



Government of **Western Australia**
 Department of **Mines, Industry Regulation and Safety**
Consumer Protection

Application for a Real Estate and Business Agent's licence and triennial certificate - Body Corporate

APPLICATION CHECKLIST

You must attach the following supporting documentation in order to complete the application. Incomplete applications will not be accepted and will be returned.

	Attached
Prescribed fee (Please complete credit card details below or make a cheque payable to the Commissioner for Consumer Protection)	
Australian police check for every relevant person who is not currently the holder of a triennial certificate under the Act Approved police check providers are listed at http://www.commerce.wa.gov.au/cp/policechecks	
Two references for each relevant person who is not currently licensed under the Act (see Appendix 1 pro forma)	

An incomplete or inaccurate application cannot be assessed. If you need help completing this form please contact the Licensing Advice Line on 1300 304 064.

APPLICATION FEE

The total fee payable includes a triennial certificate/licence fee, an application fee and a contribution to the fidelity guarantee fund.

A list of current fees is available on our website at www.commerce.wa.gov.au/CP/licensingfees.

Cheques should be made payable to the Commissioner for Consumer Protection. For payment by credit card, please complete the following:

CREDIT CARD PAYMENT DETAILS

Card Type Visa Mastercard (Only Visa and Mastercard accepted)

Card Number

Card Holder Please print

Expiry Date /

Signature / Authorisation Date

*Fees are subject to change on 1 July of each year

OFFICE USE ONLY					
Total Fee	\$	Department Code	RA <input type="checkbox"/>	Chart Description	
					<input type="checkbox"/> Application Fee <input type="checkbox"/> FRE Agents Fidelity Contribution; and <input type="checkbox"/> New app – Real Estate Agent Body Corporate

General Information

In this form reference to "**the Act**" means the *Real Estate and Business Agents Act 1978* and "**the Commissioner**" means the Commissioner for Consumer Protection.

"**Relevant persons**" means all the directors and all other persons concerned in the management or control of the body corporate and includes the person who is to be in bona fide control of the business. **All relevant persons must sign at section 6.**

Please write in **BLOCK LETTERS** using pen. **Answer every question.** Tick where appropriate. **ALL information must be provided** to enable the application to be assessed. Incomplete applications will not be accepted and will be returned.

This application **must** be accompanied by the prescribed fee (www.commerce.wa.gov.au/CP/licensingfees) and those additional items summarised in the checklist. Original documents lodged with a complete application cannot be returned so copies of supporting documents will be accepted as long as they are signed as true copies by an authorised witness (www.commerce.wa.gov.au/CP/authorisedwitness). Applications cannot be lodged by email or facsimile. Do note only the fidelity fund fee is refundable if this application is withdrawn or not successful.

As part of the assessment of the application the Commissioner will obtain information about the body corporate, its officeholders and the body corporate's intended trading name from the Australian Securities and Investments Commission. For information about how to register a body corporate or business name visit www.asic.gov.au.

We use email for contact purposes and to provide information to industry members so it is important that you notify the Commissioner should your email contact details change.

1. Details of applicant

Name of body corporate (company):

ACN/ARBN:

Business Name under which the body corporate intends to trade: (if applicable)

Business Email:

Business Phone / Mobile:

Person in bona fide control

2. Relevant Persons of the body corporate

Please include in the space below details of all relevant persons of the body corporate.

Please note that where there are up to three (3) directors, at least one director must be a licensed real estate and business agent ("RA"). If the body corporate has four (4) or more directors, at least two (2) must be licensed as an RA.

Full legal name and RA number (if applicable)	Role in business	Email
RA		
RA		
RA		
RA		
RA		

If there is insufficient space, please attach a page giving full details as per above

3. Fitness and character of applicant and relevant persons

National Police Check: To enable the Commissioner to consider whether the applicant and all relevant persons are of good character and repute, and fit and proper persons to hold a licence, please attach to this application **an original or duly certified copy (signed by an authorised witness) of an Australian police check** for each relevant person of the body corporate who is not the holder of a current triennial certificate under the Act. Certificates must be **no more than three months old** at the time they are lodged with the Department. Please note that *State Records Act 2000* requirements mean we cannot return the original document. However, a certified copy can be made available upon request.

Please see www.commerce.wa.gov.au/cp/policechecks for a list of accepted Australian police check providers.

References: Each relevant person who does not hold a current triennial certificate under the Act must also provide two business references. The references must be in the pro forma (see Appendix 1).

Has/is the applicant , or any relevant person of the applicant:	Yes or No
(a) been convicted, or found guilty of any offences, including convictions which resulted in a suspended sentence? <i>(Include all offences which went to Court, including traffic offences. Do not include spent convictions.)</i>	
(b) aware of any legal proceedings currently pending against you for an offence, including proceedings by way of appeal or review?	
(c) been the subject of any adverse finding by a Government Board, Tribunal or Agency, e.g. the Corruption and Crime Commission?	
(d) had any occupational licence or application refused, cancelled or suspended?	
(e) been disqualified from holding any occupational licence?	
(f) been subject to any disciplinary action by a licensing authority?	
(g) had any investigations or legal proceedings commenced against you or an associated entity, which may result in action being taken in relation to an occupational licence currently held?	
(h) in liquidation, under official management or an undischarged bankrupt?	
(i) having affairs administered under any bankruptcy laws?	
(j) a director of a corporation, which has been subject to any form of insolvency administration?	

If the answer to any of the above items was 'Yes', full details must be provided on a separate attached sheet of paper.

4. Business Address Details

Principal Place of Business:

Postal Address:

(If different from above)

Prior to commencing to carry on business as an agent you will need to complete the Notification of Commencement of Trading form, which can be downloaded at www.commerce.wa.gov.au/CP/realestate.

5. Financial Information

The Commissioner cannot grant a licence and triennial certificate unless satisfied that the body corporate has sufficient material and financial resources available to comply with the requirements of the Act. To facilitate this, credit history checks will be obtained as part of the application process. You must also provide the assets and liabilities of the body corporate below.

Confidential Statement of Assets and Liabilities

Confidential Statement of Assets and Liabilities
(please provide figures for the body corporate, not the body
Corporate directors)

Assets	\$
Liabilities	\$
Net Worth	\$

In addition to completing the above, please answer the following question:

	Yes	No
Do you believe that the body corporate has sufficient financial resources to enable it to carry on business as an agent and to comply with the requirements of the Act?		

6. Authorisation and Declaration

This section must be completed by ALL natural directors, and persons in control and management of the body corporate (including the person in bona fide control of the body corporate)

In order to assist with the determination of this application, I authorise the Commissioner, or persons so directed, to obtain on my behalf any document, record, file or information that may be necessary and relevant to consider my character and repute, and my fitness to be concerned as a director of, or in the management and control of, an agent's business. This includes but is not limited to records relating to my criminal history or current/previous occupational licences or other relevant information.

I confirm that I understand fully the duties and obligations imposed on me and the body corporate under the Act, Regulations, and associated Code of Conduct.

I understand that providing false or misleading information to the Commissioner or Chief Executive Officer is an offence under section 134A of the Act.

Name of Person	Signature	Date

Attach additional sheet if required

As of January 2019 the Department will send courtesy reminders to renew licences via SMS and email only. Please ensure your contact details are kept up to date or you may not receive renewal reminders.

By post addressed to:

Licensing Services

Department of Mines, Industry
Regulation and Safety
Locked Bag 100,
EAST PERTH WA 6892

In person at:

Customer Service

Level 1, Mason Bird Building
303 Sevenoaks Street
CANNINGTON
Hours: 8:30am to 4:30pm
Monday to Friday

In person (drop off only) at:

Department of Mines, Industry
Regulation and Safety
Level 2, Gordon Stephenson House
140 William Street, PERTH
Hours: 8:30am to 4:30pm
Monday to Friday

Licensing Advice Line 1300 304 064
Overseas Callers +61 8 6251 2931
General enquiries: 1300 304 054

Email enquiries: cplicensing@dmirs.wa.gov.au
Web Site www.commerce.wa.gov.au/CP/licences



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REAL ESTATE AND BUSINESS AGENT BUSINESS REFERENCE TEMPLATE

- References from relatives (domestic partner), subordinates, business partners or co-directors will not generally be accepted.
- At least one reference must be from a person external to the individual's current place of employment.
- **References should be as detailed as possible but include only information that is relevant to the individual's suitability to be a director, or a person concerned in the management or conduct, of a real estate and business agent's business. Any additional relevant information should be attached.**
- Where Consumer Protection is unable to determine the individual's suitability to be concerned with the management or conduct of a real estate and business agent's licence due to insufficient information, the reference will not be accepted.

The information provided will assist the Commissioner to determine whether an individual is of good character and repute, and a fit and proper person to be concerned in the management or control of a real estate agent's business, pursuant to section 29 of the *Real Estate and Business Agents Act 1978* ("the Act"). Please keep your answers relevant to these matters in a professional context.

Individual for whom reference provided: _____

Relevant Body Corporate (applicant): _____

Questions (to be completed by the referee)

1. How long have you known the individual?
2. Are you related to the individual in any way?
3. What is the capacity and extent of your business relationship (and social relationship, if any) with the individual?.....
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4. To the best of your knowledge, what experience does the individual bring to make them a suitable person to be a director, or a person involved with the management or conduct of a real estate agency's business?
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- I consider the individual to be a person of good character and repute and persons fit to be concerned as a director of, or with the management or control of, a real estate agent's business.
- I believe that the individual reasonably understands the duties and obligations imposed on them by the Act.
- I am not aware of any reason why the individual would not be eligible to be, or should not be concerned as a director of, or involved with the management or control of, a real estate agent's business.
- I am not aware of any reason why the applicant may not have sufficient material and financial resources available to comply with the requirements of the Act.

I declare that the particulars and answers given in respect of this reference in support of this application are, to the best of my knowledge and belief, true and correct and the attachments hereto are what they purport to be.

Further, I understand that providing false or misleading information to the Commissioner or Chief Executive Officer is an offence under section 134A of the Act.

Referee's full name:

Referee's job title and place of employment:

Referee's contact number:

Signature of referee: **Date:**