

Application for licence on the basis of the Trans-Tasman Mutual Recognition Act 1997

Section 15 Trans-Tasman Mutual Recognition Act 1997

Real Estate Agents Authority

INSTRUCTIONS See the **NOTES** at the end of this form.

1. Use this form if you are applying for a licence as an agent, branch manager or salesperson under the Trans-Tasman Mutual Recognition Act 1997.
2. Complete all sections of this form. Use a ballpoint pen.
3. Please send the completed form, accompanied by the prescribed fee and levies and any supporting documentation to:
The Registrar, Real Estate Agents Authority, PO Box 25371, Panama Street, Wellington 6146 .
4. For help in completing this form, call 0800 for REAA (0800 367 7322) or visit www.reaa.govt.nz.

STATUTORY DECLARATION

<p>1. DETAILS OF APPLICANT</p> <p>Surname Mr / Mrs / Miss / Ms / Other* [* Select one]</p> <p>Given name(s)</p> <p>Other names [specify any other name(s) that you use or have used]</p> <p>Date of birth (dd/mm/yyyy) __/__/____</p>	
<p>2. HOME ADDRESS</p> <p>Street</p> <p>Suburb</p> <p>City Post Code <input type="text"/><input type="text"/><input type="text"/><input type="text"/></p>	<p>3. BUSINESS ADDRESS</p> <p>Street</p> <p>Suburb</p> <p>City Post code <input type="text"/><input type="text"/><input type="text"/><input type="text"/></p>
<p>4. ADDRESS FOR COMMUNICATIONS</p> <p>[Specify your preferred address for communications. If your preferred address for communications is not the home address or business address specified above, provide details of your preferred address for communications (for example, specify an email address or postal address)]</p> <p>.....</p> <p>.....</p>	<p>5. TELEPHONE NUMBERS</p> <p>Business (0)</p> <p>Home (0)</p> <p>Mobile (02)</p> <p>Fax (0)</p> <p>Email address</p>
<p>6. IDENTIFICATION</p> <p>Driver licence number __-_____, version number ___ OR</p> <p>Passport number __-_____, nationality as shown on passportexpiry date</p>	
<p>7. FUTURE WORKPLACE (if known or if applicable)</p> <p>[Strike out the following paragraph if it does not apply.]</p> <p>If an agent's/branch manager's /salesperson's licence* is granted to me, I will work at the following real estate business: [* Select one]</p> <p>Name</p> <p>Address</p> <p>Name of franchise group or marketing group under which the above real estate business operates (if any):</p> <p>[Complete the following only if you are applying for a salesperson's licence]</p> <p>Name of agent or branch manager who will supervise my work (if known)</p> <p>Licence number of supervising agent or branch manager _____ Telephone number</p>	

8. DECLARATION

I solemnly and sincerely declare that:

- 1 I apply for an agent's licence/ branch manager's licence/ salesperson's licence.* [* select one]
- 2 I am registered for that occupation or an equivalent occupation in an Australian jurisdiction (Note 1).
- 3 I seek registration in accordance with the Trans-Tasman mutual recognition principle in relation to occupations (section 15 of the Trans-Tasman Mutual Recognition Act 1997).
- 4 I am registered for an equivalent occupation in the following Australian State or Territory:
 Occupation State/Territory Registration No
 Date Registered to: __/ __/ ____
 Occupation State/Territory Registration No
 Date Registered to: __/ __/ ____
 Occupation State/Territory Registration No
 Date Registered to: __/ __/ ____
- 5 (a) I am not the subject of any preliminary investigations or action that might lead to disciplinary proceedings in respect of an occupation specified in paragraph 4, in any participating jurisdiction.
 (b) I am not the subject of any disciplinary proceedings in respect of an equivalent occupation specified in paragraph 4, in any participating jurisdiction.
- 6 My registration is neither cancelled nor suspended in respect of an equivalent occupation specified in paragraph 4, in any participating jurisdiction as a result of disciplinary action.
- 7 I am not otherwise personally prohibited from carrying on an equivalent occupation specified in paragraph 4, in any participating jurisdiction, and I am not subject to any special conditions in carrying on any such occupation, as a result of criminal, civil, or disciplinary proceedings in any participating jurisdiction.
- 8 I am not subject to special conditions in practising/I am subject to special conditions in practising in an equivalent occupation specified in paragraph 4, in any participating jurisdiction. * [*select one]
 Please detail any special conditions (attach any further information in a separate document)
- 9 I give consent to the making of inquiries of, and the exchange of information with, the authorities of any participating jurisdiction regarding my activities in the relevant occupation(s) specified in paragraph 4 or any other matters relevant to this application.
- 10 I attach the original instrument/ a copy of the original instrument/ sufficient information* evidencing my existing registration in an equivalent occupation in an participating jurisdiction.
 [*select one]

The statements and other information in this notice and the attachments are complete and correct in every detail, to the best of my knowledge and belief.

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 [name, signature]:

Name of witness [print name]:

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

NOTES

1. "Registration" means the admission, approval, certification, licensing, registration, or any other form of authorisation, of an individual required by or under law for the carrying on an occupation.
2. If there are annexures with this Statutory Declaration you will need to sign these and reference as follows: "This is the attachment referred to in the Statutory Declaration of [name] declared at [place, date]"
3. If the statutory declaration is made in New Zealand, it must be made before a person entitled under the Oaths and Declarations Act 1957 to take statutory declarations (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).
4. In Australia, a statutory declaration must be made before a Judge, a Commissioner of Oaths, a notary public, or a Justice of the Peace or any person authorised by the law of Australia to administer an oath there for the purposes of a judicial proceeding, or before a Commonwealth representative, or before a solicitor of the High Court of Australia.
5. A person who provides misleading or false information in this declaration commits an offence and is liable to a significant penalty.

FEES AND LEVIES REMITTANCE FORM

Real Estate Agents Authority

INSTRUCTIONS

1. Use this form when paying for a licence or first-time renewal of a deemed licence (Forms T1, T2, T3, T4, 1, 2, 3, or 4).
2. Attach this form and cheque (if applicable) to your application form and send to
The Registrar, Real Estate Agents Licensing Authority, P.O. Box 25371, Panama Street, Wellington 6146.
3. For help in completing this form, call 0800 for REAA (0800 367 7322) or visit www.reaa.govt.nz.

1. NAME OF APPLICANT (individual or company)

[Tick box and provide details as appropriate.]

Surname Mr / Mrs / Miss / Ms* [* Select one]

Given name(s)

Company name

2. AMOUNT TO PAID

Licence application fee \$95.00

Operational levy \$366.00

Disciplinary levy \$33.00

Sub-total \$494.00

GST \$61.75

TOTAL \$555.75*

*** This amount must be submitted with your application.**

3. METHOD OF PAYMENT

[Tick box and provide details as appropriate.]

Cheque

Make cheque payable to "Real Estate Agents Authority" in NZ dollars and attach cheque to this form.

Credit card

Mastercard Visa

Card expiry date (dd/mm/yyyy) __/__/____.

Card number -----

Cardholder's name {print}

Cardholder's signature

Amount paid NZ\$

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

Applying for a licence on the basis of THE TRANS-TASMAN MUTUAL RECOGNITION ACT 1997

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Introduction

The Trans-Tasman Mutual Recognition Act 1997 allows any person who is registered to perform a particular occupation in Australia (i.e. in any State or Territory) to obtain registration in New Zealand to perform an equivalent occupation. If you are registered in an Australian State or Territory in an equivalent occupation you can apply to the Real Estate Agents Authority for registration in New Zealand. Depending on the equivalent occupation that you hold, you may be eligible for either an agent's, branch manager's or salesperson's licence, as defined under the Real Estate Agents Act 2008.

If you are unsure about your eligibility, please contact:
Real Estate Agents Authority
P O Box 25371, Panama Street
Wellington 6146
or call 0800for REAA (0800 367 7322).

How do I apply for registration?

You should complete Form F “Application for Licence on the basis of the Trans-Tasman Mutual Recognition Act 1997”.

This form requires you to complete a statutory declaration confirming that you are registered in an equivalent occupation in an Australian State or Territory and are not prohibited from being licensed in Australia. The information to be provided in this declaration is set out in section 19 of the Trans-Tasman Mutual Recognition Act 1997.

What does it cost?

You will have to pay \$555.75 (see box).

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

The levies are annual charges to fund the costs of the Real Estate Agents Authority and the Real Estate Agents Disciplinary Tribunal and you must pay them each time you renew your licence. 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 renewal application form.

Form F: How to fill it in

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.

1-5 Details of applicant

Complete all sections as relevant. Note that if you are granted a licence, the following details will appear on the public register of licensees:

- your name
- your licence details
- business address and telephone number.

The “address for communications” shown in Box 4 is the postal, physical or email 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).

6 Identification

The standard forms of identification are either a driver licence or passport. Please provide a certified copy of the driver licence or passport. 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 person who witnesses your statutory declaration can also be able to certify the copy of your identification.

If you do not have either of these forms of identification, the Registrar may agree to accept some other form of identification. You need to discuss alternatives with the Registrar **before** you send in your application.

7 Future workplace

You only need to complete this box if:

- you are currently working in the real estate sector, or
- you are intending to work and know where you will be working.

If you are applying for a **salesperson’s licence**, intend to work, and know where you will be working, you are asked to provide some additional information –the name, contact details and licence number of the agent or branch manager who will be supervising your work. The Real Estate Agents Act 2008 requires that salespersons are properly supervised and managed by an agent or branch manager. You can obtain this information from the agent or agency company where you will be working.

Note that you do not actually have to be working, or intending to work, in the real estate sector in order to apply for and hold a licence.

8 Declaration

For **item 1**, circle the class of licence that you are applying for in New Zealand. You can only apply to hold the class of licence to which your equivalent occupation entitles you.

For **item 8** circle the part of the statement that applies to you. Make sure that you provide any extra information requested for item 8 if necessary.

For **item 9** circle the part of the statement that applies to you. Make sure that you attach the relevant documentation to application form, sign any attached document and write on it the words “This is the attachment referred to in the Statutory declaration of [name] declared at [place, date]”.

For all of the other items, you do not need to write anything or provide any details. You should read all of the statements carefully and ensure that you can truthfully say that they all apply to you. You confirm this by signing the form. If you make a false statement you will be committing an offence.

You must have your signature of the declaration witnessed. Persons who can legally do this in New Zealand 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, or any member of Parliament. If you are completing this declaration in Australia, see Note 4 of the form for a list of persons who can witness your signature.

Checklist

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

- Application form (Form F)
- Your signature on the form has been witnessed by someone who can legally do this
- Certified copy of your proof of identity attached
- You have attached other relevant documents to which your application refers
- Payment of application fee and levies (\$555.75)
- Completed Fees and Levies Remittance Form

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

What happens next?

After you have made an application for a licence and pending the grant or refusal of that licence, you are subject to “deemed registration”. Deemed registration entitles you to carry on your occupation in New Zealand as if you were licensed in New Zealand. However, you should note that your “deemed registration” may be subject to conditions.

In carrying out your occupation under deemed registration you must comply with any requirements regarding trust accounts or any other such protection for the public, clients, customers, or others, and you will be subject to the complaints and discipline regime set out under the Real Estate Agents Act 2008.

Your deemed registration will cease if it is cancelled or suspended in accordance with New Zealand law, your application for a licence is granted or refused, you request that it be cancelled, or you cease to be registered in Australia.

The Registrar has one month after your application for a licence is given to either grant, postpone or refuse your application. The Authority may make inquiries of the authorities of any participating jurisdiction(s) in which you are registered in connection with your application, deemed registration, or actual or possible disciplinary action to verify the information you have provided and decide whether you meet the eligibility requirements for a licence.

Your registration may be postponed registration for up to six months if:

- any of the statements or information provided in your application are materially false or misleading
- any document or information is materially false or misleading
- any document or information has not been provided
- your circumstances have materially changed since the date of your notice
- the Authority determines that the occupation in which registration is sought is not an equivalent occupation.

Your application can be refused if any of the above conditions apply, or if the Authority determines that the occupation in which registration is sought is not an equivalent occupation and that equivalence cannot be achieved by imposing conditions.

If your application for registration is postponed or refused you will be advised of the reasons of the decision and of your right to seek a review of the decision and how to do this. If the application is refused, the two levies that you have paid will be refunded. The application fee of \$95 plus GST is not refundable.

If your application is approved the Registrar will issue a licence and record this in the register of licensees. The Authority Registrar can impose conditions to achieve equivalence of occupation or to match conditions that apply to your registration in an Australian jurisdiction, or for any other purpose to implement the Trans-Tasman mutual recognition principle in relation to occupations.

The Registrar will send you a document headed "Evidence of Licence", which confirms the class of licence that you hold in New Zealand, states the licence registration number, and the date of issue and expiry. **This is an important document:** it is your proof that you are licensed 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 you wish to continue carrying out real estate agency work in New Zealand, you must apply to renew your licence annually in New Zealand, prior to the expiry date shown on the Evidence of Licence, using Form 7 *Application for renewal of agent's licence issued to individual, branch manager's, or salesperson's licence*.

If you do not renew your licence, it will expire and you will no longer be legally able to carry out real estate agency work in New Zealand. You do not have to continue to renew your equivalent licence/certificate in Australia, in order to be licensed in New Zealand.

If you are registered in Australia and your registration is cancelled or suspended, or subject to a condition, resulting from disciplinary action, or as a result of or in anticipation of criminal, civil, or disciplinary proceedings, in any Australian State or Territory, your New Zealand licence is affected in the same way. However, the Authority may reinstate any cancelled or suspended licence or waive any such condition if it thinks it appropriate to do so in the circumstances.

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.