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REAL ESTATE AND BUSINESS AGENTS ACT 1978
**REAL ESTATE AND BUSINESS AGENTS (GENERAL) AMENDMENT
REGULATIONS (No. 2) 1996**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1996*.

Commencement

2. These regulations come into operation on the day on which Part 8 of the *Business Licensing Amendment Act 1995* comes into operation.

Principal regulations

3. In these regulations the *Real Estate and Business Agents (General) Regulations 1979** are referred to as the principal regulations.

[* Reprinted as at 1 October 1992.

For amendments to 7 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, p. 233.]

Regulation 4 amended

4. Regulation 4 of the principal regulations is amended —

- (a) by inserting after the regulation designation “4.” the subregulation designation “(1)”; and
- (b) by inserting the following subregulation —

“

(2) If a certificate of registration is renewed in accordance with section 49 of the Act after the day on which the certificate expired, a late fee equal to one quarter of the fee specified in item 7 of Schedule 1 for the renewal of the certificate is payable in addition to that specified fee.

”

Regulations 4A and 4B inserted

5. After regulation 4 of the principal regulations the following regulations are inserted —

“

Holding fee

4A. (1) In this regulation —

“**holding fee**” means the fee set out in item 13 of Schedule 1 and referred to in section 30 (2a) (b) of the Act.

(2) The holding fee is payable —

- (a) in the case of a licensee who, on the coming into operation of Part 8 of the *Business Licensing Amendment Act 1995*, holds a licence but does not hold a triennial certificate in respect of the licence, within 60 days after the coming into operation of that Part, and triennially after that payment; or
- (b) in any other case, within 60 days after a licensee ceases to hold a current triennial certificate in respect of the licence held by the licensee, and triennially after that payment.

(3) The Board may refund to a licensee —

- (a) two-thirds of the holding fee paid by the licensee if the licensee is granted a triennial certificate less than one year after paying the holding fee; or
- (b) one-third of the holding fee paid by the licensee if the licensee is granted a triennial certificate one year or more, but less than 2 years, after paying the holding fee.

Prescribed periods

4B. (1) For the purposes of section 48 (1) and (2) of the Act, the prescribed period is 3 years.

(2) For the purposes of section 49 (2) of the Act, the prescribed period is 3 years.

”

Schedule 1 amended**6.** Schedule 1 of the principal regulations is amended —

- (a) after the heading “**SCHEDULE 1**”, by deleting “[Reg 4.]” and substituting the following —

“ [Regs. 4 and 4A] ”;

- (b) in item 6, by deleting “66” and substituting the following —

“ 132 ”;

- (c) in item 7, by deleting “66” and substituting the following —

“ 132 ”; and

- (d) by inserting after item 12 the following item —

“

13. For the purposes of section 30 (2a) 150
(the holding fee)

”.

By His Excellency’s Command,

J. PRITCHARD, Clerk of the Council.
