



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

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

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

### Application Requirements

This form must be completed and signed by the applicant.

**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.**

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

The list of current fees is available at [www.commerce.wa.gov.au/CP/licensingfees](http://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.

Department of Commerce  
Consumer Protection  
Level 2, Gordon Stephenson House  
140 William Street  
PERTH WA 6000

Licensing Branch  
Level 1, Mason Bird Building  
303 Sevenoaks Street  
CANNINGTON WA 6107

Locked Bag 14  
Cloisters Square WA 6850

Licensing Advice Line  
Tel: 1300 30 40 64

Overseas Callers  
+61 8 6251 2931

Email  
cplicensing@commerce.wa.gov.au

Web Site  
[www.commerce.wa.gov.au/CP/licences](http://www.commerce.wa.gov.au/CP/licences)

Consumer Protection Advice Line  
Tel: 1300 30 40 64

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### 3. Character

Please answer the following questions about yourself.

	Yes	No
(a) Have you ever been convicted of, or found guilty or, ANY offences anywhere? (include all traffic offences that went to court, but do not include spent convictions.)		
(b) Are you presently under a probation order, good behaviour bond, on parole, released on licence or subject to periodic detention?		
(c) Are you aware of any proceedings pending against you for an offence, including proceedings by way of appeal or review?		
(d) Have you ever been disqualified from holding a licence by any occupational licensing Board, agency, other Department or authorities anywhere?		
(e) Had any occupational licence or application refused, cancelled or suspended?		
(f) Have you ever been known by any other names?		

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

The *Settlement Agents Act 1981* requires any applicant applying for a settlement agent's 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 an Australian police check**, which is **not more than three months old**. 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](http://www.commerce.wa.gov.au/cp/policechecks) for a list of accepted Australian police checks.

Please see [www.commerce.wa.gov.au/cp/authorisedwitness](http://www.commerce.wa.gov.au/cp/authorisedwitness) for a list of occupations authorised to certify documents.

### 5. Business Details – please complete either A or B only

**A)** If you intend to operate as a sole trader, please provide 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](http://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.

## 6. Financial and Audit Information

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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 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.

<b>Assets</b>	<b>\$</b>
<b>Liabilities</b>	<b>\$</b>
<b>Net Worth</b>	<b>\$</b>

### 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](http://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.

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

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### 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.

Please provide a **Statutory Declaration** (a copy is included at Appendix 1) detailing your practical experience in effecting settlements relevant to your application. This should include:

- the name of, length of time with and the position held with your current employer (list of duties undertaken);
- confirmation of full-time or part-time employment (if part-time state days and hours of employment);
- if employed in this position for less than two years, details of previous places of employment, positions held and an extensive list of the duties undertaken;
- the number of settlements that you personally have undertaken during the last two years, the type of settlements effected (e.g.: house/land, business etc.) and the aspects of the settlements undertaken; and
- if applicable, details about any workshops or courses that you have attended during the last twelve months, which directly relate to the settlement profession.

## 8. Business References

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You must provide two business references. The references must be in the pro forma (see Appendix 2). 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.

**9. Declaration of Applicant and Authorisation to the Commissioner**

You are advised that permitting another person to use your licence or triennial certificate attracts penalties and the possibility of cancellation of the licence.

I, ....., sincerely declare as follows: -

1. That the particulars and answers given in respect of this application, are to the best of my knowledge and belief, complete, correct and true and that the attachments hereto are what they purport to be.
2. 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 and triennial certificate, including but not limited to records relating to my criminal history or current/previous occupational licences or other relevant information.
3. Further, I declare that information and documents given with or in support of this application, whether or not provided at the time of or subsequent to lodgement, are true and correct.
4. I agree, during the currency of this application, to do all things necessary to assist the Commissioner in obtaining the above records upon request.
5. I confirm that I understand fully the duties and obligations imposed on myself under the Settlement Act 1981, Regulations, and associated Code of Conduct.

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 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](http://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.**

## 10. Application Checklist

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

Prescribed fees (Cash, cheque made payable to the Commissioner for Consumer Protection or credit card)	
An original National Police check (not more than three months old);	
Copy of the Certificate of Insurance (if applicable);	
Statutory Declaration detailing practical experience (see Appendix 1);	
Two references (see Appendix 2);	
Certificate of completion for educational qualifications;	

Your completed application may be lodged

**By post** addressed to:

Consumer Protection Licensing  
Department of Commerce  
Locked Bag 14  
CLOISTERS SQUARE WA 6850

**In person** at:

Department of Commerce  
Level 2, Gordon Stephenson House  
140 William Street  
PERTH

**In person** at:

Consumer Protection Licensing  
Level 1, Mason Bird Building  
303 Sevenoaks Street  
CANNINGTON

**DROP OFF ONLY**

**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 Fees

A Triennial Certificate is granted for a three (3) year period. 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](http://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

Card Type      Visa       Mastercard

Card Number                          

Expiry Date        /

Card Holder       *Please print*

Signature/Authorisation





Government of **Western Australia**  
Department of **Commerce**  
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*.

**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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**General fitness of applicant to hold a settlement agent licence:**

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 *Settlement Agents Act 1981*.

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 *Settlement Agents Act 1981*.

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.

**Referee's Name** (please print) .....

**Job title/Place of Employment** .....

**Contact Number** .....

**Declaration**

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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](http://www.commerce.wa.gov.au/CP/authorisedwitness).

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