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

Application for a Real Estate Settlement Agents Licence and/or Business Settlement Agents Licence and Triennial Certificate (Body Corporate/Company)

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This form is designed to be used with the FREE Adobe Acrobat Reader application. Click here to download Acrobat Reader. Alternatively the form can be printed and completed by hand, scanned and submitted (with all attached documents).

Checklist

Your application can only be processed if **ALL** of the relevant information and supporting documentation is provided. Use this checklist to ensure that you complete all parts of your application and have all necessary supporting documents ready to attach. Please check that:

- ☐ all sections of this form are complete;
- ☐ the two business references for each relevant person have been completed using the pro forma available on the website, and are ready to attach;
- ☐ the Australian police check/s for each relevant person from an approved provider is/are ready to attach;
- ☐ a copy of the Certificate of Insurance is ready to attach;
- ☐ payment of the prescribed fee is ready to be made.

Duration of licence

If granted, your Real Estate Settlement Agents and/or Business Settlement Agents Triennial Certificate will be issued for a period of up to three (3) years.

Application fee

A fee is payable at the time of lodging the application. Please refer to our website at www.commerce.wa.gov.au/CP/licensingfees for the current prescribed fees. The total fee payable includes a non-refundable triennial certificate/licence fee and a contribution to the fidelity guarantee account. All fees are exempt from the GST and subject to change without notice. Part payment cannot be accepted. Cheques should be made payable to the Commissioner for Consumer Protection.

If you are submitting this form online, you will be able to make payment using the Department's secure payment gateway.

If you are submitting this form by post and are making payment by credit card, you must also complete the Application Payment Form available at www.commerce.wa.gov.au/publications/licensing-application-payment-form and attach it to your application.

Lodgement options

You may lodge your completed application **ONLINE** or:

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

By post
Licensing Services
Department of Mines, Industry Regulation and Safety
Locked Bag 100
EAST PERTH WA 6892

Enquiries
Licensing Advice Line: 1300 304 064
Overseas Callers: +61 8 6251 2931
General Enquiries: 1300 304 054
Email: cplicensing@dmirs.wa.gov.au
Web Site: www.commerce.wa.gov.au/CP/licences

Office use only

Total Fee ($)	Department code	Chart description
	☐ SA ☐ SB	☐ FRE Agents Fidelity Contribution; and ☐ New app – Settlement Agents Body Corporate

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General information

In this form reference to **"the Act"** means the *Settlement Agents Act 1981* and **"the Commissioner"** means the Commissioner for Consumer Protection.
"Relevant Persons" means all directors and any other natural persons involved in the management or control of that company. This includes the person who is to be in bona fide control of the business.

Licence category

Which settlement agent's licence(s) are you applying for?

☐ Real Estate Settlement Agent

☐ Business Settlement Agent

Details of applicant

Name of body corporate (company):

ACN/ARBN

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

NOTE: Every applicant who intends to carry on business under a business name must have that business name registered under the *Business Names Registration Act 2011* with the Australian Securities and Investments Commission. For information about business names registration requirements visit www.asic.gov.au.

Contact details

Phone (business):

Phone (mobile):

Email:

We use email and SMS for contact purposes and to send courtesy renewal reminders, so it is important that you notify the Commissioner should your electronic contact details change.

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Company Directors

Please note that where there are up to three (3) directors, at least one of them must be a licensed real estate settlement agent and/or business settlement agent. For a company with four (4) or more directors, at least two (2) of them must be licensed real estate settlement agents and/or business settlement agents.
Please include in the space below details of all directors of the body corporate. Please indicate by selecting next to the name of those members holding a real estate settlement agent and/or business settlement agent licence. Additionally, place an asterisk (*) next to the name of the licensed member who is to be the person in bona fide control (if applicable).

Full Legal Name	Home address	Date of Birth	Email address	
		/ /		☐
		/ /		☐
		/ /		☐
		/ /		☐
		/ /		☐

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

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Character and fitness of applicant and relevant persons

You must provide an Australian police check in your full legal name that is less than three (3) months old. Further information about accepted police checks is available on our website: www.commerce.wa.gov.au/CP/policechecks.

Please answer either 'Yes' or 'No' to the following questions. If the answer to any of the questions is 'Yes', you may be contacted to provide additional information as part of the application process.

Has/is the applicant or any relevant person of the applicant:

1. been convicted, or found guilty of **any** offences, including convictions which resulted in a suspended sentence? ☐ Yes ☐ No
   (Include all offences which went to Court, including traffic offences. Do not include spent convictions.)
2. aware of **any** legal proceedings currently pending against you for an offence, including proceedings by way of appeal or review? ☐ Yes ☐ No
3. been the subject of **any** adverse finding by a Government Board, Tribunal or Agency, e.g. the Corruption and Crime Commission? ☐ Yes ☐ No
4. been the subject of **any** adverse finding by a Government Board, Tribunal or Agency, e.g. the Corruption and Crime Commission? ☐ Yes ☐ No
5. had **any** occupational licence or application refused, cancelled or suspended? ☐ Yes ☐ No
6. been disqualified from holding **any** occupational licence? ☐ Yes ☐ No
7. been subject to **any** disciplinary action by a licensing authority? ☐ Yes ☐ No
8. 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? ☐ Yes ☐ No
9. in liquidation, under official management or an undischarged bankrupt? ☐ Yes ☐ No
10. having affairs administered under **any** bankruptcy laws? ☐ Yes ☐ No
11. a director of a corporation, which has been subject to **any** form of insolvency administration? ☐ Yes ☐ No

Business references

Each relevant person (partner and/or director, including the nominated person in bona fide control) must provide two business references using the pro forma titled "Settlement Agent Business Reference Template for Directors or Partners" which is available on our website at: www.commerce.wa.gov.au/publications/settlement-agent-licence-application-forms.

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Business and address details

Person in Bona Fide Control
Please state the name of the person that will be in bona fide control of the business if one of the licensed directors (specified at section 3) is not undertaking that role.

Person in bona fide control:

Triennial Certificate No: SA/SB

Principal Place of Business:

Street address:

Suburb: State: Postcode:

Postal Address:

☐ As above Street address or PO Box:

Suburb: State: Postcode:

Address for service of notices: (Cannot be a PO Box) See section 37 of the Act

☐ As above Street address:

Suburb: State: Postcode:

Branch Address (if applicable): See section 38 of the Act

☐ As above Street address:

Suburb: State: Postcode:

Name of Branch Manager:

Triennial Certificate No of Branch Manager: SA/SB

Financial information

The Commissioner cannot grant a licence and triennial certificate unless satisfied that the applicant has sufficient material and financial resources available to comply with the requirements of the Act. To facilitate this, please provide the Company's assets and liabilities below.

Confidential Statement of Assets and Liabilities
(Please provide figures for the body corporate, not individual directors). To assist in determining whether you have sufficient material and financial resources a credit history check will be obtained as part of the application process.

Assets	$
Liabilities	$
Net Worth	$

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

Do you believe that you have sufficient financial resources to enable you to carry on the business as an agent and to comply with the requirements of the Act?

☐ Yes ☐ No

Fidelity and professional indemnity insurance

In accordance with section 35 of the Act each triennial certificate holder must enter into a professional indemnity policy under the Commissioner's Master Policy Agreement. Please provide a copy of the certificate of insurance.

For information about obtaining insurance under the Master Policy Agreement, contact Paulene Plichota on (08) 9426 0451 or visit www.marsh.com.au/au/home.html.

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Authorisation and Declaration - this section must be completed by ALL relevant persons

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 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 111A of the Act.

Name of person	Signature	Date
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Attach additional sheet if required