**DEPARTMENT OF COMMERCE - Property Industries Directorate, Consumer Protection**

**PAST PUBLICATIONS – ARCHIVE LIST:- “REAL ESTATE NEWS”**

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **May 2014**  **No. 9** | 1. **Important reminder: curtain and blind cords** 2. **RCDs – what you need to know** 3. **Geraldton landlord fined for failing to lodge bond** 4. **Reminder about issuing notice to terminate a fixed-term lease** 5. **Updated bond information for agents** 6. **Reclassification of ‘guide dog’ in Dog Act 1976** 7. **Alternative providers of criminal history checks** 8. **New Australians’ interpreting service** 9. **Breaking tenancy law costs two landlords $3,000** 10. **Reminder to maintain current contact details** 11. **‘No Junk Mail’** 12. **Boarders and lodgers** 13. **Removing the PM condition on your registration** | 1. The recent deaths of two toddlers in Sydney after they become entangled in blind cords highlights the dangers blind and curtain cords can present to children. According to the Australian Competition and Consumer Commission (the ACCC), between one and two Australian children die each year after becoming entangled in blind cords. Since 1999, 17 children have died in this way. 2. According to Energy*Safety*, 23 of the 29 people who have died in WA as a result of electrocution in the past 17 years could have been saved if Residual Current Devices (RCDs) had been fitted to power and lighting circuits. In 2009 the State Government enacted legislation requiring a minimum of two RCDs to protect all power point and lighting final sub-circuits whenever a home is sold or offered for rent. 3. Private landlord, John Lewis Donohoe of Geraldton, a former real estate agent has been fined a total of $2,500 by the Geraldton Magistrates Court for failing to deposit two of his tenants’ security bonds and failing to lodge the bond of a third tenant with the Bond Administrator within 14 days of receipt. 4. Department has recently been contacted by tenants who were not aware of the requirement to issue 30 days’ notice to terminate the end of a fixed-term agreement, even if the lease was signed prior to 1 July 2013. Tenants are concerned that as it was not listed in their lease and their property manager had not informed them of this requirement nor issued the notice themselves. 5. It appears some agents are not aware that a receipt must be issued for a residential tenancy bond payment, including a bond instalment, even if the payment was made electronically by the tenant. The confusion may have arisen because the Real Estate and Business Agents Act 1978 (the REBA Act) and the Residential Tenancies Act 1987 (the RT Act) have differing requirements. 6. Under the Residential Tenancies Act 1987 (the RTA), section 29(1A) provides that the definition of a pet in relation to a security bond does not include a guide dog as per the definition under the Dog Act 1976 (the Dog Act). 7. The Commissioner is trialling new arrangements to make it easier for industry participants to obtain their police checks. There are now several provider options available, with varying costs and ordering choices, so real estate agents and sales representatives can find the most appropriate one. 8. Licenced real estate agencies operating in eligible areas of new settlement are now able to register with the Translating and Interpreting Service (TIS National) to access free phone interpreting services until 30 June 2015. 9. A pair of private landlords who broke tenancy law by making their tenant pay too much bond money, not giving a receipt and not lodging the money with the Bond Administrator, have been ordered to pay $3,000 in fines and costs. Steven and Nava Meyer pleaded guilty to three offences under the Residential Tenancies Act during a hearing in the Perth Magistrates Court on 2 December 2013. They were fined $1,000 and must pay costs of $2,000. 10. Agents and sales representatives are reminded that it is their responsibility to keep the Commissioner up-to-date with any changes to their address and contact information. 11. In November 2013, the Department created a Do Not Knock sticker after a Federal Court ruling in South Australia confirmed consumers do not need to meet a door-to-door salesperson face-to-face to ask them to leave their house. 12. Department has recently updated its Boarders and lodgers – a guide to your rights and responsibilities publication. The publication aims to help boarders and lodgers understand their rights and responsibilities under common law. 13. Property Managers who wish to upgrade to a full registration, but are subject to a condition restricting the scope of their activities to property management, do not need to submit a new application to the Department to have this condition removed. They need to demonstrate that they meet the prescribed qualification requirements outlined in regulations 6A and 6B of the *Real Estate and Business Agents Regulations 1979*. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Summer / December 2013**  **No. 8** | 1. **Misrepresentation of advertised Properties** 2. **Landgate** 3. **Real estate agency fined for misleading buyer** 4. **Property investment promoter** 5. **agrees to cease seminars** 6. **Recognition of prior learning** 7. **Storm damage to rental properties** 8. **Court rejects Westpoint Director’s second appeal** 9. **Changes to real estate licensing forms** 10. **ASIC’s small business booklet** | 1. Department has received several complaints about real estate agencies advertising residential properties as being ‘under offer’ or ‘under contract’ months after they have been sold. 2. The PI report was launched by Landgate on 1 November 2013. It replaced the current summary and detailed interest reports. PI reports are available for purchase online for $54.95. Landgate has written to all agents and provided brochures on the PI report that can be given to clients. Additional copies of the brochure are available from Landgate. CPD will also cover this topic in 2014. 3. Wilson real estate agency, the agency licensee and a sales representative have been fined a total of $11,500 for misleading a buyer during a property transaction. Stoneform Enterprises Pty Ltd, trading as Minic Property Group, was fined $5,000 by the SAT on 14 August 2013. Agency licensee Sabrina Lynn Minic was also fined $5,000 and sales representative Michael Lee Minic was fined $1,500. The agency was ordered to pay costs of $2,000. The final orders by the SAT followed a negotiated settlement of the case. 4. Sydney-based property investment promoter has voluntarily agreed to forego promoting his rent-to-buy scheme to WA consumers for two years, to clarify what Consumer Protection believes is misleading advertising and to clarify statements made on various websites. 5. Department occasionally receives enquiries from people seeking information about the process of obtaining recognition of prior learning (RPL). Generally, these people already have a formal qualification which may be similar to one of the qualifications prescribed for licensing purposes. Commonly, applicants submit a qualification that is more than 12 months old, which is beyond the acceptable validity period prescribed under the regulations. Department of Training and Workforce Development describes RPL as the acknowledgment of skills and knowledge obtained through: formal training or study including courses at school, college, adult education and training programs at work; work experience including paid and volunteer work; or life experience including skills attained through leisure pursuits such as musical, mechanical or linguistic abilities. 6. With extreme weather patterns becoming more common, it is timely to revisit how to deal with a tenancy when a rental property is wholly or partially destroyed and rendered uninhabitable. 7. Court of Appeal has dismissed a second appeal by the Director of Westpoint Realty Pty Ltd (in liquidation), Mr Norman Phillip Carey, against five convictions for making false or misleading representations. Mr Carey was convicted in his personal capacity because he was a Director of Westpoint Corporation, and failed to persuade the Magistrate that he could have prevented the offences by reasonable diligence. 8. A number of changes are being made to the application forms for real estate and business agent licenses as a result of an interim review to bring the forms in line with current policies under the *Real Estate and Business Agents Act 1978* (REBA Act). These changes seek to reduce red tape for business and streamline the application process. 9. ASIC has released a booklet to help small businesses understand their compliance obligations. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Spring /**  **September 2013**  **No. 7** | 1. **Unregistered sales representatives** 2. **Title searches and advertising costs**      1. **Supreme Court decision relating to memorials on titles** 2. **Warning about late bonds after agent fined $10,000** 3. **Rent-to-buy schemes** 4. **Final inspections before settlement** 5. **Supreme Court injunctions against rent-to-buy property promoters** 6. **The small business ACL checklist** 7. **Changes to water billing** 8. **Unfair contract terms** 9. **Maintaining smoke alarms** | 1. Department is currently investigating several sales representatives who appear to have conducted real estate transactions without an up-to-date certificate of registration. 2. Following further enquiries about an article on compliance issues and advertising (see Real Estate News Issue 6), the Department advises these costs can be charged to clients so long as they are explicitly detailed in the contract. That is, title searches should be shown separately under a heading such as “Miscellaneous costs” but should not be included under a heading such as “Advertising costs” (as they are not advertising costs). 3. An important Supreme Court ruling recently handed down in relation to retirement village memorials recorded against land. The application by the retirement village owner to vary a retirement village scheme in order to partially remove a memorial, and excise one lot, was disallowed. 4. Consumer Protection has warned real estate agents, property managers and landlords about late bond lodgements after an agency was fined $10,000 by the Perth Magistrates Court. Dalgon Pty Ltd, formerly trading as Acton West and now trading as Acton Cottesloe, pleaded guilty on 5 April 2013 to 27 charges of failing to lodge security bond money with the Bond Administrator ‘as soon as practicable’, as required under the *Residential Tenancies Act 1987*. The company was also ordered to pay court costs of $275. 5. Many people who are desperate to purchase a home have been caught in rent-to-buy schemes. Property managers need to be aware of the pitfalls of rent-to-buy schemes in case they are asked to play a role in these schemes. 6. Agents and sales representatives need to be aware of the requirements regarding final inspections in the Joint Form of General Conditions for the Sale of Land (the General Conditions). 7. Supreme Court has granted Consumer Protection interim injunctions against promoters of a rent to buy property scheme in WA which prevent them from engaging in alleged misleading or deceptive conduct. Patricia Mirawati Susilo and Bryan Artawijaya Susilo of Applecross, are required to publish statements on their website - **www.sellhouseseasy. com.au** - clarifying the nature of their business and clearly outlining the purchasing and rental arrangements for the properties they are advertising for sale under the scheme. 8. ACL came into effect on 1/1/2011 and most businesses should be aware of the legislation by now. The small business ACL checklist has been designed to help small businesses self-assess their operations and identify which of their activities are regulated under the ACL. 9. From July 2013, the Water Corporation implemented combined billing for water use and service charges on a two-monthly basis. This is a shift from the Corporation’s previous process of billing service charges for a full year in advance and water use twice per year in the metropolitan area and three times per year in regional areas. CL came into effect on 1 January 2011. The small business ACL checklist has been designed to help them self-assess their operations and identify which of their activities are regulated under the ACL. 10. ACCC recently conducted a review of standard form consumer contracts in order to identify unfair contract terms and related practices. The ACCC reviewed standard form consumer contracts through the lens of the ACL provisions targeting specific consumer issues, including provisions which render unfair terms void in standard form consumer contracts 11. There appears to be some uncertainty among property managers regarding who is responsible for the maintenance of smoke alarms in residential rental properties. A reminder Section 42 of the Residential Tenancies Act 1987 provides it is a condition of every residential tenancy agreement that the lessor must maintain the premises in a reasonable state of repair having regard to its age and character. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Autumn /**  **May 2013**  **No. 6** | 1. **High alert after more fraud attempts** 2. **Sales reps as independent contractors** 3. **Fine for real estate salesman using fake registration** 4. **The Code of Conduct: Article 18** 5. **Option fees** 6. **Property of a deceased estate** 7. **Compliance issues regarding advertising** 8. **Rent to buy** | 1. The property industry in WA has been warned to remain on high alert after recent attempts by overseas criminals to fraudulently sell two Perth homes. In separate incidents, real estate agents were approached by fraudsters who successfully changed the contact details of the true owners of the tenanted properties. In both cases, the true owners were residing in South Africa. Copies of documents related to the management of the properties were sent to the fake owners by the agents in both cases. Requests to sell the two properties, valued at $700,000 and $800,000, soon followed. 2. Department reminds industry members that sales representatives cannot be engaged as independent contractors, nor can they be engaged from another contractor who employs the sales representative (sometimes referred to as the ‘ODCO’ system). Employment related payments to a sales representative must be made to a natural person, not an entity. 3. A real estate salesman, David Paul Gammal was recently fined $1,000 and ordered to pay costs of $748 by the Perth Magistrates Court for selling properties without a current certificate of registration. He sold or leased at least nine properties while working for a city real estate agency between March and November 2011. Certificate of registration had expired in February 2010, but he had altered the date on the certificate when he began working for the agency in March 2011. 4. What does Article 18 of the Code of Conduct for Agents and Sales Representatives 2011 mean for your agency? 5. *Residential Tenancy Amendment Act 2011* (Amendment Act), which takes effect 1 July 2013, provides that a person may not charge a prospective tenant more than the prescribed amount for an option fee. Subject to the Minister for Commerce’s approval, the maximum amount of an option fee will be prescribed in the Residential Tenancies Regulations (The Regulations). The Regulations (and the prescribed lease form) are available from the State Law Publisher and Department website. The lease form is also available from the Department’s website (1AAResidentialTenancyAgreement.pdf). 6. Under section 60 of the *Real Estate and Business Agents Act 1978*, an agent is not entitled to a commission unless licensed and validly appointed. Section 60(1)(b) requires that an appointment must be in writing, and signed by the person for whom the services are to be rendered, or some other person who is lawfully authorised to sign on behalf of the person for whom the services are to be rendered. |

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|  |  | 1. Advertising (in relation to the sale of residential properties) is a major area of investigation by the Department. Agents need to be aware of the requirements for accuracy in specifying the details of properties, and the risk of breaching both the Australian Consumer Law (WA) (the ACL) and the Code of Conduct for Agents and Sales Representatives 2011 (the Code of Conduct). 2. Consumer Protection has recently lodged a Supreme Court Writ against the promoter of a rent-tobuy property scheme, alleging the company and its Director misled consumers. While the article is primarily aimed at consumers, agents who conduct or assist rent-tobuy schemes may potentially breach sections 60(3), 61(4) and 68(4) of the *Real Estate and Business Agents Act 1978* and the Code of Conduct for Agents and Sales Representatives 2011. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **January 2013**  **No. 5** | 1. **Audit and statutory declaration deadline approaching** 2. **The Department’s website** 3. **Fine for Armadale Real Estate over bond breach** 4. **Reminder: licensing advice line** 5. **Reminder: business names** 6. **Title searches** 7. **What happens to the interest on tenancy bond trust accounts?** 8. **Update on National Occupational Licensing Scheme (NOLS)** 9. **Online licence search** 10. **Scam reminder: fake real estate listings** 11. **Removing unclaimed goods from abandoned premises** 12. **Legal action against rent to buy property promoters** | 1. All real estate and business agents who hold a current ‘granted’ licence, should prepare audits and statutory declarations for 2012 even if *not* trading. For agencies completing a full audit, this must be delivered prior to the 31 March 2013 deadline. 2. Department’s website plays an important role in the promotion and provision of educational and advisory services to industry participants and the public. 3. Real estate agency has been fined $500 by the Perth Magistrates Court for the late lodgement of a tenant’s bond money with the Bond Administrator 56 days after receipt. Drie Pty Ltd, trading as Armadale Real Estate, was also ordered to pay Court costs of $253 on 31 October 2012.eal estate agency, 4. Department has a dedicated contact telephone number for its Licensing Branch.      1. National Business Names Register commenced on 28 May 2012. All registration enquiries should now be directed to the Australian Securities and Investment Commission (ASIC). 2. Agents are reminded that they should not delay obtaining title searches until receiving an offer on a property. Article 8(3) of the *Code of Conduct for Agents and Sales Representatives* states when an agent receives instructions to offer a property for sale, they shall promptly obtain a copy of the certificate of title. 3. Interest earned on residential tenancy bond accounts is used to fund a range of services, from administrative and dispute resolution costs, to tenancy education. 4. The Commonwealth Taskforce, which has been responsible for developing the NOLS, held a public consultation session on the proposals as they would apply to property occupations, in Perth on 25 September 2012. Consultation period has now closed. 5. Department of Commerce’s online licence search facility is a quick and easy way to check whether an individual, partnership or company is licensed or registered in WA. This applies to all real estate and business agents, settlement agents, sales representatives and other industries regulated by the Department. 6. It appears scammers have been active again in targeting potential tenants by using information and photographs from genuine sales or rental listings, but substituting the real estate agency’s contact details with their own. |

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|  |  | 1. Real estate agents and property managers are reminded that there are legal requirements for storing, selling or disposing of goods that have been left abandoned by a tenant. 2. Consumer Protection has lodged a Supreme Court Writ seeking an injunction against promoters of a rent to buy property scheme in WA. In the legal action, it will be alleged that Patricia Mirawati Susilo and Bryan Artawijaya Susilo of Applecross, have engaged in misleading and deceptive conduct in breach of the ACL. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Spring / October 2012**  **No. 4** | 1. **Residential tenancy amendment regulations** 2. **Commercial tenancy amendment regulations** 3. **Commercial tenancy: Small Business Commissioner** 4. **Reconciling tenancy bond trust accounts** 5. **Code of Conduct Reviews** 6. **Are you using EFT for security bonds?** 7. **Rental market discrimination** 8. **Two-year suspension and $3,000 fine for property sales rep** 9. **Aircraft noise and residential property sales** 10. **Licensee or person in *bona fide* control: taking leave** 11. **Home Buyers Assistance Account** | 1. In May 2012, Consumer Protection released a consultation paper seeking feedback about five key areas to be dealt with in regulations that have to be prepared as a result of amendments to the Residential Tenancies Act (the Act). These included: the content of the mandatory residential tenancy agreement; the content of the mandatory property condition reports; the amount of the capped option fee; clarifying the minimum security obligations for residential rental premises; and clarifying which urgent repairs should be considered essential services. 2. Real Estate News (Summer edition) outlined amendments to the *Commercial Tenancy (Retail Shops) Agreements Act 1985.* These amendments mean the *Commercial Tenancy (Retail Shops) Agreements Regulations 1985* (the Regulations) will also need to be changed. Changes to the Regulations include key matters such as: a more comprehensive disclosure statement; a revised tenant guide; a definition of lettable area; and a standard redevelopment and relocation clause. 3. The new Small Business Commissioner for WA commenced in March this year. The Commissioner has a role in relation to the resolution of retail tenancy disputes through the provision of low cost alternative dispute resolution services to small businesses, including retail shop tenants. 4. The former Real Estate and Business Agents Board (the Board) issued auditing guidelines in two publications, Real estate trust accounting: a reference manual and A guide to auditing real estate and business agents trust accounts. 5. Consumer Protection has commenced a review of the property industry codes of conduct and will shortly release a Discussion Paper for comment. The review will cover the Code of Conduct for Agents and Sales Representative 2011 (made under the *Real Estate and Business Agents Act 1978*), Settlement Agents’ Code of Conduct 1982 (made under the *Settlement Agents Act 1981*) and the Licensed Valuers Code of Conduct (made under the *Land Valuers Licensing Act 1978*) (the Codes). 6. Bond Administrator has developed a new management system for residential tenancy security bonds, Bonds Online. The changeover to the new system started on 10/7/2012 with Consumer Protection moving significant resources into bond administration during the implementation period to help maintain services. |

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|  |  | 1. In light of recent news reports claiming people applying to rent residential property have faced discrimination, Consumer Protection would like to remind all property managers and sales representatives of their obligations to treat all rental applicants equally and fairly. 2. A Perth real estate sales representative who dishonestly kept clients’ money intended for property advertising or repairs has been disqualified for two years and fined $3,000. Consumer Protection took disciplinary action against Byron Hutton, of Tuart Hill, for breaches of the Code of Conduct for Agents and Sales Representatives. 3. The impact of aircraft noise on residential property can be an important factor in the residential sales process. Real estate agents should be aware of their obligation to inform prospective buyers of any interest which may impact a property, including aircraft noise. 4. The supervision of a real estate agency by a licensed real estate agent is an essential component in ensuring the best interests of clients are served in real estate transactions. Errors, deceptions or misrepresentations that could be made by employees are more likely to be identified when a licensee is supervising and controlling the conduct of the business. 5. The Home Buyers Assistance Account (HBAA) was established to financially assist first home buyers with the incidental expenses incurred when purchasing an established or partly built home through a licensed real estate agent. Consumer Protection encourages real estate agents and sales representatives to promote and educate clients about this grant. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Autumn 2012**  **No. 3** | 1. **New policy to counter title fraud** 2. **Witnessing statutory declarations** 3. **Bob Oliver Realty fined $1,000 over bond dispute** 4. **The Contaminated Sites Act 2003 and real estate in WA** 5. **Breaking fixed-term tenancies** 6. **Change of address: statutory obligations** 7. **Owner address details** 8. **Easier access to Commerce web addresses** 9. **Do you act for a developer?** 10. **Real estate agents fined over illegal fees** 11. **Property Managers** 12. **Dispute resolution service** | 1. A new policy aimed at reducing the incidence of land title fraud and other improper dealings in WA is currently being drafted by Landgate. The Western Australian Registrar of Titles and Commissioner of Titles are drafting the policy ‘Joint Practice: Verification of Identity’ in response to two alleged Western Australian land title frauds in 2010 and 2011. 2. A statutory declaration for any purpose in Western Australia must be made in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* (the Act). The legislation allows more than 40 occupational groups to witness statutory declarations, including licenced real estate agents and settlement agents. 3. Applecross real estate agency has been fined $1,000 and ordered to pay costs of $451 over a bond dispute. Bob Oliver Realty Pty Ltd appeared in the Fremantle Magistrates Court on 23 March 2012 charged with failing to pay back a security bond to a tenant in accordance with a Court order within seven days. 4. Real estate professionals should conduct reasonable and timely searches of published contaminated sites information as part of any regular due diligence enquiry. Pursuant to Section 68 of the *Contaminated Sites Act 2003* (the Act), any transaction which involves the sale, lease or mortgage of a contaminated site must include formal disclosure (Form 6) of the contamination at least 14 days before completion of the transaction. 5. Consumer Protection has recently received several enquiries regarding the financial obligations of tenants who break their fixed term tenancy agreements. Pursuant to section 60 of the *Residential Tenancies Act 1987* (the Act), a tenant and owner/agent may terminate a fixed-term tenancy before its expiry date. Such agreements must be in writing. 6. Consumer Protection is continually faced with the problem of trying to keep track of approximately 10,000 sales representatives registered in WA. It is a requirement of the *Real Estate and Business Agents Act 1978* and relevant regulations, that Consumer Protection keeps a register of real estate sales representatives, their residential addresses and employment details. 7. Agents are reminded of their obligation to provide tenants, in writing, the property owners’ full name and residential address. |

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|  |  | 1. Our registered Consumer Protection has introduced shortened webpage addresses to make the user experience more efficient. The new shortened URLs are listed below. Please note that typing in the longer URL would also still take you to the desired webpage. 2. Are you aware the *Real Estate and Business Agent Act* (the Act) places certain obligations on developers? If you are engaged by a developer to sell on their behalf, we encourage you to forward this article to them.      1. Removed 16/05/19 2. Training providers are currently holding mandatory Compulsory Professional Development (CPD) courses covering amendments to the Residential Tenancies Act. The amendments contain important ramifications for the industry so Consumer Protections recommends Property Managers attend a course at their earliest possible convenience 3. WA small businesses can now access a low-cost way to resolve disputes, through the introduction of a Small Business Commissioner and the Alternative Dispute Resolution (ADR) service. The ADR service, which came into operation March 2012, provides small businesses with a way to deal with disputes without the need for legal action. This means small businesses have an opportunity to resolve problems before they reach the State Administrative Tribunal or the courts. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Summer 2012**  **No. 2** | 1. **~~A new year message from the Commissioner~~** 2. **Advertising your own services** 3. **New Seniors’ Housing Centre offers options for over 55s** 4. **Compulsory Professional Development in 2012** 5. **Checking employee details** 6. **Property manager to sales representative** 7. **Updating your details with Consumer Protection** 8. **Make sure you renew on time** 9. **Amendments to residential tenancy laws** 10. **Changes to retail shops tenancy laws to help small business** 11. **New bonds lodgement process** | 1. Consumer Protection reminds agents and sales representatives of the information they must include in advertisements. Special regard is given to the requirements of section 62(2) of the *Real Estate and Business Agents Act 1978* (the Act). 2. Commerce has launched the Seniors’ Housing Centre providing free information on housing options available to over 55s, from modifying or re-developing existing homes, to moving into strata titled community housing, renting or moving into a residential park or retirement villages. 3. Consumer Protection reminds industry participants that the requirement to undertake Compulsory Professional Development (CPD) remains unchanged for 2012 and that agents and sales representatives are still required to obtain three mandatory and seven elective CPD points in this calendar year. 4. When employing a new sales representative, agents should take several steps to ensure compliance with section 54 of the *Real Estate and Business Agents Act 1978.* 5. In light of recent confusion, Consumer Protection would like to clarify the procedure for property managers who have completed the relevant training course and wish to modify their registration to allow sales transactions. 6. Sales representatives are reminded that, under section 51 of the *Real Estate and Business Agents Act 1978* (the Act), they must notify the Commissioner for Consumer Protection of any changes to their contact and/or employment details. 7. Agents should make sure applications to renew relevant triennial certificates are lodged with Consumer Protection well before the expiry date to ensure their businesses are not at risk. 8. The *Residential Tenancies Amendment Act 2011* (RTA Amendment Act) will provide WA residential tenancy laws with greater clarity in residential tenancy transactions. The RTA Amendment Act seeks to enhance the legislation’s effectiveness and provide greater balance between the rights and obligations of tenants and lessors. |
|  |  | 1. The Commercial Tenancy (Retail Shops) Agreements Amendment Act 2011 (CTA Amendment Act) amends the Commercial Tenancy (Retail Shops) Agreement Act 1985. The amendments will introduce a number of changes to current retail shop tenancy laws and aims to improve the operating environment of small business in WA. 2. An option to complete Tenancy Bond Forms is now online. After filling out the required fields and going through a one-click validation process, the form produces a completed PDF file which can then be printed and signed. This online process can be undertaken by anyone and the required form is located at www. commerce.wa.gov.au/bondforms. |

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| **DATE / NO.** | **ISSUE / TITLE** | **CONTENT SUMMARY** |
| **Spring 2011**  **No. 1** | 1. **~~A Welcome from the Commissioner~~** 2. **New licensing fees** 3. **Property Industry Advisory Committee** 4. **New contact details, eBulletins, Newsletters** 5. **Residual Current Devices (RCDs) and smoke alarms—a timely safety reminder** 6. **Important information about changes to laws about residential tenancy bonds** 7. **Australian Consumer Law/ Advertising Guidelines** 8. **National Occupational Licensing** 9. **End of year bona fide control requirements** 10. **CPD Reminder – Less than two months left to obtain your required points** 11. **Real estate scam and property fraud prevention** 12. **~~Mandatory CPD dates – November and December 2011~~** | 1. As at 1 July 2011, fees related to new licence and registration applications and triennial certificate renewals were increased slightly to keep pace with the annual increase in the CPI. 2. As part of its reforms to the administration of licensing in the real estate and settlement industries, the Government decided to establish a statutory Property Industry Advisory Committee (PIAC). 3. With the transfer of the regulatory functions to Consumer Protection it is a good time to ensure that you have all the correct and current contact details should you need to make any enquiries to the Department. 4. According to EnergySafety, 23 of the 29 people who have died in WA as a result of electrocution in the past 17 years may have been saved if Residual Current Devices (RCDs) had been fitted to power and lighting circuits. Additionally, each year in Western Australia, structural fires result in injury and death as well as significant property damage. 5. Two important changes to WA tenancy legislation occurred on 1 June 2011 which affects the amount of bond money landlords can collect from residential property tenants. 6. The *Competition and Consumer Act 2010* (the Act) is the piece of legislation that dictates how businesses must undertake dealings both between themselves, and also with consumers. The Australian Consumer Law (ACL) is a schedule to the Act and creates a single, national consumer law that applies nationally. The *Fair Trading Act 2010* also references and applies the ACL as WA law. 7. In April 2009, the Council of Australian Governments agreed to establish a national occupational licensing system for specified occupations, including the property industry, in order to streamline regulation across states. The proposed system is intended to result in a number of benefits, including improved business efficiency, productivity, and consumer confidence, while also improving labour mobility. 8. Those licensees who have a triennial certificate subject to the RA6 condition, and who have not already done so, are reminded of the requirement to provide Consumer Protection with proof that they have paid their agency’s person in bona fide control at least $50,000 in the preceding financial year. The condition is one of several policies introduced by REBA that Consumer Protection has adopted since 1 July 2011. |

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|  |  | 1. Compulsory Professional Development (CPD) is part of the licensing framework for licensed real estate agents and business brokers, and for registered sales representatives and property managers. The CPD program is prescribed by law. As such, all licensees with current triennial certificates, and all sales representatives and property managers with a current registration, are required to complete CPD activities. 2. Following on from the recent property fraud scams regarding the sale of properties without the knowledge of their owners, Consumer Protection, Landgate, REIWA and AICWA have been working together to define additional practices that need to be introduced in the industry to minimise the likelihood of property fraud in the future. |