



**Debt Collector Licensing Act 1964 and Mutual Recognition Act 1992
Notice for Registration in Western Australia of equivalent
Occupation Debt Collector**

Department of Commerce
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: 08 9282 0833
Fax: 08 9282 0559

Country Callers
1300 30 40 54

Web Site
www.commerce.wa.gov.au

1. DETAILS OF APPLICANT

SURNAME.....

GIVEN NAMES

Have you been known by any other names (name at birth, alias, married name)? **YES / NO**

.....

If you have been known by other names, please attach a page giving details of those names and reasons for the changes.

RESIDENTIAL ADDRESS

.....

CONTACT NUMBERS: (Home) (Business)

.....(Mobile) (Facsimile)

DATE OF BIRTH:

EMAIL:

(a) Are you intending to carry on business in your own right as a debt collector?.....**YES / NO**

If "Yes": Registered business name:

Registered business number:

Address:

Suburb/Town Postcode

(b) Are you a director, partner or employee of a company or firm?**YES / NO**

If "Yes": Name of company or firm:

ACN or Registration Number:

Role: **DIRECTOR / PARTNER / EMPLOYEE**

Address:

Suburb/Town Postcode

2. APPLICATION

I give notice for the purpose of seeking to be Licensed in accordance with the Mutual Recognition principle as a debt collector for the purpose of the *Debt Collectors Licensing Act 1964 (WA)*.



Mutual Recognition (Western Australia) Act 2001 &
Debt Collectors Licensing Act 1964

Mutual Recognition - Information Guidelines

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The Commonwealth *Mutual Recognition Act 1992* (the Act) applies in Western Australia pursuant to the provisions of the *Mutual Recognition (Western Australia) Act 2001*. The Act entitles individuals who are licensed or registered in another State or Territory to also be licensed in an equivalent category in Western Australia.

Only individuals are eligible to apply for a licence through Mutual Recognition. If you are applying for a body corporate licence you will need to complete the standard body corporate licence application for Western Australia.

HOW TO APPLY

If you are an individual who holds a current debt collectors licence in another State or Territory and you wish to be licensed in Western Australia then you can complete and lodge a "Notice for registration of equivalent occupation" (the Notice). You will also need to provide:

- A copy of your equivalent licence/registration
- Original fidelity bond/approved security
- Licence fee

WHAT HAPPENS ONCE THE NOTICE IS LODGED

As soon as the Notice is filed, the licence fee is paid and a fidelity bond or approved security (see below) has been lodged with the Commissioner for Consumer Protection and is in force, you will have what is called "deemed registration".

Upon receipt of your notice for registration the Commissioner for Consumer Protection will make enquiries into your licensing history in any State or Territory in which you are substantively licensed or registered.

The Commissioner for Consumer Protection must consider your notice for registration within one month and advise you whether your licence is granted, granted with conditions, refused or postponed. The Commissioner may refuse or postpone the grant of a licence for a number of reasons including where information or documentary evidence of existing licensing is false or misleading or where a licence being sought is not for an equivalent occupation.

YOUR RIGHTS UNDER MUTUAL RECOGNITION

If the Commissioner for Consumer Protection does not make a decision to grant, refuse or postpone registration within one month of lodgement of your notice, licence fee and appropriate fidelity bond or approved security, then you are entitled to registration immediately after the expiry of that period of one month.

If the Commissioner refuses registration, postpones registration or grants registration imposing conditions with which you may feel aggrieved then you may appeal to the Commonwealth Administrative Appeals Tribunal for review of the decision.

WHEN YOU CAN COMMENCE

You may commence to practice as a debt collector immediately upon lodgement of the Notice, licence fee and appropriate fidelity bond or approved security. It is important to note that if the licence or registration which you hold in another State or Territory is subject to any special conditions then those conditions will also apply in Western Australia. Please check with the Commissioner for Consumer Protection for other requirements which you may have to comply with.

FEE PAYABLE

A \$515.00 licensing fee is payable to the Commissioner for Consumer Protection. Licences are valid for one year from the date of issue.

FIDELITY BOND/APPROVED SECURITY

Section 20 of the *Debt Collectors Licensing Act 1964 (WA)* provides that a debt collector must lodge with the Commissioner for Consumer Protection a fidelity bond (in the form prescribed as per Second Schedule of the Regulations - attached) or an approved security (see pro forma bank guarantee - attached) conditioned on the debt collector duly accounting to persons entitled to any trust money.

Applicants for an individual licence must provide a fidelity bond or approved security for \$6,000.

Where a fidelity bond or approved security lodged with the Commissioner for Consumer Protection ceases to be in force, the debt collector's licence is suspended, and the debt collector is deemed not to be a licensee, until such time as a further bond or security is lodged with the Commissioner and is in force.

Note that where a bank guarantee is lodged with the Commissioner it will only be released two years after the licence expires, is surrendered or otherwise terminated; or where a suitable replacement security covering the preceding two year period has been lodged with the Commissioner and is in force.

TRUST ACCOUNT

Section 15 of the *Debt Collectors Licensing Act 1964 (WA)* provides that debt collectors must provide the Commissioner for Consumer Protection with written notification of trust account details within 14 days of the account(s) being opened. Please attach to your written notification bank documentation detailing the name of the account(s) (ensuring that the title includes the name of licensee), the name and address of the bank where the account is kept and the BSB and account number(s).

Enquiries on any matter concerning Mutual Recognition or lodgement of notices for registration can be made to:

**Commissioner for Consumer Protection
Department of Commerce
219 St George's Terrace
PERTH WA 6000**

POSTAL ADDRESS:

Locked Bag 14

CLOISTERS SQUARE WA 6850

Phone: 08 9282 0833

Fax: 08 9282 0559

3. DETAILS OF CURRENT EQUIVALENT LICENCE OR REGISTRATION

Specify all the States in which you currently hold or previously held registration for this occupation.

State/Territory	Occupation Registration/Licence	Registration/ Licence No.	Current (Yes/No)

A COPY OF THE CURRENT LICENCE/REGISTRATION MUST ACCOMPANY THIS NOTICE.

4. CONDITIONS

(a) Are there any special conditions that apply to your Licence/Registration in any other state? **YES/ NO**

If so, please give details:

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(b) If you answered yes to (a), please detail your experience as a debt collector, to enable the Commissioner for Consumer Protection to determine equivalent conditions to apply to your licence in Western Australia (attach extra pages as required).

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(c) If you answered yes to (a), in what areas do you expect to be working in Western Australia?

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5. STATUTORY DECLARATION

In relation to the occupation for which registration is sought

I,
(Full Name)

of
(Address)

do solemnly and sincerely declare that:

- (a) I am licensed for the occupation listed in item 2 above.
- (b) I am seeking to be licensed in accordance with the principles of mutual recognition.
- (c) I have specified in item 3 above all of the States and Territories in which I hold a licence that is equivalent to the Western Australian *licence*.
- (d) I am not the subject of disciplinary proceedings, including preliminary investigations or action that may lead to disciplinary proceedings in relation to the occupation listed in item 2 above, in any State or Territory.
- (e) My licence for the occupation listed in item 2 above has not been cancelled or suspended as a result of disciplinary action.
- (f) I am not otherwise personally prohibited from carrying on the occupation listed in item 2 in any State or Territory.
- (g) I am not subject to any special conditions in carrying on the occupation listed in item 2 in any State or Territory, as a result of criminal, civil or disciplinary proceedings.
- (h) I have specified in item 4 above any special conditions to which I am subject in carrying on the occupation listed in item 2 above in any State or Territory and accept that similar conditions may be imposed on a licence issued in Western Australia in accordance with the Mutual Recognition Act 1992 (Commonwealth).
- (i) I consent to the making of inquiries of and exchange of information with, the authorities of any State or Territory regarding my activities in the occupations listed in item 2 above and otherwise regarding matters relevant to my notice.

and furthermore I declare:

- (1) that the statements and information in this notice are correct to the best of my knowledge and belief; and**
- (2) that any registration document attached is the original or a complete and accurate copy of the original.**

and I make this solemn declaration by virtue of the *Oaths and Affidavits Act 2005* and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Signature
(person making this declaration)

Declared at
(full address)

this..... **day of** **20**

before me
(Printed name and title of Justice of the Peace or other authorised person)

Signature
(of JP or other authorised person)