

CE301*

Real Estate and Business Agents Act 1978

Real Estate and Business Agents (General) Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations 2007*.

2. The regulations amended

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

[* Reprinted as at 8 March 2002.

For amendments to 10 January 2007 see Western Australian Legislation Information Tables for 2005, Table 4, and Gazette 27 June and 17 November 2006.]

3. Regulation 4AA inserted

After regulation 4A the following regulation is inserted —

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4AA. Prescribed educational requirements for agents

- (1) It is a prescribed educational requirement for the purposes of section 31(3)(b) of the Act that the licensee, or if the licensee is a body corporate, each person concerned in the management or conduct of the body corporate, has undertaken, during the preceding period —
 - (a) an educational activity, approved under subregulation (3), for each of the subjects listed in Schedule 1A Division 1; and

- (b) an educational activity, approved under subregulation (3), for any of the subjects listed in Schedule 1A Division 2,

so that the total value of the activities undertaken, calculated in accordance with subregulations (7) and (8), is 10 points or more.

- (2) In subregulation (1) —
“preceding period” means the 3 years preceding the day on which the triennial certificate for which the licensee is seeking renewal, expired or is due to expire.
- (3) For each subject listed in Schedule 1A Divisions 1 and 2, the Board is to approve one or more of the following educational activities as activities that may be undertaken for the purposes of subregulation (1) —
 - (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;
 - (c) viewing of a specified recording;
 - (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.
- (4) In subregulation (3) —
“specified” means specified by the Board in the notice published under subregulation (5).
- (5) The Board is to publish notice of an approval under subregulation (3) on its website.
- (6) An approval under subregulation (3) may apply in relation to all licensees or to any class of licensees.
- (7) The value of an educational activity is measured in points and points accrue at the rate of —
 - (a) 0.5 points per half hour spent engaged in an activity of a kind referred to in subregulation (3)(a) or (b); and
 - (b) 0.5 points per hour spent engaged in an activity of a kind referred to in subregulation (3)(c) or (d).

- (8) The maximum number of points that a person can accrue in a year by undertaking educational activities of a kind referred to in subregulation (3)(c) or (d) is —
- (a) 6 points if the person's principal place of business is more than 100 km from Perth, Kalgoorlie, Geraldton, Albany, Bunbury and Busselton; or
 - (b) 3 points in any other case.

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4. Schedule 1A inserted

After Schedule 1 the following Schedule is inserted —

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Schedule 1A — Professional development subjects

[r. 4AA]

Division 1 — Mandatory professional development subjects

1. Valid appointments
2. Conflicts of interest and disclosures
3. Reconciliation of trust accounts

Division 2 — Elective professional development subjects

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.
