

— PART 1 —

CONSUMER & EMPLOYMENT PROTECTION

CE301*

Real Estate and Business Agents Act 1978

Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2009*.

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. Regulations 14 and 15 inserted

After regulation 13 insert:

14. Infringement notices

- (1) The offences specified in Schedule 3 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 3 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).
- (3) The Board may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (4) The Board is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

15. Forms

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

5. Schedule 2 amended

(1) In Schedule 2 delete:

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**

and insert:

Schedule 2 — Forms

[r. 15]

**Form 1 — Application for grant for assistance with incidental expenses
under the *Real Estate and Business Agents Act 1978* section 131L***Real Estate and Business Agents Act 1978*

(2) At the end of Schedule 2 insert:

Form 2 — Infringement notice

<i>Real Estate and Business Agents Act 1978</i>		Infringement notice no.	
Infringement notice			
Alleged offender	Name: Family name _____		
	Given names _____		
	or	Company name _____	
	ACN _____		
Address _____			
Postcode _____			
Alleged offence	Description of offence _____		
<i>Real Estate and Business Agents Act 1978</i> s.			
<i>Real Estate and Business Agents (General) Regulations 1979</i> r.			
Date	/	/20	Time a.m./p.m.
Modified penalty \$ _____			

Officer issuing notice	Name
	Signature
	Office
Date	Date of notice / /20
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to 'Approved Officer — <i>Real Estate and Business Agents Act 1978</i>') to the following address:</p> <p>Approved Officer Real Estate and Business Agents Supervisory Board [Address]</p> <p>In person: Pay the cashier at:</p> <p>Real Estate and Business Agents Supervisory Board [Address]</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended.</p>
	If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.
	If you want this matter to be dealt with by prosecution in court , sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.

Form 3 — Withdrawal of infringement notice

<i>Real Estate and Business Agents Act 1978</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or	Company name _____
	ACN	
	Address _____	
	Postcode	
Infringement notice	Infringement notice no.	
	Date of issue	/ /20

Offences under <i>Real Estate and Business Agents Act 1978</i>		Modified Penalty
s. 37(2)	Failing to have qualified manager at branch office	\$200
s. 37(3)	Branch manager acting for more than one licensee or as an agent on own account	\$400
s. 40(1)(a)	Carrying on business under a name not endorsed on triennial certificate	\$200
s. 40(1)(b)	Failing to include surname and initials of licensee on all business correspondence	\$200
s. 40(3)	Failing to notify Registrar of alteration of business name	\$200
s. 41(1)(a)	Failing to display official details at registered office	\$400
s. 41(1)(b)	Failing to display official details at branch office	\$400
s. 41(2)(a)	Failing to display official details on all correspondence and documents from registered office	\$400
s. 41(2)(b)	Failing to display official details on all correspondence and documents from branch office	\$400
s. 51(1)	Failing to notify Registrar of commencing or ceasing employment, or to act, as a sales representative	\$400
s. 70(1)	Failing to cause audit of trust account	\$600
s. 70(3)	Failing to deliver audit report to the Board	\$600
<i>Offence under Real Estate and Business Agents (General) Regulations 1979</i>		Modified Penalty
r. 8	Failing to notify Registrar of change in particulars	\$20

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.