



Western Australia

Real Estate and Business Agents Act 1978

Real Estate and Business Agents (General) Regulations 1979

Real Estate and Business Agents (General) Regulations 1979

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Defined terms

Real Estate and Business Agents (General) Regulations 1979

1. Citation

These regulations may be cited as the *Real Estate and Business Agents (General) Regulations 1979*.

2. Terms used

- (1) In these regulations, unless the contrary intention appears —
- approved CPD activity*** means an educational activity approved for a calendar year under regulation 4AC(1) or (2);
- calendar year*** means a period of 12 months beginning on 1 January;
- continuing professional development activity*** means —
- (a) the successful completion of the modules under regulation 6A(3)(a); or
 - (b) in 2021 — the successful completion of the modules under regulation 6A(3)(b); or
 - (c) an approved CPD activity;
- CPD subject*** means a continuing professional development subject listed in Schedule 1A;
- designated period*** means the period —
- (a) beginning on the day on which the *Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 58 comes into operation; and
 - (b) ending on 31 March 2021;
- educational activity*** —

- (a) means an activity that relates to a CPD subject that is —
 - (i) delivered in person, electronically or by audio or audiovisual means; or
 - (ii) a recording;and
- (b) includes —
 - (i) a course of study; and
 - (ii) the successful completion of any assessment required by the activity;

mandatory CPD activity means an approved CPD activity specified by the Commissioner under regulation 4AC(4) as a mandatory CPD activity for a regulated person for a calendar year;

point value, in relation to a continuing professional development activity, means —

- (a) for an approved CPD activity — the point value approved by the Commissioner for the activity under regulation 4AC(1) or (2); or
- (b) in any other case — 7 points;

record means a record under section 69(1)(b) of the Act;

register means the register referred to in regulation 7(b);

registered training provider has the same meaning as in section 5(1) of the *Vocational Education and Training Act 1996*;

regulated person means a licensee who is an individual, or a sales representative;

restricted certificate (property management) means a certificate of registration that is subject to a special condition restricting the sales representative to property management transactions only;

restricted certificate (sales) means a certificate of registration that is subject to a special condition restricting the sales representative to sales transactions only;

unrestricted certificate means a certificate of registration that is neither a restricted certificate (property management) nor a restricted certificate (sales);

working day means a day that is not a Saturday, Sunday, public holiday or public service holiday.

- (2) In these regulations a reference to the examinations required to be passed for the conferral of a particular degree or qualification is a reference to the examinations that are or were required to be passed for the conferral of that degree or qualification at any time when it is or was conferred.
- (3) In these regulations a reference to a registered qualification, a training package or a module of a training package is a reference to a registered qualification, training package or module of a training package that is —
 - (a) recorded on the National Register on Vocational Education and Training managed by the Department of Education, Skills and Employment of the Commonwealth; and
 - (b) provided by a registered training provider.

[Regulation 2 inserted: Gazette 25 Jun 1996 p. 2918; amended: Gazette 7 Feb 2003 p. 385; 28 Dec 2007 p. 6403-4; 17 Apr 2009 p. 1319-21; 30 Jun 2011 p. 2671; 24 Dec 2019 p. 4417-18; SL 2020/196 r. 56; SL 2020/209 r. 4; SL 2020/257 r. 4.]

[3. Deleted: Gazette 30 Jun 2011 p. 2669.]

3A. Prescribed duty (Act s. 4(4)(d))

For the purposes of section 4(4)(d) of the Act the prescribed duty is collecting a payment on behalf of the owner of premises from a person in respect of the right of that person to occupy the premises.

[Regulation 3A inserted: Gazette 24 Jul 2007 p. 3660.]

4. Fees (Sch. 1)

- (1) The fees set out in Schedule 1 shall be payable in respect of the matters prescribed in that Schedule.
- (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.

*[Regulation 4 amended: Gazette 2 Jul 1982 p. 2334;
25 Jun 1996 p. 2924.]*

4A. Holding fee

- (1) In this regulation —
holding fee means the fee set out in Schedule 1 item 12 and referred to in section 30(2a)(b) of the Act.
- (2) The holding fee is payable —
 - (a) on or before the day that is 60 days after the day on which a licensee ceases to hold a current triennial certificate in respect of their licence; and
 - (b) subsequently at 3-year intervals on or before the day in that year that is 30 days after the anniversary of the day on which the licensee pays the holding fee under paragraph (a).
- (3) The Commissioner 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.

*[Regulation 4A inserted: Gazette 25 Jun 1996 p. 2924;
amended: Gazette 17 Jun 2008 p. 2558; 30 Jun 2011 p. 2671;
18 Jun 2019 p. 2110; SL 2020/257 r. 5.]*

4AAA. Refund of fees in response to COVID-19 pandemic

- (1) In this regulation —
commencement day means the day on which the *Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 58 comes into operation;
designated fee means a fee set out in Schedule 1 as in force on 1 April 2020;
reduced fee means a fee set out in Column 2 of Schedule 1.
- (2) This regulation applies if —
 - (a) a person paid a designated fee during the period beginning on 1 April 2020 and ending on the day before commencement day; and
 - (b) the designated fee is greater than the corresponding reduced fee.
- (3) The Commissioner must refund to the person an amount equal to the difference between the designated fee and the corresponding reduced fee.
- (4) However, subregulation (3) does not require the Commissioner to refund an amount in respect of a fee or a part of a fee that has been refunded under regulation 4A(3).

[Regulation 4AAA inserted: SL 2020/196 r. 57.]

4AA. Educational requirements (Act s. 40B and 50C)

- (1) For the purposes of sections 40B and 50C of the Act, the prescribed educational requirements for a regulated person for a calendar year are that the person complete continuing professional development activities that —
 - (a) have a combined point value of at least 10 points; and

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- (b) include any mandatory CPD activities for the regulated person for the calendar year.
- (2) A regulated person is taken to have complied with subregulation (1) for a calendar year if the person is —
 - (a) a licensee to whom both of the following apply —
 - (i) the licensee's licence is granted between 1 October and 31 December of the calendar year;
 - (ii) the licensee completed a prescribed examination for the grant of the licence in the 12 months immediately before the day on which the licence is granted;
 - or
 - (b) a sales representative whose certificate of registration was granted between 1 October and 31 December of the calendar year; or
 - (c) a regulated person —
 - (i) to whom the Commissioner grants an exemption under regulation 4AB from all or part of the education requirements for the calendar year; and
 - (ii) who complies with the requirements of the exemption.
- (3) If a regulated person commences an educational activity in a calendar year before the Commissioner's approval of the activity as an approved CPD activity takes effect under regulation 4AC, the regulated person is taken not to have completed the activity for the purposes of subregulation (1).

[Regulation 4AA inserted: SL 2020/257 r. 6.]

4AB. Exemption from educational requirements

- (1) A regulated person (the *applicant*) may apply to the Commissioner for a total or partial exemption from the education requirements under regulation 4AA(1) for a calendar year.

- (2) The application for the exemption must —
 - (a) be made in the calendar year to which the application relates; and
 - (b) set out in sufficient detail —
 - (i) the exemption applied for, including whether the application is for a total or partial exemption; and
 - (ii) the basis upon which the exemption is being sought;
 - and
 - (c) otherwise be in the approved form.
- (3) The Commissioner may grant the applicant the exemption if the Commissioner considers it appropriate to do so.
- (4) Without limiting subregulation (3), the Commissioner may grant the applicant the exemption if, during the calendar year to which the application relates, the applicant —
 - (a) has a disability or is affected by illness or injury; or
 - (b) has undertaken other educational or professional activities; or
 - (c) would suffer undue hardship if required to comply with the educational requirements.
- (5) The Commissioner may grant the exemption subject to conditions.
- (6) The Commissioner must give the applicant a notice in writing setting out —
 - (a) the Commissioner's decision on the application; and
 - (b) if the decision is to grant the exemption —
 - (i) whether the exemption is a total or partial exemption; and
 - (ii) if the exemption is a partial exemption — the educational requirements the applicant must comply with; and

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- (iii) any conditions to which the exemption is subject.

[Regulation 4AB inserted: SL 2020/257 r. 6.]

4AC. Commissioner to approve continuing professional development activities

- (1) Before 1 January of a calendar year, the Commissioner must —
- (a) by written notice, approve educational activities as approved CPD activities for the year for —
 - (i) all regulated persons; or
 - (ii) particular regulated persons or classes of regulated persons;
 - and
 - (b) approve a point value for undertaking each approved CPD activity; and
 - (c) ensure that the approved CPD activities for each regulated person have a combined point value of at least 10 points.
- (2) After 1 January of a calendar year, the Commissioner —
- (a) may, by written notice, approve an educational activity as an approved CPD activity for the year for —
 - (i) all regulated persons; or
 - (ii) particular regulated persons or classes of regulated persons;
 - and
 - (b) must approve a point value for undertaking the approved CPD activity.
- (3) The Commissioner may approve —
- (a) an approved CPD activity for particular regulated persons or classes of regulated persons; and

- (b) a different point value for an approved CPD activity for particular regulated persons or classes of regulated persons.
- (4) The Commissioner may specify, by written notice, an approved CPD activity as a mandatory CPD activity for a calendar year for —
 - (a) all regulated persons; or
 - (b) particular regulated persons or classes of regulated persons.
- (5) A written notice made under this regulation must —
 - (a) if the notice is made under subregulation (1) or (2) — set out the point value for undertaking each activity; and
 - (b) be published on a website maintained by the Commissioner; and
 - (c) specify the date on which the notice takes effect (which must not be a date earlier than the day on which the notice is published).

[Regulation 4AC inserted: SL 2020/257 r. 6.]

4AD. Commissioner to publish list of continuing professional development activities on website

The Commissioner must maintain a list of continuing professional development activities on a website maintained by the Commissioner, including —

- (a) the approved CPD activities for a calendar year for regulated persons; and
- (b) the CPD subject to which each approved CPD activity relates; and
- (c) any mandatory CPD activities approved for regulated persons for the calendar year; and
- (d) the point value for each continuing professional development activity for regulated persons.

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[Regulation 4AD inserted: SL 2020/257 r. 6.]

4B. Prescribed periods (Act s. 48(1), (2) and 49(2))

- (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.

[Regulation 4B inserted: Gazette 25 Jun 1996 p. 2924.]

[5. Deleted: Gazette 18 Nov 2014 p. 4324.]

6. Prescribed examinations for licence applicants (Act Sch. 1 cl. 1(a))

- (1) The prescribed examinations for the purposes of Schedule 1 clause 1(a) of the Act are —
 - (a) the examinations required to be passed for the conferral by Curtin University of any of the following degrees or diplomas —
 - (i) Bachelor of Commerce (Property and Marketing);
 - (ii) Bachelor of Commerce (Property);
 - (iii) Bachelor of Commerce (Property and Finance);
 - (iv) Bachelor of Commerce (Property Development and Valuation);
 - (v) Bachelor of Commerce (Property Valuation);
 - (vi) Master of Property;
 - (vii) Graduate Diploma in Property;
 - or
 - (b) the examinations required to be passed for the conferral of a Diploma of Property Services (Agency Management) registered qualification CPP50307; or

- (c) the examinations required to be passed for the conferral of a Diploma of Property (Agency Management) registered qualification CPP51119, together with any additional examinations prescribed for the applicant under subregulation (2); or
 - (d) for an applicant who was a licensee and who ceased to be licensed under section 30(2a) of the Act, the examinations which were prescribed under regulation 6 of these regulations immediately before the commencement of the *Real Estate and Business Agents (General) Amendment Regulations 2003*.
- (2) Additional examinations are prescribed for an applicant mentioned in subregulation (1)(c) as shown in the Tables to this regulation according to the certificate of registration that the applicant holds.

Table 1 — Additional prescribed examinations

| Kind of certificate held | Additional prescribed examinations |
|---|--|
| Unrestricted certificate acquired by completing the qualification prescribed in regulation 6A(3)(a) | No additional examinations |
| Any other unrestricted certificate | <p>Either:</p> <ol style="list-style-type: none"> 1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows — <ol style="list-style-type: none"> (a) each of the modules indicated as mandatory in Column 1; |

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| Kind of certificate held | Additional prescribed examinations |
|--|---|
| | <p>(b) any 3 of the modules indicated as elective in Column 1;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p> |
| Restricted certificate (property management) | <p>Either:</p> <p>1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —</p> <p>(a) each of the modules indicated as mandatory in Column 2;</p> <p>(b) any 3 of the modules indicated as elective in Column 2;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p> |
| Restricted certificate (sales) | Either: |

| Kind of certificate held | Additional prescribed examinations |
|--------------------------------|---|
| | <ol style="list-style-type: none"> 1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package which would be the prescribed qualification under regulation 6A(3)(a) if the applicant were applying for an unrestricted certificate; or 2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307. |
| No certificate of registration | The examinations required to be passed for successful completion of modules from the CPP Property Services Training Package which would be the prescribed qualification under regulation 6A(3)(a) if the applicant were applying for an unrestricted certificate. |

Table 2 — Modules of CPP Property Services Training Package

| | Column 1 | Column 2 |
|------------|--------------|-----------|
| CPPREP4005 | Mandatory | Mandatory |
| CPPREP4103 | Not accepted | Mandatory |

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| | Column 1 | Column 2 |
|------------|-----------------|-----------------|
| CPPREP4104 | Not accepted | Mandatory |
| CPPREP4105 | Not accepted | Mandatory |
| CPPREP4121 | Mandatory | Not accepted |
| CPPREP4122 | Mandatory | Not accepted |
| CPPREP4123 | Mandatory | Not accepted |
| CPPREP4124 | Mandatory | Not accepted |
| CPPREP4125 | Mandatory | Mandatory |
| CPPREP4102 | Elective | Elective |
| CPPREP4201 | Elective | Elective |
| CPPREP4202 | Elective | Elective |
| CPPREP4203 | Elective | Elective |
| CPPREP4204 | Elective | Elective |
| CPPREP5201 | Elective | Elective |

[Regulation 6 inserted: SL 2020/209 r. 5.]

**6A. Prescribed qualifications for certificate applicants
(Act s. 47(2))**

- (1) For a person who applies for a restricted certificate (property management), the prescribed qualification for the purposes of section 47(2) of the Act is —
 - (a) if the application is made on or before 30 September 2021, the successful completion of each of the modules from the CPP07 Property Services

- Training Package indicated as mandatory in Column 1 of Table 1 to this regulation; or
- (b) the successful completion of each of the modules from the CPP Property Services Training Package indicated as mandatory in Column 2 of Table 2 to this regulation.
- (2) For a person who applies for a restricted certificate (sales), the prescribed qualification for the purposes of section 47(2) of the Act is the successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —
- (a) each of the modules indicated as mandatory in Column 1;
 - (b) any 3 of the modules indicated as elective in Column 1.
- (3) For a person who applies for an unrestricted certificate, the prescribed qualification for the purposes of section 47(2) of the Act is the successful completion of —
- (a) modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —
 - (i) each of the modules indicated as mandatory in Column 3;
 - (ii) any 3 of the modules indicated as elective in Column 3;
- or
- (b) if the application is made on or before 30 September 2021 — each of the modules from the CPP07 Property Services Training Package indicated as mandatory in Column 2 of Table 1 to this regulation.

Table 1 — Modules of CPP07 Property Services Training Package

| | Column 1 Applicants for restricted certificate (property management) | Column 2 Applicants for unrestricted certificate |
|-------------|--|--|
| CPPDSM4003A | Not accepted | Mandatory |
| CPPDSM4007A | Mandatory | Mandatory |
| CPPDSM4008A | Not accepted | Mandatory |
| CPPDSM4010A | Mandatory | Not accepted |
| CPPDSM4011A | Mandatory | Not accepted |
| CPPDSM4012A | Not accepted | Mandatory |
| CPPDSM4013A | Mandatory | Not accepted |
| CPPDSM4014A | Not accepted | Mandatory |
| CPPDSM4016A | Mandatory | Not accepted |
| CPPDSM4022A | Not accepted | Mandatory |
| CPPDSM4080A | Mandatory | Mandatory |

Table 2 — Modules of CPP Property Services Training Package

| | Column 1 Applicants for restricted certificate (sales) | Column 2 Applicants for restricted certificate (property management) | Column 3 Applicants for unrestricted certificate |
|------------|--|--|--|
| CPPREP4001 | Mandatory | Mandatory | Mandatory |
| CPPREP4002 | Mandatory | Mandatory | Mandatory |
| CPPREP4003 | Mandatory | Mandatory | Mandatory |
| CPPREP4004 | Mandatory | Mandatory | Mandatory |
| CPPREP4005 | Mandatory | Mandatory | Mandatory |
| CPPREP4101 | Mandatory | Mandatory | Mandatory |
| CPPREP4102 | Mandatory | Mandatory | Mandatory |
| CPPREP4103 | Mandatory | Not accepted | Mandatory |
| CPPREP4104 | Mandatory | Not accepted | Mandatory |
| CPPREP4105 | Mandatory | Not accepted | Mandatory |
| CPPREP4121 | Not accepted | Mandatory | Mandatory |
| CPPREP4122 | Not accepted | Mandatory | Mandatory |
| CPPREP4123 | Not accepted | Mandatory | Mandatory |
| CPPREP4124 | Not accepted | Mandatory | Mandatory |
| CPPREP4125 | Not accepted | Mandatory | Mandatory |

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| | Column 1 Applicants for restricted certificate (sales) | Column 2 Applicants for restricted certificate (property management) | Column 3 Applicants for unrestricted certificate |
|------------|--|--|--|
| CPPREP4201 | Elective | Not accepted | Elective |
| CPPREP4202 | Elective | Not accepted | Elective |
| CPPREP4203 | Elective | Not accepted | Elective |
| CPPREP4204 | Elective | Not accepted | Elective |
| CPPREP5201 | Elective | Not accepted | Elective |

[Regulation 6A inserted: SL 2020/209 r. 5.]

6B. Certificate of registration, grant of (Act s. 47)

The Commissioner may grant a certificate of registration under section 47 of the Act to an applicant —

- (a) who applies within 3 years of successfully completing a qualification prescribed in regulation 6A; or
- (b) who has held a certificate of registration for at least 3 of the 5 years immediately preceding the making of the application; or
- (c) who has passed the examinations prescribed by regulation 6 to qualify for the grant of a licence; or
- (d) who has held a triennial certificate during the 3 years immediately preceding the making of the application.

*[Regulation 6B inserted: Gazette 8 May 1987 p. 2103;
amended: Gazette 30 Oct 1987 p. 4047; 12 Aug 1988 p. 2770;
7 Feb 2003 p. 386-7; 30 Dec 2004 p. 6924; 17 Nov 2006
p. 4760; 30 Jun 2011 p. 2671; 30 Jun 2017 p. 3553;
SL 2020/209 r. 6.]*

6BA. Appointment to act as agent, content of

- (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; and
 - (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; and
 - (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

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- (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 Commissioner in relation to disputes as to the commission, reward or other valuable consideration to be received by the agent.

[Regulation 6BA inserted: Gazette 16 Oct 1998 p. 5734-5; amended: Gazette 30 Jun 2011 p. 2671.]

6BB. Prescribed transaction

For the purposes of the definition of ***prescribed transaction*** in section 61(4a) of the Act, the sale of a lot under a future lot contract (within the meaning of the *Sale of Land Act 1970* section 11) is a prescribed transaction.

[Regulation 6BB inserted: Gazette 30 Jun 2017 p. 3553-4.]

6C. Authorised financial institution (Act s. 67), classes of body prescribed

For the purposes of the definition of ***authorised financial institution*** in section 67 of the Act, the following classes of bodies are prescribed —

- (a) the class that consists of all banks; and
- (b) the class that consists of all societies.

[Regulation 6C inserted: Gazette 25 Jun 1996 p. 2918.]

6D. Trust accounts, designation of (Act s. 68(1))

- (1) For the purposes of section 68(1) of the Act, a trust account is to be designated in the manner provided for in this regulation.
- (2) The designation of a trust account, other than a separate account, is to include —
 - (a) the description “REBA Trust Account”; and
 - (b) the name of the holder of the triennial certificate, and any business name of that holder, recorded in the register; and
 - (c) the letters “TC” followed by the triennial certificate number recorded in the register.
- (3) The designation of a separate account is to include —
 - (a) the description “REBA Trust Account — IB”; and
 - (b) the name of the holder of the triennial certificate, and any business name of that holder, recorded in the register; and
 - (c) the words “in trust for” followed by the name of the person who requested the separate account; and
 - (d) the letters “TC” followed by the triennial certificate number recorded in the register.

[Regulation 6D inserted: Gazette 25 Jun 1996 p. 2918-19; amended: Gazette 30 Jun 2017 p. 3554.]

6E. Separate trust accounts, requests for, requirements prescribed (Act s. 68A(4))

- (1) For the purposes of section 68A(4) of the Act, where the transaction in respect of which moneys are paid relates to the sale of real estate or a business, an agent shall only comply with the request for a separate account if the agent is satisfied that —

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- (a) the amount of moneys paid to the agent exceeds \$20 000; or
 - (b) the transaction is not to be settled within 60 days.
- (2) In subregulation (1) —
business means any commercial undertaking or enterprise in respect of any profession, trade, employment, vocation, or calling.

[Regulation 6E inserted: Gazette 25 Jun 1996 p. 2919.]

6F. Trust accounts, interest on (Act s. 68B(1))

- (1) For the purposes of section 68B(1) of the Act, interest on the balance of a trust account is to be paid —
 - (a) at the rate that is 70% of the relevant bank accepted bills rate calculated on a daily basis; and
 - (b) within 5 working days of the end of each month.
- (2) In subregulation (1)(a) —

relevant bank accepted bills rate means the 30 day bank accepted bills rate as published in Table F.1 of the “Reserve Bank of Australia Bulletin” for the month that is 2 months before the month in respect of which the interest is to be paid.

Note for this subregulation:

For example, the relevant bank accepted bills rate for May is the 30 day bank accepted bills rate for March.

[Regulation 6F inserted: Gazette 25 Jun 1996 p. 2919.]

6G. Receipts by agents, information in (Act s. 69(1)(a))

A receipt given under section 69(1)(a) of the Act shall contain the following information —

- (aa) the heading “Trust Account Receipt”; and
- (a) the name of the holder of the triennial certificate, and any business name of that holder, recorded in the register; and

- (b) a number or letter, or a combination of both, in consecutive order that allows the receipt to be uniquely identified; and
- (c) the date on which the money is received; and
- (d) the name of the person paying the money; and
- (e) the amount of money received; and
- (f) a brief description of the purpose of the payment; and
- (g) if the receipt is hand-written, the name of the person receiving the money evidenced by the signature of that person.

[Regulation 6G inserted: Gazette 25 Jun 1996 p. 2919; amended: Gazette 17 Nov 2006 p. 4760.]

6H. Record keeping requirements

- (1) A record shall be —
 - (a) kept in written form; and
 - (b) kept for a period of not less than 6 years from the date on which the money was received; and
 - (c) readily accessible.
- (2) Where a receipt has been given for money received, a record shall contain the information contained in the receipt and may take the form of a duplicate copy of the receipt.
- (3) Where money has been received by electronic transfer, a record shall contain the information specified in regulation 6G(b), (c), (d), (e) and (f) and, for that purpose, the reference in regulation 6G(b) to “receipt” is to be read as a reference to “record”.

[Regulation 6H inserted: Gazette 25 Jun 1996 p. 2919-20.]

7. Registers (Act s. 133(2))

The prescribed particulars to be recorded, pursuant to section 133(2) of the Act, by the Commissioner —

- (a) in the register of licensees are, in respect of each licensee —
 - (i) the name and address of the licensee;
 - (ii) where the licensee is a firm, the name, address, and, where applicable, licence number of each partner constituting the firm;
 - (iii) where the licensee is a body corporate, the name, address, and, where applicable, licence number of each director of the licensee;
 - (iv) the licence number and the date on which the licence held by the licensee was granted;
 - (v) any special condition to which the licence held by the licensee is subject;
 - (vi) where a claim has been made or sustained against the Fidelity Account in respect of the licensee, a reference to that claim;
- (b) in the register of holders of current triennial certificates are, in respect of each holder —
 - (i) the name and address of the holder;
 - (ii) any business name under which the holder carries on business as an agent;
 - (iii) the situation of the registered office of the holder;
 - (iv) where the holder is a firm, the name, address, and, where applicable, licence number of each partner constituting the firm;
 - (v) where the holder is a body corporate, the name, address and, where applicable, licence number of each director of the holder;
 - (vi) where the holder is a firm or body corporate, the name and address of the person in *bona fide* control of the business of the holder;

- (vii) the licence number, and the date on which the licence held by the holder of the certificate was granted;
- (viii) the certificate number, and the date on which the certificate currently held by the holder was granted or renewed, as the case may be;
- (ix) the name and address of the auditor appointed by the holder;
- (x) the amount of any payment made under section 113 of the Act by the holder;
- (c) in the register of holders of current certificates of registration are, in respect of each holder —
 - (i) the name and address of the holder;
 - (ii) the certificate number and the date on which the certificate currently held by the holder was granted or renewed, as the case may be;
 - (iii) any special condition to which the certificate held by the holder is subject;
 - (iv) the amount of any payment made under section 113 of the Act by the holder;
 - (v) the name and address of the licensee or developer for and on behalf of whom the holder acts or by whom the holder is employed;
 - (vi) the date upon which a holder commenced in that capacity to act for and on behalf of, or be employed by, the licensee or developer referred to in subparagraph (v);
 - (vii) the name and address of every other licensee or developer for and on behalf of whom the holder has acted, or by whom the holder has been employed in that capacity, and the dates on which the holder commenced and ceased to so

r. 7AA

act or be employed by each of them,
respectively.

*[Regulation 7 amended: Gazette 7 Feb 2003 p. 387;
23 Dec 2008 p. 5467; 10 Nov 2009 p. 4495; 30 Jun 2011
p. 2671.]*

7AA. Lending institution (Act s. 131A), classes of body prescribed

For the purposes of the definition of ***lending institution*** in section 131A of the Act, the class consisting of bodies, other than a body referred to in paragraph (a) of that definition, that provide loans to persons in order to assist those persons to purchase a dwelling is prescribed.

*[Regulation 7AA inserted: Gazette 25 Jun 1996 p. 2920;
amended: Gazette 18 Nov 2014 p. 4325.]*

[7A. Deleted: Gazette 24 Dec 2019 p. 4418.]

7B. Maximum amount prescribed (Act s. 131M(3))

For the purposes of section 131M(3) the prescribed maximum amount is \$2 000.

[Regulation 7B inserted: Gazette 30 Sep 1994 p. 4969.]

8. Changes in particulars, licensees to notify Commissioner of

A licensee shall give to the Commissioner notice in writing —

- (a) where the licensee is a body corporate, of any change in the directors of the body corporate;
- (b) where the licensee is a firm and any of the persons by whom or by which it is constituted is a body corporate, of any change in the directors of any such body corporate;

- (c) where the licensee is a firm or body corporate, of any change in the person in *bona fide* control of the business operated under the licence held by the licensee,

within one month of the change.

Penalty: a fine of \$1 000.

[Regulation 8 amended: Gazette 30 Jun 2011 p. 2672;
SL 2020/257 r. 7.]

9. Fees and costs, recovery of

- (1) The amount of —

- (a) any fees prescribed by these regulations;

[(b) deleted]

- (c) any costs ordered by a court or tribunal to be paid to the Commissioner upon the determination of any proceedings,

may be sued for and recovered by the Commissioner on behalf of the Crown in any court of competent jurisdiction.

- (2) Where, upon the determination of any proceedings, a court or tribunal makes an order for costs in favour of a person other than the Commissioner, the amount of those costs may be sued for by that person and recovered from the person against whom the order is made, in any court of competent jurisdiction.

[Regulation 9 amended: Gazette 30 Dec 2004 p. 6924;
30 Jun 2011 p. 2672.]

10. Unsuccessful applicant for licence etc., refund to (Act s. 113)

An amount paid to the chief executive officer under section 113 of the Act in respect of an application referred to in that section shall, where that application does not result in the grant or renewal of a licence, triennial certificate, or certificate of registration, be refunded to the applicant from the Fidelity Account.

*[Regulation 10 amended: Gazette 10 Nov 2009 p. 4495;
30 Jun 2011 p. 2672.]*

**11. Real Estate and Business Agents Interest Account,
application of (Act s. 127)**

For the purposes of section 127 of the Act —

- (a) moneys standing to the credit of the Real Estate and Business Agents Interest Account are to be applied monthly before the end of each month; and
- (b) the following proportions are prescribed —
 - (i) 4.5% to the Fidelity Account; and
 - (ii) 57% to the General Purpose Account; and
 - (iii) 38.5% to the Assistance Account.

*[Regulation 11 inserted: Gazette 25 Jun 1996 p. 2920;
amended: Gazette 6 Nov 2001 p. 5837; 10 Nov 2009 p. 4495-6;
30 Jun 2011 p. 2672.]*

[11A, 11AA and 11B. Deleted: Gazette 25 Jun 1996 p. 2920.]

12. Fidelity Guarantee Account, claims against

A claim against the Fidelity Guarantee Account shall be made in writing and be verified by a statutory declaration made by a person who deposes to the facts therein set out of his own knowledge.

[Regulation 12 amended: Gazette 10 Nov 2009 p. 4495-6.]

13. Codes of conduct prescribed to be published (Act s. 101)

Any code of conduct that the Commissioner may from time to time prescribe pursuant to section 101 of the Act shall be published in the *Government Gazette*.

[Regulation 13 amended: Gazette 30 Jun 2011 p. 2672.]

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 Commissioner 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 Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

[Regulation 14 inserted: Gazette 28 Aug 2009 p. 3348; amended: Gazette 30 Jun 2011 p. 2672.]

15. Forms (Sch. 2)

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

[Regulation 15 inserted: Gazette 28 Aug 2009 p. 3348.]

16. Transitional regulation for *Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2020*

- (1) In this regulation —
commencement day means the day on which the *Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2020* regulation 8 comes into operation;
former regulation 4AA means regulation 4AA as in force immediately before commencement day.
- (2) An approval of a CPD activity, and a point value for the activity, for 2020 made under former regulation 4AA is taken,

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on and from commencement day, to be an approval made under regulation 4AC for 2020.

- (3) If the Commissioner specified a CPD activity as a mandatory CPD activity under former regulation 4AA for 2020 and the specification is in force immediately before commencement day, the mandatory CPD activity is taken, on and from commencement day, to have been specified under regulation 4AC(4) for 2020.

[Regulation 16 inserted: SL 2020/257 r. 8.]

Schedule 1 — Fees

[r. 4, 4A and 4AAA]

[Heading inserted: SL 2020/196 r. 58.]

| Item | Column 1 Description of fee | Column 2 Fee during designated period \$ | Column 3 Fee after designated period \$ |
|------|--|--|---|
| 1. | Application for licence | 54.00 | 81.00 |
| 2. | Grant of licence to individual | 573.00 | 860.00 |
| 3. | Grant of licence to firm | 750.00 | 1 125.00 |
| 4. | Grant of licence to body corporate | 750.00 | 1 125.00 |
| 5. | Renewal of triennial certificate | 474.00 | 711.00 |
| 6. | Grant of certificate of registration | 145.00 | 218.00 |
| 7. | Renewal of certificate of registration | 120.00 | 180.00 |
| 8. | Inspection of a register | — | 11.80 |
| 9. | Issue of duplicate licence, duplicate certificate of registration or duplicate triennial certificate | — | 29.50 |
| 10. | Copy (certified or uncertified) or an extract of an individual registration — | | |
| | (a) first page | — | 12.20 |
| | (b) each subsequent page | — | 2.30 |
| 11. | Copy (certified or uncertified) or an extract of all registrations in a register | — | 121.00 |

| Item | Column 1 Description of fee | Column 2 Fee during designated period \$ | Column 3 Fee after designated period \$ |
|-------------|---|---|--|
| 12. | Fee for the purposes of section 30(2a) of the Act (the holding fee) | 172.00 | 258.00 |

[Schedule 1 inserted: SL 2020/196 r. 58.]

**Schedule 1A — Continuing professional development
subjects**

[r. 2]

*[Heading inserted: Gazette 28 Dec 2007 p. 6407; amended:
SL 2020/257 r. 9.]*

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

[Schedule 1A inserted: Gazette 28 Dec 2007 p. 6407.]

Form 2

Schedule 2 — Forms

[r. 15]

[Heading inserted: Gazette 28 Aug 2009 p. 3349.]

[Form 1 deleted: Gazette 24 Dec 2019 p. 4419.]

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 s.</i> | |
| | <i>Real Estate and Business Agents (General) Regulations 1979 r.</i> | |
| | Date / /20 Time a.m./p.m. | |
| | Modified penalty \$ | |
| Officer issuing notice | Name | |
| | Signature | |
| | Office | |
| Date | Date of notice / /20 | |
| Notice to alleged offender | It is alleged that you have committed the above offence. 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>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 Department of Mines, Industry Regulation and Safety — Consumer Protection Division [Address]</p> <p>In person: Pay the cashier at:</p> <p>Department of Mines, Industry Regulation and Safety — Consumer Protection Division [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, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> |
| | <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.</p> |
| | <p>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.</p> |

[Form 2 inserted: Gazette 28 Aug 2009 p. 3349-50; amended: Gazette 30 Jun 2011 p. 2670; 20 Aug 2013 p. 3839; SL 2020/163 r. 46; SL 2020/257 r. 10.]

Form 3

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 | |
| Alleged offence | Description of offence _____ | |
| | <i>Real Estate and Business Agents Act 1978 s.</i> <i>Real Estate and Business Agents (General) Regulations 1979 r.</i> | |
| | Date / /20 Time a.m./p.m. | |
| Officer withdrawing notice | Name | |
| | Signature | |
| | Office | |
| Date | Date of withdrawal / /20 | |

| | |
|---|--|
| <p>Withdrawal of infringement notice</p> <p><small>[*delete whichever is not applicable]</small></p> | <p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:</p> <p align="center">Approved Officer — <i>Real Estate and Business Agents Act 1978</i></p> <p align="center">Department of Mines, Industry Regulation and Safety — Consumer Protection Division</p> <p align="center">[Address]</p> <p>Signature _____ / _____ /20</p> |
|---|--|

[Form 3 inserted: Gazette 28 Aug 2009 p. 3350-1; amended: Gazette 30 Jun 2011 p. 2670; SL 2020/257 r. 11.]

Schedule 3 — Prescribed offences and modified penalties

[r. 14]

[Heading inserted: Gazette 28 Aug 2009 p. 3351.]

| Offences under <i>Real Estate and Business Agents Act 1978</i> | | Modified penalty |
|---|--|-------------------------|
| s. 36(1) | Failing to have registered office in the State | \$200 |
| s. 37(1) | Failing to register a branch office | \$200 |
| s. 37(2) | Failing to have qualified manager at branch office | \$200 |
| s. 40B | Licensee failing to comply with educational requirements | \$1 000 |
| 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 Commissioner of alteration of business name | \$200 |
| s. 50C | Sales representative failing to comply with educational requirements | \$1 000 |
| s. 84(1) | Failing to cause audit of trust account under section 70(1) | \$2 000 |
| s. 84(1) | Failing to deliver audit report to the Commissioner under section 70(3) | \$2 000 |
| s. 84(1) | Failing to deliver a termination audit report under section 70(8) | \$600 |
| s. 142 | Failing to notify Commissioner of commencing or ceasing business under section 35 | \$400 |

| Offences under <i>Real Estate and Business Agents Act 1978</i> | | Modified penalty |
|--|--|-------------------------|
| s. 142 | Branch manager acting for more than one licensee or as an agent on own account under section 37(3) | \$400 |
| s. 142 | Failing to display official details at registered office under section 41(1)(a) | \$400 |
| s. 142 | Failing to display official details at branch office under section 41(1)(b) | \$400 |
| s. 142 | Failing to display official details on all correspondence and documents from registered office under section 41(2)(a) | \$400 |
| s. 142 | Failing to display official details on all correspondence and documents from branch office under section 41(2)(b) | \$400 |
| s. 142 | Failing to notify Commissioner of commencing or ceasing employment, or acting, as a sales representative under section 51(1) | \$400 |
| Offence under <i>Real Estate and Business Agents (General) Regulations 1979</i> | | Modified penalty |
| r. 8 | Failing to notify Commissioner of change in particulars | \$200 |

[Schedule 3 inserted: Gazette 28 Aug 2009 p. 3351-2; amended:
Gazette 30 Jun 2011 p. 2670; 23 Oct 2012 p. 5055; SL 2020/257
r. 12.]

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Notes

This is a compilation of the *Real Estate and Business Agents (General) Regulations 1979* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

| Citation | Published | Commencement |
|---|---------------------------|-------------------------|
| <i>Real Estate and Business Agents (General) Regulations 1979</i> | 31 Aug 1979 p. 2616-18 | 1 Sep 1979 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1980</i> | 26 Sep 1980 p. 3312 | 26 Sep 1980 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1981</i> | 26 Jun 1981 p. 2293 | 26 Jun 1981 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1981</i> | 6 Nov 1981 p. 4526 | 1 Dec 1981 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1982</i> | 2 Jul 1982 p. 2334-6 | 2 Jul 1982 ¹ |
| Reprint of the <i>Real Estate and Business Agents (General) Regulations 1979</i> in <i>Gazette</i> 26 Nov 1982 p. 4667-74 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1983</i> | 21 Oct 1983 p. 4298 | 1 Jan 1984 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1983</i> | 30 Dec 1983 p. 5121-2 | 30 Dec 1983 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1984</i> ² | 21 Dec 1984 p. 4191 | 21 Dec 1984 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1985</i> | 21 Jun 1985 p. 2262 | 21 Jun 1985 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1986</i> | 28 Feb 1986 p. 668 | 28 Feb 1986 |

| Citation | Published | Commencement |
|---|---|-----------------------|
| <i>Real Estate and Business Agents (General) Amendment Regulations 1986</i> | 13 Jun 1986 p. 1997-8 | 1 Jul 1986 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1986</i> | 8 Aug 1986 p. 2870-1 | 1 Feb 1987 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 1986</i> | 24 Dec 1986 p. 4998 | 24 Dec 1986 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1987</i> | 8 May 1987 p. 2103 | 8 May 1987 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1987</i> | 4 Sep 1987 p. 3519 | 4 Sep 1987 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1987</i> | 30 Oct 1987 p. 4047 | 30 Oct 1987 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 1987</i> | 18 Dec 1987 p. 4516 | 18 Dec 1987 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1988</i> | 12 Aug 1988 p. 2770 | 12 Aug 1988 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1988</i> | 2 Sep 1988 p. 3466 | 2 Sep 1988 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1989</i> | 20 Jan 1989 p. 132 | 20 Jan 1989 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1989</i> | 3 Feb 1989 p. 360 | 3 Feb 1989 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1989</i> | 30 Jun 1989 p. 1979 | 1 Jul 1989 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1990</i> | 15 Jun 1990 p. 2723 (erratum 22 Jun 1990 p. 3034) | 15 Jun 1990 |

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Compilation table

| Citation | Published | Commencement |
|---|----------------------------|--|
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1990</i> | 20 Jul 1990 p. 3461 | 20 Jul 1990 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1990</i> | 1 Aug 1990 p. 3652-3 | 1 Aug 1990 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 1990</i> | 26 Oct 1990 p. 5370 | 26 Oct 1990 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1991</i> | 28 Jun 1991 p. 3119 | 28 Jun 1991 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1991</i> | 13 Dec 1991 p. 6160 | 13 Dec 1991 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1992</i> | 14 Aug 1992 p. 4011-12 | 14 Aug 1992 |
| Reprint of the <i>Real Estate and Business Agents (General) Regulations 1979</i> as at 1 Oct 1992 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1993</i> | 30 Nov 1993 p. 6411-12 | 30 Nov 1993 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1994</i> | 30 Sep 1994 p. 4969-72 | 6 Oct 1994 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1994</i> | 9 Dec 1994 p. 6661-2 | 9 Dec 1994 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1996</i> | 7 Jun 1996 p. 2392 | 7 Jun 1996 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 1996</i> | 25 Jun 1996 p. 2917-22 | 1 Jul 1996 (see r. 2 and <i>Gazette</i> 25 Jun 1996 p. 2902) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 1996</i> | 25 Jun 1996 p. 2923-5 | 1 Jul 1996 (see r. 2 and <i>Gazette</i> 1 Jul 1996 p. 3179) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1997</i> | 27 Jun 1997 p. 3099-101 | 1 Jul 1997 (see r. 2) |

| Citation | Published | Commencement |
|--|---|--|
| Reprint of the <i>Real Estate and Business Agents (General) Regulations 1979</i> as at 28 Nov 1997 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1998</i> | 16 Oct 1998 p. 5733-5 | 1 Nov 1998 (see r. 2 and <i>Gazette</i> 16 Oct 1998 p. 5729) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 1999</i> | 8 Oct 1999 p. 4782-3 | 8 Oct 1999 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2000</i> | 18 Feb 2000 p. 913-14 | 18 Feb 2000 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2001</i> | 6 Nov 2001 p. 5837 | 6 Nov 2001 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2002</i> | 8 Feb 2002 p. 599-602 | 8 Feb 2002 |
| Reprint of the <i>Real Estate and Business Agents (General) Regulations 1979</i> as at 8 Mar 2002 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2003</i> ³ | 7 Feb 2003 p. 384-7 (as amended 13 Jan 2004 p. 145-6) | 7 Feb 2003 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2004</i> | 13 Jan 2004 p. 145-6 | 13 Jan 2004 |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2004</i> | 30 Dec 2004 p. 6924 | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2006</i> | 27 Jun 2006 p. 2269-70 | 1 Jul 2006 (see r. 2) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2006</i> | 17 Nov 2006 p. 4759-60 | 17 Nov 2006 |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2007</i> | 6 Feb 2007 p. 307-10 | 6 Feb 2007 |

Real Estate and Business Agents (General) Regulations 1979**Notes**

Compilation table

| Citation | Published | Commencement |
|--|---------------------------|--|
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2007</i> | 9 Mar 2007 p. 847-8 | 9 Mar 2007 |
| Reprint 5: The Real Estate and Business Agents (General) Regulations 1979 as at 8 Jun 2007 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 2007</i> | 24 Jul 2007 p. 3659-60 | r. 1 and 2: 24 Jul 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jul 2007 (see r. 2(b) and <i>Gazette</i> 24 Jul 2007 p. 3657) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2007</i> | 28 Dec 2007 p. 6403-7 | r. 1 and 2: 28 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Dec 2007 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2008</i> | 17 Jun 2008 p. 2557-8 | r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2008</i> | 24 Jun 2008 p. 2886-7 | r. 1 and 2: 24 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jun 2008 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2008</i> | 23 Dec 2008 p. 5465-7 | r. 1 and 2: 23 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Dec 2008 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2009</i> | 17 Apr 2009 p. 1319-23 | r. 1 and 2: 17 Apr 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Apr 2009 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2009</i> | 8 May 2009 p. 1491-2 | r. 1 and 2: 8 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 4) 2009</i> | 23 Jun 2009 p. 2453-4 | r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|----------------------------|--|
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2009</i> | 28 Aug 2009 p. 3347-52 | r. 1 and 2: 28 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Aug 2009 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2009</i> | 10 Nov 2009 p. 4495-6 | r. 1 and 2: 10 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Nov 2009 (see r. 2(b)) |
| Reprint 6: The Real Estate and Business Agents (General) Regulations 1979 as at 11 Dec 2009 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2010</i> | 28 May 2010 p. 2297-8 | r. 1 and 2: 28 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 29 May 2010 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2010</i> | 25 Jun 2010 p. 2851-2 | r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2011</i> | 22 Jun 2011 p. 2367-8 | r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2011</i> | 30 Jun 2011 p. 2669-72 | r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| Reprint 7: The Real Estate and Business Agents (General) Regulations 1979 as at 3 Feb 2012 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2012</i> | 15 Jun 2012 p. 2599-600 | r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2012</i> | 23 Oct 2012 p. 5049-55 | r. 1 and 2: 23 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Oct 2012 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2013</i> | 27 Jun 2013 p. 2691-2 | r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b)) |

Real Estate and Business Agents (General) Regulations 1979
Notes Compilation table

| Citation | Published | Commencement |
|---|----------------------------|--|
| <i>Real Estate and Business Agents (General) Amendment Regulations 2013</i> | 20 Aug 2013 p. 3839 | r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2014</i> | 17 Jun 2014 p. 1977-8 | r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |
| Reprint 8: The Real Estate and Business Agents (General) Regulations 1979 as at 19 Sep 2014 (includes amendments listed above) | | |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2014</i> | 18 Nov 2014 p. 4324-5 | r. 1 and 2: 18 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Nov 2014 (see r. 2(b) and <i>Gazette</i> 18 Nov 2014 p. 4315) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2015</i> | 15 May 2015 p. 1717-18 | r. 1 and 2: 15 May 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 16 May 2015 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2015</i> | 23 Jun 2015 p. 2184-5 | r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 16</i> | 3 Jun 2016 p. 1745-73 | 1 Jul 2016 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 18</i> | 23 Jun 2017 p. 3213-52 | 1 Jul 2017 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2017</i> | 30 Jun 2017 p. 3553-4 | r. 1 and 2: 30 Jun 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2017 (see r. 2(b)) |
| <i>Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 18</i> | 25 Jun 2018 p. 2325-53 | 1 Jul 2018 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 16</i> | 18 Jun 2019 p. 2077-115 | 1 Jul 2019 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|----------------------------|---|
| <i>Consumer Protection Regulations Amendment Regulations 2019</i> Pt. 4 | 24 Dec 2019 p. 4416-20 | 1 Jan 2020 (see r. 2(b) and <i>Gazette</i> 24 Dec 2019 p. 4415) |
| <i>Commerce Regulations Amendment (Infringement Notices) Regulations 2020</i> Pt. 23 | SL 2020/163 25 Sep 2020 | 29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a)) |
| <i>Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020</i> Pt. 16 | SL 2020/196 27 Oct 2020 | 28 Oct 2020 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations 2020</i> | SL 2020/209 30 Oct 2020 | r. 1 and 2: 30 Oct 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Oct 2020 (see r. 2(b)) |
| <i>Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2020</i> | SL 2020/257 24 Dec 2020 | r. 1 and 2: 24 Dec 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2021 (see r. 2(b)) |

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

| Citation | Published | Commencement |
|---|---------------------------|--|
| <i>Commerce Regulations Amendment (Community Titles) Regulations 2021</i> Pt. 5 | SL 2021/71 18 Jun 2021 | 30 Jun 2021 (see r. 2(b) and SL 2021/69 cl. 2) |

Other notes

- ¹ The commencement date in r. 2 was of no effect as it was before the date of gazettal.
- ² The *Miscellaneous Regulations (Validation) Act 1985* applied to these regulations. It deemed the regulations not to have ceased to have effect as a result of the failure to comply with section 42(1) of the *Interpretation Act 1984*, subject to their being laid before the Legislative Assembly.
- ³ The *Real Estate and Business Agents (General) Amendment Regulations 2003* r. 4(2) (as amended in *Gazette* 13 Jan 2004 p. 146) and r. 5(2) are transitional provisions that are of no further effect.

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|--|----------------|
| activity | 2(1) |
| applicant..... | 4AB(1) |
| approved CPD activity..... | 2(1) |
| authorised financial institution..... | 6C |
| business..... | 6E(2) |
| calendar year | 2(1) |
| commencement day | 4AAA(1), 16(1) |
| continuing professional development | 2(1) |
| CPD subject | 2(1) |
| designated fee | 4AAA(1) |
| designated period | 2(1) |
| educational activity | 2(1) |
| former regulation 4AA..... | 16(1) |
| holding fee | 4A(1) |
| mandatory CPD activity..... | 2(1) |
| point value | 2(1) |
| record..... | 2(1) |
| reduced fee | 4AAA(1) |
| register | 2(1) |
| registered training provider..... | 2(1) |
| regulated person | 2(1) |
| relevant bank accepted bills rate | 6F(2) |
| restricted certificate (property management) | 2(1) |
| restricted certificate (sales) | 2(1) |
| unrestricted certificate..... | 2(1) |
| working day | 2(1) |