

Western Australia

Housing Act 1980

Housing Regulations 1980

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Notes

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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The *State Housing Act Regulations*², as amended are hereby repealed.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 Commission.
- (2) The Common Seal shall bear the name of the Commission within 2 concentric circles.
- (3) The Common Seal shall not be affixed except pursuant to a resolution of the Commission and in the presence of 2 persons who may be appointed for that purpose by the Commission from time to time.

- (4) The Common Seal shall remain in the custody of the person appointed for that purpose by the Commission from time to time.

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 Commission, 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 Commission 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 Commission 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.

[7. *Repealed 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 Commission in respect of the corresponding item specified in column 2 of the Table.

Table		
Conveyancing fees		
Column 1	Column 2	Column 3
Item No.	Item	Fee \$
<i>Preparation of documents</i>		
1.	Mortgage	122
2.	Contract of Sale	122
3.	Lease	43
4.	Amendment of Mortgage/Lease	43
5.	Amendment of Contract of Sale	38
6.	Discharge of Mortgage	48
7.	Annulment of Contract of Sale	48
8.	Forfeiture of Lease	48
9.	Caveat	43
10.	Withdrawal of Caveat	43
11.	Deed of Covenant	56
12.	Deed of Easement	91
13.	Deed of Trust	56
14.	Transfer of Land	153*

Conveyancing fees		
Column 1	Column 2	Column 3
Item No.	Item	Fee \$
15.	Transfer of Lease	56
16.	Statutory Declaration	36
17.	Deed of Co-ownership	146
18.	Any other Document	56
Miscellaneous		
1.	Application for Assistance	23
2.	Production of Titles and other Documents	23
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.]

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 Commission 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		% of estimated cost of construction
Service		
(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		

Service	% of estimated cost of construction
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 Commission by the owner of a house under construction where the services of the Commission, 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.]

10. Strata management fees

(1) If the Commission 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 Commission 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 Commission.

(2) The proprietor of a lot who is required to pay an annual management fee under subregulation (1) shall pay the fee to the Commission.

(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.]

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.

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)		

- ² Published in *Gazette* 12 August 1949 p. 2042.
- ³ Repealed by the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998*.