

CP301\*

Real Estate and Business Agents Act 1978

## **Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2012**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Real Estate and Business Agents (General) Regulations 1979*.

**4. Schedule 2 Form 1 replaced**

Delete Schedule 2 Form 1 and insert:

**Form 1**

**HOME BUYERS ASSISTANCE ACCOUNT**

**Application for grant for assistance with incidental expenses  
under the *Real Estate and Business Agents Act 1978* section 131L**

**Section A — To be completed by the applicant(s)**

All persons who are purchasing the dwelling must be included in the Application

All sections of this Application form must be completed.

**PARTICULARS OF THE APPLICANT(S)****Applicant 1**Please tick (✓):  Mr  Mrs  Miss  Ms  Other .....

Family Name \_\_\_\_\_

First Given Name \_\_\_\_\_

Other Given Name(s) \_\_\_\_\_

Previous Family Name \_\_\_\_\_

Street Address \_\_\_\_\_

Suburb/Town \_\_\_\_\_ Post Code \_\_\_\_\_

Telephone No. (Bus) \_\_\_\_\_ (Home) \_\_\_\_\_ (Mobile) \_\_\_\_\_

Email \_\_\_\_\_

Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

**Do you own or partially own, or have you ever owned or partially owned, any dwelling in Western Australia?**Please tick (✓):  Yes  No

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**Do you own or partially own, or have you ever owned or partially owned, vacant land in Western Australia?**Please tick (✓):  Yes  No

If "Yes", please give particulars of the vacant land previously owned:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**Applicant 2 (If applicable)**Please tick (✓):  Mr  Mrs  Miss  Ms  Other .....

Family Name \_\_\_\_\_

First Given Name \_\_\_\_\_

Other Given Name(s) \_\_\_\_\_

Previous Family Name \_\_\_\_\_

Street Address \_\_\_\_\_

Suburb/Town \_\_\_\_\_ Post Code \_\_\_\_\_

Telephone No. (Bus) \_\_\_\_\_ (Home) \_\_\_\_\_ (Mobile) \_\_\_\_\_

Email \_\_\_\_\_

Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

**Do you own or partially own, or have you ever owned or partially owned, any dwelling in Western Australia?**

Please tick (✓):  Yes  No

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do you own or partially own, or have you ever owned or partially owned, vacant land in Western Australia?**

Please tick (✓):  Yes  No

If "Yes", please give particulars of the vacant land previously owned:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**1. What is the address of the dwelling purchased?**

Street Address \_\_\_\_\_

Suburb/Town \_\_\_\_\_ Post Code \_\_\_\_\_

**2. What was the purchase price of the dwelling?**

\$ \_\_\_\_\_

**3. Was the dwelling purchased through a licensed real estate agent carrying on business in WA?**

Please tick (✓):  Yes  No

If "Yes", please provide the name and address of the selling real estate agent:

\_\_\_\_\_

\_\_\_\_\_

**4. What is the name and address of the lending institution that provided the loan to purchase the dwelling?**

Name \_\_\_\_\_

Address \_\_\_\_\_

**5. Was the dwelling established or partially built at the time of purchase?**

Please tick (✓):  Yes  No

**6. Do all applicants intend to live in the dwelling for at least 12 months after settlement on purchase of the established dwelling or completion of the partially built dwelling?**

Please tick (✓):  Yes  No

**7. Is there an existing tenancy agreement in place for the established dwelling purchased?**

Please tick (✓):  Yes  No

If "Yes":

(a) When does the tenancy agreement expire?

\_\_\_/\_\_\_/\_\_\_

(b) Do all applicants intend to live in the dwelling for at least 12 months after expiry of the existing tenancy agreement?

Please tick (✓):  Yes  No

**8. What were your incidental expenses?**

Expense	Amount \$
Settlement / Conveyancing fees	
Stamp duty	
Strata company enquiry fee / section 43 certificate fee	
Landgate transfer registration fee	
Inspection fees	
<b>Total</b>	

**Statutory Declaration**

I/We,

\_\_\_\_\_  
*[name, and address of applicant 1 making the declaration]*

\_\_\_\_\_  
*[name and address of applicant 2 making the declaration]*

sincerely declare as follows —

The information provided by me/us in this Home Buyers Assistance Account Application is true and correct.

This declaration is true and I/we know that it is an offence to make a declaration knowing that it is false in a material particular.

**Applicant 1**

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at

\_\_\_\_\_ on \_\_\_/\_\_\_/\_\_\_ by \_\_\_\_\_  
*Place Date Signature of applicant 1 making the declaration*

In the presence of:

\_\_\_\_\_  
*Signature of authorised witness*

\_\_\_\_\_  
*Name of authorised witness*

\_\_\_\_\_  
*Qualifications as such a witness*

**Applicant 2 (If applicable)**

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at

\_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_ by \_\_\_\_\_  
*Place Date Signature of applicant 1 making the declaration*

In the presence of:

_____	_____	_____
<i>Signature of authorised witness</i>	<i>Name of authorised witness</i>	<i>Qualifications as such a witness</i>

**AUTHORITY TO RELEASE PERSONAL INFORMATION**

I \_\_\_\_\_ of \_\_\_\_\_  
*[Name and address of applicant 1]*

I \_\_\_\_\_ of \_\_\_\_\_  
*[Name and address of applicant 2]*

being the applicant(s) for assistance from the Home Buyers Assistance Account under the *Real Estate and Business Agents Act 1978*

**AUTHORISE** the Chief Executive Officer of the Department of Commerce, or persons that he or she may direct, to make such further enquiries as deemed necessary to assess this Application under the Act. My general consent includes specifically authorising the Chief Executive Officer, or persons that he or she may direct, to obtain on my behalf from any relevant agency any information that may be necessary to assist with the assessment. I acknowledge that the Chief Executive Officer, or persons that he or she may direct, can use any or all of the information or documentation received pursuant to this authority for the purpose of assessing this Application.

\_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Signature of applicant 1 making the declaration Date*

\_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Signature of applicant 2 making the declaration Date*

**Section B — To be completed by the lending institution**

(The lender is the party that actually provides the loan, not the agent/broker who arranged the loan)

**Applicant 1**

Full name \_\_\_\_\_

**Applicant 2 (If applicable)**

Full name \_\_\_\_\_

Loan BSB and account number \_\_\_\_\_

Name of lending institution \_\_\_\_\_

Address \_\_\_\_\_

Suburb/Town \_\_\_\_\_ Postcode \_\_\_\_\_

Business Telephone No. \_\_\_\_\_

Business Fax No. \_\_\_\_\_

**Further incidental expenses associated with the loan**

Expense	Amount \$
Mortgage registration fees	
Caveat registration fees	
Bank's solicitor fees	
Valuation fees	
Lending institution fees for lodging this Application	
Mortgage guarantee fees or mortgage insurance premium ( <b>not house and contents insurance or mortgage protection insurance</b> )	
Loan Establishment fees	
<b>Total</b>	

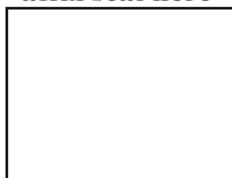
Having approved a loan to assist the applicant(s) to purchase a dwelling we:

- (a) hereby lodge the Application for a grant to cover the whole or part of the amount of incidental expenses in connection with the purchase; and
- (b) advise that the details disclosed in the Application in relation to our arrangements and the incidental expenses, to the best of our knowledge and involvement, are correct.

\_\_\_\_\_  
*Signature of authorised officer of  
lending institution*

\_\_\_\_\_  
*Name of officer of lending institution  
(please print)*

\_\_\_\_\_  
*Title of authorised officer of lending institution*

**affix seal here**

**5. Schedule 3 amended**

In Schedule 3 after the item relating to section 70(3) insert:

s. 70(8)	Failing to deliver a termination audit report	\$600
s. 86	Failing to lodge a statutory declaration in relation to the audit of trust accounts	\$200

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.