



# Consumer Protection replaces REBA

**On 25 November 2010, legislation was passed by the Western Australian State Parliament to transfer responsibility for regulation of the real estate and business broking industry from the Real Estate and Business Agents Supervisory Board (the Board) to the Department of Commerce (the Department) and the Commissioner for Consumer Protection. It is intended that the operations of the Board will be wound up on 30 June 2011 with transfer of its responsibilities occurring from 1 July 2011.**

This change is part of the State Government's commitment to reducing the number of statutory Boards and committees in WA. Abolition of the Board, along with three other statutory licensing Boards, will result in a more streamlined operating structure with a single regulator across a number of property-related occupational areas and better integration with generalist laws such as the *Australian Consumer Law* and *Residential Tenancy Act 1987*. The changes will also position the local property industry for the national harmonisation of licensing under the National Occupational Licensing System, which is expected to begin on July 1, 2012.

From July 2011 the licensing authority of the Board will be vested in the Commissioner for Consumer Protection, and the Board's financial responsibilities will move to the Director General of the Department. To preserve industry input into

government actions affecting the industry, a Property Industry Advisory Committee will be established to enable constructive dialogue with the real estate industry. An interim Advisory Committee is already in place, but it is expected that the formal Committee will come into operation when the transition occurs.

There will be no reduction in consumer protection or in the requirement that those in the real estate industry comply with relevant legislation. For example, the requirement for real estate sales representatives and real estate and business agents to be registered and licensed respectively will continue. Similarly, the requirement to complete Compulsory Professional Development points each year will remain unchanged, along with responsibilities related to audits of trust accounts and the standards of behaviour spelled out in the Code of Conduct for Agents and Sales Representatives.

The Department and the Board are working closely together to ensure a smooth transition of the Board's statutory functions and will continue to keep the real estate industry informed as developments occur.

While largely it will be business as usual from 1 July 2011, some cosmetic changes may be required. For example, any form letters or standard agreements used by licensed agencies that refer to the Board will need to be updated to reflect the upcoming change.

There will be some changes to the organisational structure of the Department as it takes on new responsibilities. However, the staff working in the real estate area will be largely unaffected by the move. We will endeavour to keep the same telephone numbers for the licensing line and to create easy links to internet material. As final arrangements for the transition are put into place, we will provide updated information about how to contact us.

This newsletter contains general information that was current at the time of publication. If you have specific enquiries arising from any material in this publication, you should write to the Registrar of the Real Estate and Business Agents Supervisory Board, or seek independent professional advice. The producers of this publication expressly disclaim any liability arising out of a reader's reliance on information in this publication.