate for the year in which the transaction is entered into, as the Authority considers appropriate having regard to the income of the home purchaser and his family; and
 - (b) provide that the rate of interest shall —
 - (i) increase by ½% per annum at the end of the first financial year that occurs wholly after the transaction is entered into and by ½% per annum

at the end of each subsequent financial year of the transaction until a rate equivalent to 1% per annum below the long term bond rate for a financial year is reached; and

- (ii) thereafter be varied for any financial year of the transaction according to any variation in the long term bond rate for that financial year.

- (4) For the purposes of this regulation the long term bond rate for a year shall be the coupon rate on the longest term security of the last Commonwealth public loan issued prior to 1 May that last occurred prior to that year.

[Regulation 6 amended in Gazette 30 Jun 2006 p. 2361.]

[7. ~~Repealed~~Deleted in Gazette 19 Apr 1984 p. 1114.]

8. Conveyancing fees

The amounts specified in column 3 of the Table are the fees to be paid to the Authority in respect of the corresponding item specified in column 2 of the Table.

Table

Conveyancing fees

Column 1 Item No<u>no.</u>	Column 2 Item	Column 3 Fee \$
	<i>Preparation of documents</i>	
1.	Mortgage	122 <u>128</u>
2.	Contract of Sale	—122
3.	Lease	—43
4.	Amendment of Mortgage/Lease	—43
5.	Amendment of Contract of Sale	—38
<u>62.</u>	Discharge of Mortgage <u>mortgage</u>	48 <u>50</u>

r. 8

Conveyancing fees

Column 1 Item No <u>no.</u>	Column 2 Item	Column 3 Fee \$
7.	Annulment of Contract of Sale	—48
8.	Forfeiture of Lease	—48
9 <u>3.</u>	Caveat	43 <u>45</u>
10 <u>4.</u>	Withdrawal of Caveat <u>caveat</u>	43 <u>45</u>
11 <u>5.</u>	Deed of Covenant <u>co-ownership</u>	56 <u>153</u>
12 <u>6.</u>	Deed of Easement <u>Any other deed</u>	91 <u>95</u>
13.	Deed of Trust	—56
14 <u>7.</u>	Transfer of Land <u>land</u>	153* <u>160</u>
15.	Transfer of Lease	—56
16 <u>8.</u>	Statutory Declaration <u>declaration</u>	36 <u>38</u>
17 <u>9.</u>	Deed of Co-ownership <u>Settlement statement</u>	146 <u>126</u>
18 <u>10.</u>	Any other Document <u>document</u>	56 <u>59</u>
	<i>Miscellaneous</i>	
1.	Application for Assistance	—23
2 <u>1.</u>	Production of Titles <u>titles</u> and other Documents <u>documents</u>	23 <u>24</u>
3.	Search Fees (per item)	—7

* Increasing by \$2 for every \$1 000 above \$10 000.

[Regulation 8 inserted in Gazette 1 Jun 1993 p. 2682; amended in Gazette 13 Apr 1995 p. 1323-4; 16 Jul 1996 p. 3397; 16 Jan 1998 p. 344; 30 Jun 2006 p. 2361; [12 Jun 2009 p. 2115.](#)]

9. Architectural fees

- (1) In respect of an architectural service set out in the Table at the end of this regulation there shall be payable to the Authority such percentage of the estimated cost of construction of the works designed as is set out in that Table in relation to that service —

Table		
Service		% of estimated cost of construction
(a) New design		
(i) Individual Houses		8
(ii) Flats, apartments and town house complexes:		
cost under \$100 000		8
cost \$100 000 to \$200 000		7
cost over \$200 000		6
(b) Repetitive designs		
(i) Individual houses		7
(ii) Flats, apartments and town house complexes:		
cost not over \$200 000		7
cost over \$200 000		6
(c) Additions, renovations and repairs		
(i) Cost under \$200 000		8
(ii) Cost \$200 000 and over		7

- (2) The following fees shall be payable to the Authority by the owner of a house under construction where the services of the Authority, other than services related to designing or quality control, are utilized —

1. Examination and inspection of plans — \$40.00
2. Building inspection — \$20.00 per inspection.

*[Regulation 9 amended in Gazette 19 Apr 1984 p. 1114;
30 Jun 2006 p. 2361.]*

10. Strata management fees

- (1) If the Authority provides management or other services to a strata company in connection with the strata company's powers and duties under the *Strata Titles Act 1985*, the Authority may require the proprietor of a lot in relation to which the strata company was constituted to pay an annual management fee of \$50.00 to the Authority.
- (2) The proprietor of a lot who is required to pay an annual management fee under subregulation (1) shall pay the fee to the Authority.
- (3) In this regulation —
lot, **proprietor** and **strata company** have the same respective meanings as they have in the *Strata Titles Act 1985*.

*[Regulation 10 inserted in Gazette 16 Jul 1996 p. 3398;
amended in Gazette 30 Jun 2006 p. 2361.]*

Notes

¹ This is a compilation of the *Housing Regulations 1980* and includes the amendments made by the other written laws referred to in the following table-^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Housing Regulations 1980</i>	24 Dec 1980 p. 4361-3	1 Jan 1981 (see r. 2 and <i>Gazette</i> 24 Dec 1980 p. 4349)
<i>Housing Amendment Regulations 1984</i>	19 Apr 1984 p. 1114	19 Apr 1984
<i>Housing Amendment Regulations 1986</i>	24 Oct 1986 p. 3958	24 Oct 1986
<i>Housing Amendment Regulations 1993</i>	1 Jun 1993 p. 2682	1 Jul 1993 (see r. 2)
<i>Housing Amendment Regulations 1995</i>	13 Apr 1995 p. 1323-4	13 Apr 1995
<i>Housing Amendment Regulations 1996</i>	16 Jul 1996 p. 3397-8	16 Jul 1996
<i>Housing Amendment Regulations 1997</i>	16 Jan 1998 p. 344	16 Jan 1998
Reprint of the <i>Housing Regulations 1980</i> as at 24 August 2001 (includes amendments listed above)		
<i>Housing Amendment Regulations 2006</i>	30 Jun 2006 p. 2360-1	1 Jul 2006 (see r. 2)

^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Housing Amendment Regulations 2009</i> r. 3 and 4 ⁴	12 Jun 2009 p. 2114-15	r. 1 and 2: 12 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))

² Published in *Gazette* 12 August 1949 p. 2042.

³ Repealed by the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998*.

⁴ ~~On the date as at which this compilation was prepared, the *Housing Amendment Regulations 2009* r. 3 and 4 had not come into operation. They read as follows:~~

~~3. **Regulations amended**~~

~~— These regulations amend the *Housing Regulations 1980*.~~

~~4. **Regulation 8 amended**~~

~~— In regulation 8 delete the Table and insert:~~

Table

Column 1 Item no.	Column 2 Item	Column 3 Fee \$
	<i>Preparation of documents</i>	
1.	Mortgage	128
2.	Discharge of mortgage	50
3.	Caveat	45
4.	Withdrawal of caveat	45
5.	Deed of co-ownership	153
6.	Any other deed	95
7.	Transfer of land	160
8.	Statutory declaration	38
9.	Settlement statement	126
10.	Any other document	59
	<i>Miscellaneous</i>	
1.	Production of titles and other documents	24