

CE301\*

Real Estate and Business Agents Act 1978

## **Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2007**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2007*.

### **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. The regulations amended**

The amendments in these regulations are to the *Real Estate and Business Agents (General) Regulations 1979*.

### **4. Regulation 2 amended**

Regulation 2 is amended by inserting in the appropriate alphabetical positions —

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**“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);

**“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*;

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## **5. Regulation 4AA replaced by regulations 4AA and 4AB**

Regulation 4AA is repealed and the following regulations are inserted instead —

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### **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.

#### **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 referred to in subregulation (3) in respect of each subject approved under subparagraph (i);
  - and
  - (b) may approve one or more educational activity 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 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.
- (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) may apply in relation to all licensees to whom regulation 4AA applies, or to any class of such licensees.

**6. Schedule 1A replaced**

Schedule 1A is repealed and the following Schedule is inserted instead —

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**Schedule 1A — Professional development subjects**

[r. 4AB]

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

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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