



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

Application for a Real Estate Settlement Agents Licence and/or Business Settlement Agents Licence - (Individual)

APPLICATION CHECKLIST

Prior to submitting your application, please complete this checklist, attaching your application and supporting documentation in the order set out below: Incomplete applications will not be accepted and will be returned.

Prescribed fees (Complete credit card details below or make cheque payable to the Commissioner for Consumer Protection)	
An original National Police check (not more than three months old) Approved police check providers are listed at http://www.commerce.wa.gov.au/cp/policechecks	
Copy of the Certificate of Insurance (if applicable)	
Detailed summary of practical experience (Page 5 – attach additional sheets if required)	
Two references (Appendix 1 pro forma)	
Certificate of completion for educational qualifications	

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 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 / *I authorise the Department to deduct the current prescribed fee**

Signature / Authorisation Date

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

OFFICE USE ONLY					
Total Fee:	\$	Department Code	SA <input type="checkbox"/>	Chart Description	<input type="checkbox"/> Application Fee
			SB <input type="checkbox"/>		<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 *Settlement Agents Act 1981* and “**the Commissioner**” means the Commissioner for Consumer Protection.

Your application cannot be assessed unless ALL sections are completed and ALL information is provided. It is essential that you DO NOT LEAVE ANY SECTION BLANK – Use ‘N/A’ or ‘Nil’ where appropriate. Incomplete applications will not be accepted and will be returned.

This application **must** also be accompanied by the prescribed fee and those additional items listed in the form. Do note only the fidelity fund fee is refundable if this application is withdrawn or not successful.

The list of current fees is available at www.commerce.wa.gov.au/CP/licensingfees.

1. Licence category

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

- Real Estate Settlement Agent
 Business Settlement Agent

2. Details of applicant

Title: Mr Mrs Miss Ms Other

Last Name:

Given Name(s):

Date of birth:

Residential Address:

Postal Address:
(If different from above)

Address for service of notices:
(Cannot be a PO Box)
See section 37 of the *Settlement Agents Act 1981*

Work phone: () Mobile:

Email address:

Note: The Department will utilise your nominated email address for communication purposes, please ensure that the email address provided in your application is correct, and that you notify the Department of any future changes.

3. Character and Fitness

National Police Certificate: To enable the Commissioner to consider whether an applicant is of good character and repute, and a fit and proper person to hold a licence, please attach to this application **an original Australian police check**. The certificate must be **no more than three months old** at the time it is lodged with the Commissioner.

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 checks.

Business References: You must also provide **two original business references**. The references must be in the pro forma (see Appendix 1).

Please answer either 'Yes' or 'No' to the following questions.

Have/are you:	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 Details – please complete either A or B only

A) If you intend to operate as a sole trader, please complete the following:

Business Name (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.

Principal Place of Business:

Branch Address (if applicable):
See section 38 of the *Settlement Agents Act 1981*

Name of Branch Manager:

Triennial Certificate No of Branch Manager: SA/SB

Attach additional sheet(s) if necessary

B) If you are seeking a licence for the purpose of operating in the settlement industry on behalf of a different entity/agency, what is the name of the entity/agency and please outline your role within that business. If you are not currently employed in the settlement industry please indicate this below.

5. Financial Information

The Commissioner for Consumer Protection cannot grant a licence 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 your asset and liabilities below.

Confidential Statement of Assets and Liabilities

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:

	Yes	No
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?		

Fidelity and Professional Indemnity Insurance

Each triennial certificate holder that will be trading in their own right must at all times be insured and hold a current certificate of insurance under the Commissioner’s Master Policy Agreement. If the applicant intends to trade in their own right, please provide a copy of a current certificate of insurance.

For information about obtaining insurance under the Master Policy Agreement, contact Jardine Lloyd Thompson on (08) 9426 0444 or visit www.jlta.com.au.

NOTE: If you will not be operating as a sole trader the Commissioner may grant the licence and triennial certificate subject to a condition waiving the requirement to hold insurance.

6. Qualification and Experience (see regulation 6 of the *Settlement Agents Regulations 1982*)

Qualifications for a real estate settlement agents licence

- Australian Legal Practitioner within the meaning of that term in the *Legal Profession Act 2008*; or
- A Diploma of Conveyancing

Qualifications for a business settlement agents licence

- Australian Legal Practitioner within the meaning of that term in the *Legal Profession Act 2008*; or
- A Diploma of Conveyancing and a unit of competency covering business settlement transactions.

Please provide your certificate of examination results and a copy of your qualification or a verification letter from the registered training organisation. In respect of a legal practitioner, a current practicing certificate must be provided.

Experience (Note: This requirement does not apply to legal practitioners.).

Under Schedule 1 of *Settlements Agents Act 1981* you are required to have **two (2) years continuous full-time experience** in arranging and effecting settlements of real estate and/or business transactions during the period immediately prior to the application.

7. Authorisation and Declaration

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 fitness and propriety to hold a licence, including but not limited to records relating to my criminal history or current/previous occupational licences or other relevant information.

I confirm I understand fully the duties and obligations imposed on myself 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.

Applicant's full name:

Signature of applicant: **Date:**

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.

You may lodge your completed application:

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](tel:1300304054)

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



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Consumer Protection

SETTLEMENT AGENT BUSINESS REFERENCE TEMPLATE

- References from relatives/partner, subordinates, business partners or co-directors will not be accepted.
- At least one reference must be from a person external to the applicant’s current place of employment.
- **References should be as detailed as possible but include only information that is relevant to the applicant’s suitability to hold a settlement agent’s licence. Any additional relevant information should be attached.**
- Applicants must have a minimum of two years’ full-time relevant experience immediately prior to the application. References should outline the applicant’s relevant experience within this period.
- Where Consumer Protection is unable to determine the applicant’s suitability to hold a settlement agent’s licence due to insufficient information being provided in support of the application, the reference will not be accepted.

The information provided will assist the Commissioner for Consumer Protection in determining whether the applicant is of good character and repute, and a fit and proper person to be granted a settlement agent’s licence, pursuant to section 27 of the *Settlement Agents Act 1981* (“the Act”).

Individual for whom reference provided: _____

(the applicant)

Questions

1. How long have you known the applicant?
2. Are you related to the applicant in any way?
3. What is the capacity and extent of your business relationship (and social relationship, if any) with the applicant?
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4. Please indicate, to the best of your knowledge, the type, scope and extent of the applicant’s settlement experience in the last five years
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- I consider the applicant to be a person of good character and repute and a fit and proper person to hold a licence.
- I believe that the applicant reasonably understands the duties and obligations imposed on them by the Act.
- I am not aware of any reason why the applicant would not be eligible for, or should not be granted, a settlement agent's licence.
- 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 believe the applicant to be capable of carrying on the business of a real estate settlement and/or business settlement agent with the general public without supervision.

I declare that the particulars and answers given in respect of this reference in support of this support 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 111A of the Act.

Referee's full name:

Referee's job title and place of employment:

Referee's contact number:

Signature of referee:

Date:



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