
FAIR TRADING

FT301*

Real Estate and Business Agents Act 1978

**Real Estate and Business Agents (General)
Amendment Regulations 1998**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Real Estate and Business Agents (General) Amendment Regulations 1998*.

2. Commencement

These regulations come into operation on the day on which the *Real Estate and Business Agents Amendment Act 1998* comes into operation.

3. Regulation 6BA inserted

After regulation 6B of the *Real Estate and Business Agents (General) Regulations 1979** the following regulation is inserted —

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6BA. Requirements for appointment to act as an agent

- (1) If an amount is not fixed under section 61(1) of the Act, an appointment to act as an agent —
 - (a) where the commission, reward or other valuable consideration to be received by the agent for the services rendered by the agent is expressed as a percentage, is to clearly set out the basis (e.g. selling price, gross rental) on which the percentage is to be calculated;
 - (b) where —
 - (i) the appointment is to act as an agent in a transaction as defined in section 61(4a) of the Act; and
 - (ii) the commission, reward or other valuable consideration to be received by the agent for the services rendered is expressed as an hourly, weekly or other periodic rate,
is to specify the maximum amount to be received by the agent, expressed as a monetary amount;
 - (c) where the consideration to be received by the agent for the services rendered by the agent is based on the use by a person of certain services provided by the agent, is to provide a full explanation of the nature of the services so provided; and
 - (d) where any expenses (in addition to the commission, reward or other valuable consideration) are to be received by the agent, is to —
 - (i) specify the nature of those expenses; and
 - (ii) clearly set out the method by which the expenses will be calculated.
- (2) If an amount is not fixed under section 61(1) of the Act, an appointment to act as an agent by a person for whom services are to be rendered is to contain, immediately

before the statement of the commission, reward or other valuable consideration to be received by the agent, a statement that the commission, reward or consideration is not to be received pursuant to a scale fixed by law but is to be agreed upon between the person and the agent.

- (3) An appointment to act as an agent is to include a statement in clear, concise and plain English to the effect that the person for whom the services are to be rendered by the agent (e.g. the vendor or landlord) may seek assistance from the Real Estate and Business Agents Supervisory Board in relation to disputes as to the commission, reward or other valuable consideration to be received by the agent.

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[* Reprinted as at 28 November 1997.]

By Command of the Governor,

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