

APPLICATION BY COMPANY FOR AGENT'S LICENCE

Section 38, Real Estate Agents Act 2008

Real Estate Agents Authority

INSTRUCTIONS See the **NOTES** on page 3 of this form.

1. Use this form to apply as a **company** for an Agent's Licence.
2. Complete all sections. Use BLOCK letters. Use a ballpoint pen.
3. When completed, attach the **prescribed statutory declaration, prescribed fee, and supporting documents** and send this form to:
The Registrar, Real Estate Agents Authority, PO Box 25371, Panama Street, Wellington 6146 (Note 1).
4. For help in completing this form, call 0800forREAA (0800 367 7322) or visit www.reea.govt.nz.

1. LICENCE HISTORY The company has/has not* previously held an agent's licence. Licence registration number (if any) _____ [* Select one.]										
2. DETAILS OF APPLICANT COMPANY Company name Trading name of business Name of franchise group or marketing group (if any)										
3. POSTAL ADDRESS Street or PO Box..... Suburb City Post Code <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	4. ADDRESS OF REGISTERED OFFICE Street Suburb City Post Code <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>									
5. ADDRESS OF PRINCIPAL PLACE OF BUSINESS (if different from 4) Street Suburb City Post Code <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	6. CONTACT PERSON (for inquiries about this application) Name Telephone number(s) (0) Email address									
7. EMAIL ADDRESS <input type="checkbox"/> I agree that for the purpose of business, the Authority may contact me at the email address I have provided.										
8. ADDRESS FOR COMMUNICATIONS [Specify your preferred postal address. If your preferred postal address is not one of the addresses specified above, provide details of your preferred postal address.]										
9. OFFICER(S) OF THE COMPANY LICENSED AS AGENT Details of the officer/officers* of the company who is/are* licensed as an agent required by section 44(2) of the Real Estate Agents Act 2008 are: [* Select one.] <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 25%;">1. Name</td> <td style="width: 25%;">Position</td> <td style="width: 25%;">Licence registration number _____</td> </tr> <tr> <td>2. Name</td> <td>Position</td> <td>Licence registration number _____</td> </tr> <tr> <td>3. Name</td> <td>Position</td> <td>Licence registration number _____</td> </tr> </table>		1. Name	Position	Licence registration number _____	2. Name	Position	Licence registration number _____	3. Name	Position	Licence registration number _____
1. Name	Position	Licence registration number _____								
2. Name	Position	Licence registration number _____								
3. Name	Position	Licence registration number _____								

Continued

10. ALL OFFICERS OF THE COMPANY (Note 3)

Details of all officers of the company, including the officer(s) listed above, are:

[List the following details of all officers of the company (or persons who will be officers of the company if this application is granted):

With respect to referees, for each officer provide the names, addresses, and telephone numbers of 2 referees who have known the officer for at least 12 months, and who are not related to the officer. One referee may be a current licensee. The other referee must not be a current or former licensee or have held an agent's licence or a branch manager's or salesperson's certificate of approval under the Real Estate Agents Act 1976. Please arrange for each of the referees to complete the Reference for licence applicant form and send it directly to the Real Estate Agents Authority

1. Name of officer Position in company
 Any other name(s) that are used or have been used
 Postal Address
 Telephone number (0)..... Mobile number (02).....
 Email address

New Zealand driver licence number, version number and expiry date **or** New Zealand passport number, expiry date and nationality as shown on the passport:

.....

Referee 1.	Referee 2.
Name.....	Name
Postal address	Postal address
Telephone number (0).....	Telephone number (0).....

2. Name of officer Position in company
 Any other name(s) that are used or have been used
 Address
 Telephone number (0)..... Mobile number (02).....
 Email address

New Zealand driver licence number, version number and expiry date **or** New Zealand passport number, expiry date and nationality as shown on the passport:

.....

Referee 1.	Referee 2.
Name.....	Name
Postal address	Postal address
Telephone number (0).....	Telephone number (0).....

Every officer identified above is, by reason of his or her personal character and financial position, a proper person to be an officer of a licensee company for the purposes of section 43(1)(c) of the Real Estate Agents Act 2008. *[If any officer of the company is unable to fulfil the criteria to be a proper person, strike out the above paragraph and provide the name of the officer, their position in the company, and details explaining why the officer is not, or may not be, a proper person by reason of personal character or financial position.]*

*[*If there are more than two officers of the company, copy this page and enter their details and attach the page to the application.]*

11. CONSENT AND CERTIFICATION

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction, regarding matters relevant to this application.

I certify that the above particulars are true and correct and that I am duly authorised to make this application.

Date Signature Name [print name]
 Position in the company

NOTES

1. A copy of this application, together with the prescribed statutory declaration, the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the criminal history of **every officer of the company**) must be sent to the Registrar. Fees are prescribed by the Authority by Gazette notice and can be found on the Authority's Internet site.
2. Before submitting an application for a licence to the Registrar, the applicant must advertise the application in accordance with regulation 7 of the Real Estate Agents (Licensing) Regulations 2009.
3. If a person does not have either a driver licence or passport as proof of identity, the Registrar may agree to accept some other form of proof on a case-by-case basis and at the discretion of the Registrar.
4. An applicant who provides misleading or false information commits an offence and is liable to a penalty, in the case of an individual, of a fine not exceeding \$40,000 or, in the case of a company, of a fine not exceeding \$100,000.

**DECLARATION IN SUPPORT OF APPLICATION
BY COMPANY FOR AGENT'S LICENCE**

Section 38, Real Estate Agents Act 2008

(Important: this document must accompany your application form)

Real Estate Agents Authority

I, [full name]
the [state official position in company, e.g. managing director, director, secretary]
of [name of company]

solemnly and sincerely declare that—

1 The company has advertised its licence application on [date] and [date]
in [name of newspaper(s)]
in the prescribed manner. Copies of the advertisements are attached to this declaration.

2 The following officer(s) of the company is/are* licensed as an agent as required by section 44(2) of the Real Estates Agents Act 2008:
[* Select one.]

Full name

.....

Position in company

Licence registration number

[Continue on a separate sheet if necessary.]

3 Every officer of the company is, by reason of his or her personal character and financial position, a proper person to be an officer of a licensee company for the purposes of section 43(1)(c) of the Real Estate Agents Act 2008.

[If any officer of the company is unable to fulfil the criteria to be a proper person, strike out the above paragraph and provide the name of the officer, their position in the company, and details explaining why the officer is not a proper person by reason of personal character or financial position.]

4 [Select the paragraph below that applies.]

There are no unsatisfied judgments against the company in any court, **or**

Judgments obtained against the company that are still unsatisfied are on the list attached to this declaration.

I also solemnly and sincerely declare that—

5 The documents submitted with the application are complete and correct.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature of person making declaration:

[This section to be completed by the witness.]

Declared at [place, date]:

Before me [signature]:

Name of witness [print name]:

(Justice of the Peace/other person authorised to take a statutory declaration*.)

[*Select one.]

NOTE: A person who provides misleading or false information in this declaration commits an offence and is liable to a significant penalty.

CONSENT TO DISCLOSURE OF INFORMATION

Licensing & Vetting Service Centre
Police National Headquarters
PO Box 3017
Wellington 6140

I

Surname Given name(s)

Other names [specify any other name(s) that you use or have used]

Date of birth (dd/mm/yyyy) __ / __ / ____

Place of BirthNationality

Gender Male Female

RESIDENTIAL ADDRESS:

Street

Suburb

City Post Code

New Zealand Driver licence number __ - - - - - , version number ____ .

Expiry date (dd/mm/yyyy) __ / __ / ____

hereby consent to the disclosure by the New Zealand Police of any information they may have pursuant to this application, to the Real Estate Agents Authority. I understand that any record of criminal convictions I might have will automatically be concealed if I meet the eligibility criteria stipulated in Section 7 of the Criminal Records (Clean Slate) Act 2004.

SignatureDate.....

Office Use only

COMMENTS OF THE NEW ZEALAND POLICE

Note:Each officer of the company must complete a copy of this form.

Applying for an AGENT'S LICENCE (COMPANY)

If you are applying for an agent's licence for a company use Form 2 *Application by company for agent's licence* and Form 6 *Declaration in support of application by company for agent's licence*

Contents

- Does my company need a licence?
 - Requirements for licence
 - What does it cost?
 - Advertise the application
 - Form 2: How to fill it in
 - Form 6: Statutory declaration
 - Checklist
 - Persons prohibited from holding a licence
-

Does my company need a licence?

If your company is to carry out real estate agency work, as defined in the Real Estate Agents Act 2008, the company will need to have an agent's licence.

"Real estate agency work" is defined in the Real Estate Agents Act 2008 as:

- (a) any work done or services provided, in trade, on behalf of another person for the purpose of bringing about a transaction; and
- (b) includes any work done by a branch manager or salesperson under the direction of, or on behalf of an agent to enable the agent to do the work or provide the services described in paragraph (a); but
- (c) does not include—
 - (i) the provision of general advice or materials to assist owners to locate and negotiate with potential buyers; or
 - (ii) the publication of newspapers, journals, magazines, or websites that include advertisements for the sale or other disposal of any land or business; or
 - (iii) the broadcasting of television or radio programmes that include advertisements for the sale or other disposal of any land or business; or
 - (iv) the lending of money on mortgage or otherwise; or
 - (v) the provision of investment advice; or
 - (vi) the provision of conveyancing services within the meaning of the Lawyers and Conveyancers Act 2006.

The Act provides exemptions for lawyers, conveyancing practitioners and licensed auctioneers.

Requirements for licence

A company may be licensed as an agent if at least one officer of the company holds an agent's licence as an individual. Note that a company cannot be licensed as an agent if there is no individually licensed officer, and cannot legally carry out real estate agency work if none of the officers of the company hold an individual agent's licence.

Any person who is an officer of the company must, by reason of his or her personal character or financial position be a proper person to be an officer of a licensee company.

What does it cost?

Application fee	\$95.00
Operational levy	\$366.00
Disciplinary levy	\$33.00
Sub-total	\$494.00
GST	\$61.75
TOTAL	\$555.75

When you apply for an agent's licence you must pay \$555.75 (see box).

The application fee is a one-off charge for processing your application. The two levies are annual charges to fund the costs of the Real Estate Agents Authority and the Real Estate Agents Disciplinary Tribunal. If you are granted a licence you will be liable to pay both levies each year. The Registrar can cancel a licence if levies are not paid.

You must make the total payment of \$555.75 when you apply. You can either attach a cheque or pay by credit card. A remittance form is attached for you to complete: this sets out payment details and should be returned with your application form.

Advertise your application

Before you send the application to the Registrar you must **advertise** the company's application twice in a newspaper or newspapers approved by the Registrar. Contact the Authority or see the Real Estate Agents Authority website (www.reaa.govt.nz) for information on approved newspapers for your region.

The advertisements must be no more than 14 (calendar) days apart, and must be worded as set out in Form 11 *Advertisement concerning application by individual for agent's, branch manager's or salesperson's licence*.

You must attach to the licence application the pages of the newspaper in which the advertisements appeared. It must show the date of publication and the name of the newspaper.

Anyone can object to the grant of a licence. The requirement to advertise is intended to give potential objectors the opportunity to do so. If someone wishes to object, they can only do so on the basis of the relevant eligibility requirements set out in section 36 of the Act, the relevant prohibitions in section 37 of the act, or on the grounds that if the company is granted a licence any person who will be an officer of the company if the application is granted is not, by reason of his or her personal character or financial position, a proper person to be an officer of a licensee company

Form 1: How to fill it in

1 Licence history

Make sure that you provide all the information that the form asks for, and that you attach all the required documentation. If the application form is incomplete, there will be a delay in processing your application.

If the company has held a licence in the past please indicate this, even if the licence or certificate is no longer current. This is to enable the Registrar to maintain a complete record of each licensee and avoid any double entries of individuals in the register.

2-8 Details of applicant

Complete all sections. **The following details will appear on the public register of licensees:**

- the company's name
- the company's licence details
- address and phone number of the principal place of business.

The "address for communications" shown in Box 6 is the postal, address that will be used by the Registrar or Authority to communicate with you: it will not appear on the public register (unless you have nominated your business address as the address for communications).

9 Officers of the company licensed as agent

As noted above at least one officer of the company must hold an agent's licence (as an individual). Please provide details of the officer's name, position in the company and licence registration number. If there is more than one licensed officer please provide details of all.

A company can have more than one officer licensed as an agent: this is for the company and officers to decide.

You can obtain the licence registration number(s) from the register of licensees at www.reaa.govt.nz

10 All officers of the company

You should provide details, as listed in this box, for every person who is an officer of the company (including the person(s) whom you identified in box 9 as the licensed officer. If there is insufficient space on the form, continue on a separate sheet.

Section 4 of the Real Estate Agents Act 2008 defines the following persons as being an officer of a company:

- (a) every director, manager, or secretary of the company who, on behalf and in the name of the company, carries on the company's business as a real estate agent; and
- (b) includes any person, however designated, who is responsible for the management of the company and any person who is responsible for the management of any branch of the company, or (in relation to any company that carries on any other business in addition to its business as a real estate agent) the person responsible for the management of the company's real estate agency work.

Identification

You will need to provide proof of identity for each officer of the company. As general rule, proof of identity is provided by way of a New Zealand driver licence or New Zealand passport. Please provide certified copies for each officer. A certified copy is a photocopy of the original that has been certified as a true copy. A certified copy must be marked "Original sighted and this is a copy of that original". The certified copy must be signed and dated, preferably with a name stamp appended.

The following people can sign a certified copy: the issuing authority, a solicitor, notary public, Justice of the Peace or commissioner for Oaths.

If any of your company officers does not have a driver licence or passport, the Registrar may accept some other identification on a case by case basis. You will need to discuss this with the Registrar.

Referees

You must provide two referees *for each officer*. One of the referees in every case *must* be a current licensee (that is, a person who currently holds an agent's, branch manager's or salesperson's licence). The second referee *must not* be a current or former licensee or have held an agent's licence, branch managers or salesperson's certificate of approval under the 1976 Act.

The referees must have known the officer concerned for at least 12 months and must not be related to the officer. They should be people who know the officer well and can provide sound information about his or her character.

Before you send in the application, you should provide the referees with a copy of the Reference for Licence Applicant form and ask them to send it directly to the Authority.

11 Consent and certification

The Registrar will wish to examine the criminal history (if any) of the officers of the company. The "consent and certification" section of the application form authorises the Registrar to make any enquiries to this effect. As part of the consent process, you are required provide for each officer of the company a completed Consent to Disclosure of Information Form that specifically authorises the Police to disclose information.

This section of the application form also certifies that the information provided in respect of the application is true and correct. The person who signs the form should be authorised to do so and should identify his or her position in the company.

Note that it is an offence to provide false or misleading information and a fine of up to \$40,000 applies in the case of an individual or up to \$100,000 in the case of the company.

Form 5: Statutory declaration

Form 6 must accompany your company's licence application. You should check every statement in the form and ensure that you can truly make the statements concerned.

Note that under item 3, the statement applies to every officer of the company: you will need to ensure that you have taken the necessary steps to verify that the officers of the company meet the “proper person” requirement

You must have your signature of the declaration witnessed. Persons who can legally do this are a:

- Justice of the Peace
- Solicitor
- Notary public
- Registrar or Deputy Registrar of the High Court or any District Court
- Authorised officer in the service of the Crown
- Any member of Parliament

Checklist

When you are ready to send in your application, check that you have all of the following:

- Application form (Form 2)
- Certified copies of proof of identity for all officers of the company
- Copies of advertisements about your company’s application, showing newspaper and dates of advertisements
- Statutory declaration (Form 6) signed and witnessed
- Payment of application fee and levies (\$555.75)
- Completed Fees and Levies Remittance Form
- Consent to Disclosure of Information Form for each officer of the company.

You are advised to keep a copy of the application and the relevant supporting documentation for your own records. You may need to refer to this if the Registrar has any questions about the application, or if you need to update any information in the future.

What happens next?

The Registrar will consider the company’s application in terms of the requirements of the Real Estate Agents Act 2008, and will contact officers’ referees and undertake any checks as necessary.

If someone objects to the application, the Registrar must consider that objection. The Registrar will advise you of any objections, give you the opportunity to respond and provide further information about the subsequent process.

If the Registrar approves the application, the Registrar will issue a licence and record this in the register of licensees. The Registrar will send you a document headed “Evidence of Licence”, which sets out the licence registration number and the date of issue and expiry. **This is an important document:** it is proof that the company holds a licence and can legally carry out real estate agency work. You should ensure that you keep it in a safe place and that you are able to produce it if asked.

If the Registrar declines the application, the Registrar will write to you, advising the reasons of the decision and of your right to seek

a review of the decision and how to do this. If your application is declined, the Registrar will refund the levies that you have paid. The application fee of \$95 plus GST is not refundable.

General Information

For general information on licensing see:

www.reaa.govt.nz/licensing/

To view the Real Estate Agents Act 2008 see:

www.reaa.govt.nz/legislation/

To view the Real Estate Agents (Licensing) Regulations 2009 see:

www.reaa.govt.nz.

PERSONS WHO ARE PROHIBITED FROM HOLDING A LICENCE (SECTION 37)

(1) The following persons are not eligible to hold a licence:

- (a) A person who has been convicted, whether in New Zealand or another country, of a crime involving dishonesty (or of a crime that, if committed in New Zealand, would be a crime involving dishonesty) within the 10 years preceding the application for a licence.
- (b) A person who has been convicted of an offence under sections 14, 17 to 22, or 24 of the Fair Trading Act 1986, within the 5 years preceding the application for a licence.
- (c) A person whose licence or certificate of approval has been cancelled within the preceding 5 years or whose licence is suspended at the time of application under the Real Estate Agents Act 1976.
- (d) A person whose licence has been cancelled within the preceding 5 years or whose licence is suspended at the time of application under the Real Estate Agents Act 2008.
- (e) A person subject to an order made, or a notice given, under the law of a country, State, or territory outside New Zealand, within the preceding 5 years who is prohibited from acting as an agent, branch manager, or salesperson (or equivalent) in that country, State, or territory, unless the person satisfies the Authority that he or she is a fit and proper person to hold a licence.
- (f) A person who is an officer of a licensee company, a chief executive officer of a licensee company, or a branch manager and who has been disqualified from holding a licence or whose licence has been suspended under the Real Estate Agents Act 1976.
- (g) A person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated body under the Companies Act 1993, the Securities Markets Act 1988, or the Takeovers Act 1993.
- (h) A company, or other corporate entity or partnership, where a person concerned in its management is disqualified from being licensed in his or her own right under paragraph (a).
- (i) A person who is subject to the provisions of the Lawyers and Conveyancers Act 2006.
- (2) A person is not eligible to hold an agent's licence if he or she is an undischarged bankrupt or is subject to subpart 4 of Part 5 of the Insolvency Act 2006.

**ADVERTISEMENT CONCERNING APPLICATION BY COMPANY
FOR AGENT'S LICENCE**

Section 39, Real Estate Agents Act 2008

Real Estate Agents Authority

[Full name of applicant company] is applying to the Registrar of the Real Estate Agents Authority for an agent's licence under section 38 of the Real Estate Agents Act 2008 and intends to operate from the following principal place of business:

[full address]

.....

Any person who wishes to object to the granting of a licence to the applicant must give notice of the objection to the Registrar not later than 14 days after the date of the second publication of this advertisement, which is [date].

The notice of objection must include a statement of the grounds on which the objection relies. Further details on grounds and other requirements for making an objection can be found at www.reaa.govt.nz or contact the Real Estate Agents Authority on 0800 forREAA (0800 367 7322).

[Name and position in company of director or principal officer of applicant company].....

.....

NOTE:

Before lodging an application for a licence with the Registrar, an applicant must advertise the application in this form in a newspaper or newspapers approved for that purpose by the Registrar twice at an interval of not more than 14 days.

Reference for Licence Applicant

You should have known the applicant for at least 12 months. You cannot provide a reference if you are:

- related to the applicant by blood or marriage
- connected to the applicant by civil union or defacto relationship.

Criminal Records (Clean Slate) Act 2004

Please complete the form subject to the provisions of the Criminal Records (Clean Slate) Act 2004.

Name of applicant	
Name of Referee	Mr/Mrs/Ms/Other
Position Title (if applicable)	
Firm/Employer name (if applicable)	
Postal Address	
Daytime Contact Phone Number	Fax
Email address:	
Is the applicant related to you by blood or marriage? <input type="checkbox"/> Yes <input type="checkbox"/> No	

How long and in what capacity have you known the applicant?

What is your assessment of the applicant's professionalism, reliability, integrity and honesty?

Are there any personal or professional issues the Real Estate Authority should be aware of?

In your opinion is the applicant a fit and proper person to be licenced as a real estate salesperson/branch manager/agent?

Yes No (if not please explain your reasons)

If necessary use a separate sheet and attach to this report.

Do you have any further comments about the applicant's character?

If necessary use a separate sheet and attach to this report.

DECLARATION

I confirm that the above information is true to the best of my knowledge.

Signed

Date

Information Notes

Requirements

Full and complete answers are required for each question on this form. One word or single phrase responses are not sufficient. Please elaborate on each point. Insufficient information could cause delays in the processing of the candidate's application.

Use of Reference

The information and opinion you provided will be treated as confidential to the Real Estate Agents Authority. It will be used for the purpose of consideration of the suitability of the applicant to be issued with a licence pursuant to the Part 3 of the Real Estate Agents Act 2008.

Privacy Act 1993

Any reference you provide may be made available to the candidate on request under the provisions of the Privacy Act 1993.

Send the referee report directly to the Authority at:

Real Estate Agents Licensing Authority,
P.O. Box 25371,
Panama Street,
Wellington 6146.

For help in completing this form, call 0800 forREAA (0800 367 7322).