



Application for a Real Estate and Business Agent's licence - (Body Corporate)

Please use a pen and write using BLOCK LETTERS. Tick where appropriate

Application Requirements

This form must be completed and signed by the person in *bona fide* control of the agency.

Your application can not 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.

This application **must** also be accompanied by the prescribed fee and those additional items listed in the Application.

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

Emails

The Department will utilise your nominated email address/es for contact purposes, please ensure that the email address/es provided in this application are correct, and that you notify the Department of any future changes.

Notice of application and objections

A notice of your intention to apply for a licence will be placed in the public notices section of *The West Australia* newspaper. Any person may object to the grant of a licence within 7 days of the notice being published.

1. Details of applicant

Name of body corporate applying:

ACN/ARBN:

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

NOTE: Every applicant who intends to carry business under a business name must have that business name registered under *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 Email address:

Business Phone Number:

Business Fax Number:

Department of Commerce
 Consumer Protection
 Ground floor "Forrest Centre"
 219 St Georges Terrace
 PERTH WA 6000

Locked Bag 14
 Cloisters Square WA 6850

Licensing Advice Line
 8:30am to 5.00pm
 Monday to Friday
 Tel: 1300 30 40 64

Overseas Callers
 +61 8 9282 0459

Email
licensingenquiries@commerce.wa.gov.au

Web Site
www.commerce.wa.gov.au/CP/licences

Consumer Protection Advice Line
 Tel: 1300 30 40 54

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2. Company Directors

Please note that where there are up to three (3) directors, at least one of them must be a licensed real estate and business agent. For a company with four (4) or more directors, at least two (2) of them must be licensed real estate and business agents.

Please include in the space below details of all directors of the body corporate. Please indicate by placing a next to the name of those directors holding a real estate and business agent licence. Additionally, place an asterisk (*) next to the name of the licensed director 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

3. Character of Persons and Entity

Please answer the following questions about the body corporate and the directors listed previously:	Yes	No
(a) Have any of the directors ever been convicted of, or found guilty of, ANY offences anywhere? (Include all traffic offences that went to court but do not include spent convictions)		
(b) Are any of the directors presently under a probation order, good behaviour bond, on parole, released on licence or subject to periodic detention?		
(c) Are any of the directors aware of any proceedings pending against you/them for an offence, including proceedings by way of appeal or review?		
(d) Have any of the directors ever been disqualified from holding a licence by any occupational licensing Board, agency, other Departments or authorities anywhere?		
(e) Has the body corporate breached or been found guilty of ANY offences anywhere?		
(f) Has the body corporate or any director been known by any other name?		

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

4. National Police Certificate/s

The *Real Estate and Business Agents Act 1978* requires any applicant applying for a real estate and business agent licence to be of good character and repute, and a fit and proper person to hold a licence. Please attach to this application **an original or duly certified copy of a National Police Certificate** for each director of the body corporate which is **no more than three months old**. Original documents will not be returned.

Please see www.commerce.wa.gov.au/cp/authorisedwitness for a list of occupations authorised to certify documents.

The National Police Certificate can be obtained through participating Australia Post outlets in Western Australia (please see www.police.wa.gov.au for further information).

5. Business References

Two business references for each director that is not currently licensed under the Act must accompany this application. The references must be in the pro forma (see Appendix 1). References from relatives or partners will not be accepted and at least one reference must be from a person external to your current place of employment.

6. Business and Address Details

Person in Bona Fide Control

Please state the name of the employee that will be in bona fide control of the business if one of the licensed directors (specified at section 2) is not undertaking that role.

Person in *bona fide* control:

	Triennial certificate No: RA
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Principal Place of Business:

Postal Address:

(If different from above)

Address for the service of

notices: (Cannot be a PO Box) See section 36 of the *Real Estate and Business Agents Act 1978*

Branch Address(es) (if applicable):

See section 37 of the *Real Estate and Business Agents Act 1978*

Name of Branch Manager:

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Triennial Certificate No of Branch Manager: RA

Attach additional sheet if necessary

Does the body corporate intend to operate under a franchise agreement? Yes No

If yes answered yes, please provide a copy of the franchise agreement.

7. Financial Information

The Commissioner for Consumer Protection cannot grant a licence unless (s)he is 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)

Assets	\$
Liabilities	\$
Net Worth	\$

8. Authorisation to obtain information

In order to assist the Commissioner for Consumer Protection with assessment of this application, we give authorisation to the Commissioner, or persons (s)he directs, to obtain on behalf of those persons listed below copies of:

- (a) current or historical criminal records relating to any offence committed by an officer of the body corporate or an associated person/entity;
- (b) any statements of fact for proceedings to which an officer of the body corporate, or an associated person/entity, have been a party;
- (c) any court transcript or records for proceedings to which an officer of the body corporate, or an associated person/entity, have been a party;
- (d) any decision in proceedings before any statutory body to which an officer of the body corporate, or an associated person/entity, have been a party;
- (e) any other document or file relating to another occupational licence which an officer of the body corporate, or an associated person/entity, have applied; and/or
- (f) any other document or file that may be necessary to assist the Commissioner with assessment of this application.

I/We further agree, during the currency of this application, to do all things necessary to assist the Commissioner in obtaining the above records upon request.

By signing this document, I/we confirm that I/we understand fully the duties and obligations imposed on the body corporate under the *Real Estate and Business Agents Act 1978*, Regulations, and associated Code of Conduct.

All natural persons involved in the management and/or conduct of the agency must sign this section to attest to the information provided.

Name of Person	Signature	Date

9. Declaration (signed by person in *bona fide* control)

I, (print full name)

of (address)

occupation

being the person in *bona fide* control of the body corporate for a real estate and business agent sincerely declare as follows:

1. no person included in the list of directors of the body corporate is an undischarged bankrupt or a person whose affairs are being administered under the laws of bankruptcy (if this is not so provide details on a separate sheet of paper);
2. the particulars given in this application are true and correct and the attachments hereto are what they purport to be;
3. I have/ have not (~~delete which is not applicable~~) been appointed as Director of the company;
4. I shall be in *bona fide* control and exercise constant supervision of all employees, branch managers and sales representatives of the business;
5. I have satisfied myself that the company named above has sufficient material and financial resources available to it to comply with the requirements of the *Real Estate and Business Agents Act 1978*;
6. The company is solvent and is able to pay its debts as they fall due for payment.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Declared at (address)

Dated this day of 20

Applicant's Signature

In the presence of:

Witness' Signature

Print Full Name of Witness

Qualification as such a witness (e.g. JP, Public Servant, etc)

Refer to section 12 and schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005* for the list of Authorised Witnesses or visit www.commerce.wa.gov.au/CP/authorisedwitness.

Any person who knowingly makes a statement that is false in a material particular in a statutory declaration is guilty of a crime and is liable to imprisonment for 5 years and a fine of \$24,000.

Application Checklist

Prior to submitting the application, please complete this checklist, attaching the supporting documentation in the order set out below.

Prescribed fee (Please complete credit card details below or make a cheque payable to the Commissioner for Consumer Protection)	
An original National Police Certificate for each director (not more than three months old)	
Two references for each director who is not currently licensed under the Act (see Appendix 1 pro forma);	
Copy of franchise agreement (if applicable)	

Your completed application may be forwarded by post to: Department of Commerce, Consumer Protection Licensing Branch Locked Bag 14, Cloisters Square PERTH WA 6850	Or delivered in person to: Department of Commerce Ground Floor, Forrest Centre 219 St Georges Terrace PERTH WA 6000
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An incomplete or inaccurate application cannot be assessed. If you need help completing this form please contact the Licensing Advice Line on 1300 30 40 64.

11. Application Fee

A Triennial Certificate is granted for a three (3) year period. 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 details below:

12. For Credit Card Payment – applicant to complete

Card Type Visa Mastercard

Card Number

Expiry Date /

Card Holder

Please print

Signature/Authorisation



Government of **Western Australia**
Department of **Commerce**
Consumer Protection

**REAL ESTATE AND BUSINESS 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 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 for Consumer Protection in determining whether an individual is of good character and repute, and a fit and proper person to be concerned with the management or conduct of a real estate agent's business, pursuant to section 29 of the *Real Estate and Business Agents Act 1978*.

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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General fitness of individual to be in the management and control of a real estate agency:

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 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 *Real Estate and Business Agents Act 1978*.

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 *Real Estate and Business Agents Act 1978*.

Referee’s Name (please print)

Job title/Place of Employment

Contact Number

Declaration

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

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Declared at

Dated this day of 20

Referee’s Signature

In the presence of:

Witness’ Signature

Print Name of Witness

Qualification as such a witness (e.g. JP, Public Servant, etc.)

Refer to section 12 and schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005* for the list of Authorised witnesses or visit www.commerce.wa.gov.au/CP/authorisedwitness.

Any person who knowingly makes a statement that is false in a material particular in a statutory declaration is guilty of a crime and is liable to imprisonment for 5 years.