Citation

These regulations are the Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2012.

Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette;
(b) the rest of the regulations — on the day after that day.

Regulations amended

These regulations amend the Real Estate and Business Agents (General) Regulations 1979.

Schedule 2 Form 1 replaced

Delete Schedule 2 Form 1 and insert:

Form 1

HOME BUYERS ASSISTANCE ACCOUNT

Application for grant for assistance with incidental expenses under the Real Estate and Business Agents Act 1978 section 131L.

Section A — To be completed by the applicant(s)

All persons who are purchasing the dwelling must be included in the Application

All sections of this Application form must be completed.

PARTICULARS OF THE APPLICANT(S)

Applicant 1

Please tick (✓):  ☐ Mr  ☐ Mrs  ☐ Miss  ☐ Ms  ☐ Other .............

Family Name __________________________________________

First Given Name _________________________________________
Other Given Name(s) ______________________________________
Previous Family Name _____________________________________
Street Address __________________________________________
Suburb/Town ___ Post Code ______
Telephone No. (Bus) _____ (Home)_____ (Mobile)________
Email __________________________________________
Date of Birth _____/______/______

Do you own or partially own, or have you ever owned or partially owned, any dwelling in Western Australia?
Please tick (✓): □ Yes □ No
If “Yes”, please give particulars of the dwelling(s) and ownership:
________________________________________________________
________________________________________________________
________________________________________________________

Do you own or partially own, or have you ever owned or partially owned, vacant land in Western Australia?
Please tick (✓): □ Yes □ No
If “Yes”, please give particulars of the vacant land previously owned:
________________________________________________________
________________________________________________________
________________________________________________________

Applicant 2 (If applicable)
Please tick (✓): □ Mr □ Mrs □ Miss □ Ms □ Other ............
Family Name __________________________________________
First Given Name _________________________________________
Other Given Name(s) ______________________________________
Previous Family Name ______________________________________
Street Address __________________________________________
Suburb/Town ___ Post Code ______
Telephone No. (Bus) _____ (Home)_____ (Mobile)________
Email __________________________________________
Date of Birth _____/______/______

Do you own or partially own, or have you ever owned or partially owned, any dwelling in Western Australia?
Please tick (✓): □ Yes □ No
If “Yes”, please give particulars of the dwelling(s) and ownership:
________________________________________________________
________________________________________________________
Do you own or partially own, or have you ever owned or partially owned, vacant land in Western Australia?

Please tick (√):  ☐ Yes  ☐ No

If “Yes”, please give particulars of the vacant land previously owned:
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

1. What is the address of the dwelling purchased?

Street Address ________________________________
Suburb/Town ____________________  Post Code ________

2. What was the purchase price of the dwelling?

$ ________________________________

3. Was the dwelling purchased through a licensed real estate agent carrying on business in WA?

Please tick (√):  ☐ Yes  ☐ No

If “Yes”, please provide the name and address of the selling real estate agent:
_________________________________________________________________________________
_________________________________________________________________________________

4. What is the name and address of the lending institution that provided the loan to purchase the dwelling?

Name ________________________________
Address ________________________________

5. Was the dwelling established or partially built at the time of purchase?

Please tick (√):  ☐ Yes  ☐ No

6. Do all applicants intend to live in the dwelling for at least 12 months after settlement on purchase of the established dwelling or completion of the partially built dwelling?

Please tick (√):  ☐ Yes  ☐ No

7. Is there an existing tenancy agreement in place for the established dwelling purchased?

Please tick (√):  ☐ Yes  ☐ No

If “Yes”:

(a) When does the tenancy agreement expire?
   _____/_____/_______

(b) Do all applicants intend to live in the dwelling for at least 12 months after expiry of the existing tenancy agreement?

Please tick (√):  ☐ Yes  ☐ No
8. What were your incidental expenses?

<table>
<thead>
<tr>
<th>Expense</th>
<th>Amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement / Conveyancing fees</td>
<td></td>
</tr>
<tr>
<td>Stamp duty</td>
<td></td>
</tr>
<tr>
<td>Strata company enquiry fee / section 43 certificate fee</td>
<td></td>
</tr>
<tr>
<td>Landgate transfer registration fee</td>
<td></td>
</tr>
<tr>
<td>Inspection fees</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
</tr>
</tbody>
</table>

Statutory Declaration

I/We,

________________________________________________________

[name, and address of applicant 1 making the declaration]

________________________________________________________

[name and address of applicant 2 making the declaration]

sincerely declare as follows —

The information provided by me/us in this Home Buyers Assistance Account Application is true and correct.

This declaration is true and I/we know that it is an offence to make a declaration knowing that it is false in a material particular.

Applicant 1

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005 at

__________________________ on ___/___/____ by ___________________

Place          Date       Signature of applicant 1 making the declaration

In the presence of:

________________    _________________    ___________________

Signature of authorised witness    Name of authorised witness    Qualifications as such a witness

Applicant 2 (If applicable)

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005 at

__________________________ on ___/___/____ by ___________________

Place          Date       Signature of applicant 1 making the declaration

In the presence of:

________________    _________________    ___________________
AUTHORITY TO RELEASE PERSONAL INFORMATION

I ______________________ of ____________________________________________

[Name and address of applicant 1]

I ______________________ of ____________________________________________

[Name and address of applicant 2]

being the applicant(s) for assistance from the Home Buyers Assistance Account under the Real Estate and Business Agents Act 1978 AUTHORISE the Chief Executive Officer of the Department of Commerce, or persons that he or she may direct, to make such further enquiries as deemed necessary to assess this Application under the Act. My general consent includes specifically authorising the Chief Executive Officer, or persons that he or she may direct, to obtain on my behalf from any relevant agency any information that may be necessary to assist with the assessment. I acknowledge that the Chief Executive Officer, or persons that he or she may direct, can use any or all of the information or documentation received pursuant to this authority for the purpose of assessing this Application.

___________________________________ on _____/_____/______
Signature of applicant 1 making the declaration     Date

___________________________________ on _____/_____/______
Signature of applicant 2 making the declaration     Date

Section B — To be completed by the lending institution

(The lender is the party that actually provides the loan, not the agent/broker who arranged the loan)

Applicant 1

Full name ___________________________________________

Applicant 2 (If applicable)

Full name ___________________________________________

Loan BSB and account number ____________________________

Name of lending institution ______________________________

Address ______________________________________________

Suburb/Town __________________________ Postcode __________

Business Telephone No. ________________________________

Business Fax No. ______________________________________
Further incidental expenses associated with the loan

<table>
<thead>
<tr>
<th>Expense</th>
<th>Amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage registration fees</td>
<td></td>
</tr>
<tr>
<td>Caveat registration fees</td>
<td></td>
</tr>
<tr>
<td>Bank’s solicitor fees</td>
<td></td>
</tr>
<tr>
<td>Valuation fees</td>
<td></td>
</tr>
<tr>
<td>Lending institution fees for lodging this Application</td>
<td></td>
</tr>
<tr>
<td>Mortgage guarantee fees or mortgage insurance premium</td>
<td></td>
</tr>
<tr>
<td>(not house and contents insurance or mortgage protection insurance)</td>
<td></td>
</tr>
<tr>
<td>Loan Establishment fees</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
</tr>
</tbody>
</table>

Having approved a loan to assist the applicant(s) to purchase a dwelling we:

(a) hereby lodge the Application for a grant to cover the whole or part of the amount of incidental expenses in connection with the purchase; and

(b) advise that the details disclosed in the Application in relation to our arrangements and the incidental expenses, to the best of our knowledge and involvement, are correct.

________________________________________________________

Title of authorised officer of lending institution

affix seal here

5. **Schedule 3 amended**

In Schedule 3 after the item relating to section 70(3) insert:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>s. 70(8)</td>
<td>Failing to deliver a termination audit report</td>
<td>$600</td>
</tr>
<tr>
<td>s. 86</td>
<td>Failing to lodge a statutory declaration in relation to the audit of trust accounts</td>
<td>$200</td>
</tr>
</tbody>
</table>
By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.