



Investor request to transfer an allocation to another approved participant

When to use this form

This form is for the legal or beneficial owner (an 'investor') of a rental property covered by a National Rental Affordability Scheme allocation who wishes to transfer their allocation to a different approved participant. An investor can be an individual or an entity.

The Department of Social Services (the Department) can only transfer an allocation if an investor can show that their approved participant has committed a breach, or if the Secretary has already posted a notice of a serious breach by their approved participant on the Department's website. Details of what constitutes a breach can be found in Part 2. In the form, an investor should explain why they think a breach has occurred and attach documentary evidence to support their claims. An investor does not need to specify whether breach they are alleging is an individual or serious breach.

If investors do not attach appropriate evidence that the approved participant has committed a breach, the Department may not be able to progress the transfer request.

The investor can only request a transfer if they have already given the approved participant written notice of the alleged breach and the approved participant has not taken appropriate action within 90 days.

This form may be used to request the transfer of multiple allocations associated with multiple rental properties owned by the investor if the investor relies upon the same basis for all transfer requests. In this case, required information about all of the rental properties must be attached to this form.

Documents that must be lodged with this form

The following documents must be attached to this form when it is lodged:

- Proof of identity for each individual investor;
 - this must include a photo and signature – a driver's licence, state/territory issued proof of age card or passport would be suitable;
- Proof of ownership of the rental property covered by the allocation to be transferred
 - this could be a copy of a government issued rates notice;
- Documentary evidence that a complaint was lodged with the approved participant 90 days prior to this transfer request; and
- Any documents or materials which support the breach relied on by the investor.

Who must sign this form

All of the rental property's investors must sign this form. Investors can nominate a representative to receive all communications made by the Department on their behalf.

If the investor is a company, the company may sign this form under section 127 of the *Corporations Act 2001*.

If an investor that is a company cannot sign the form under section 127 of the *Corporations Act 2001*, or the investor is another form of corporation to which section 127 does not apply, the form must be signed on behalf of the investor by a director or another senior manager of the company with authority to bind the company. Companies must nominate a representative to receive communications from the Department in relation to this request.

Lodgement of this form

This form with all required attachments must be lodged by email to nrasinvestortransfers@dss.gov.au.

If it is not possible to lodge this form by email, the form and all required attachments may be posted to NRAS Taskforce, Department of Social Services, GPO Box 9820, Canberra ACT 2601.

Consideration of request

Once a properly signed form with all required attachments has been lodged, the Secretary will consider the request. Under the NRAS Regulations, before the Secretary can make a decision on the breach, the Secretary must give the approved participant an opportunity to make submissions and must consider any submissions that are made. Investors will also be notified and provided an opportunity to make a submission at this time.

The Secretary must make a decision on whether a breach has occurred before making any decision on the transfer of the allocation.

An investor should not assume that lodgement of this form will necessarily result in the transfer of the allocation.

Part 1 – Details of request

Investor details

Individual investors

Family name

Given names

Postal address

Telephone number

Email address

Family name

Given names

Postal address

Telephone number

Email address

Corporate investor

Name

ABN

Postal address

Rental property details

(Note: if the request to transfer relates to more than one rental property, include the details below for each rental property in a schedule, and attach the schedule to this form).

NRAS ID (if known)

Address

Current approved participant

Property manager details (e.g.
real estate agent)

Appointment of representative

(Note: individual investors may optionally complete this section. Corporate investors must complete this section)

Family name of representative

Telephone number of representative

Given names of representative

Email address of representative

Postal address of
representative

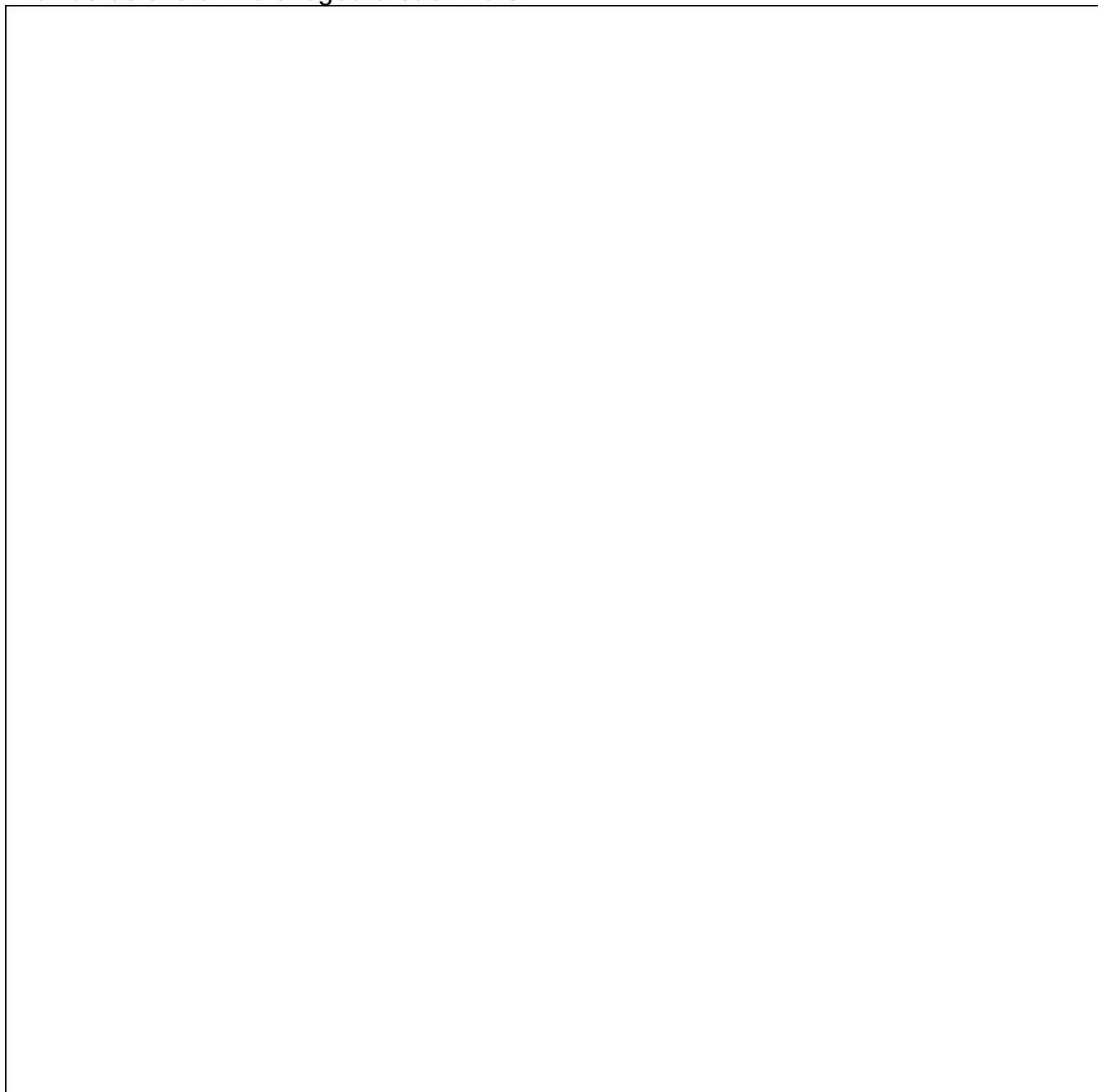
Part 2 – Basis of Transfer

(Note: Proof that one or more of the following breaches have been committed can be grounds for a transfer. Investors must attach evidence and provide a description of the breach.)

If you are making this application because the Secretary of the Department has posted a notice on the Department's website advising that the approved participant has been the subject of a serious breach, please tick the box below and proceed to Part 4 of this form.

Cross the boxes that best describe the basis of your transfer request	Basis under NRAS Regulation	Description of the type of breach (Note, the full text of the NRAS Regulations is available at www.legislation.gov.au/Details/F2019L00273)
	Regulation 22BA(1)(a)	The approved participant has died, become bankrupt or insolvent or has commenced to be wound up. <i>Note: Provide evidence of insolvency if available</i>
	Regulation 22BA(1)(b)	The approved participant failed to comply with the approved participants' code of conduct as listed in Part 3 of this form. <i>Note: Please list which section of the code the approved participant allegedly breached.</i>
	Regulation 22BA(1)(c)	The approved participant has failed to comply with the conditions of allocation (as listed in Part 3) and/or any other part of the NRAS Regulations. <i>Note: Please list which condition of allocation or NRAS Regulation the approved participant allegedly breached.</i>
	Regulation 22BB(1)(a)	The Secretary has determined that the approved participant has committed a serious breach and this breach affects the investor that is requesting the transfer.
	Regulation 22BB(1)(b)	The approved participant has committed a compliance breach that involves <u>one or more</u> of the following: (i) provided false or misleading information to the Department in relation to the NRAS Scheme; (ii) failed to comply with the law of the Commonwealth or a State or Territory in relation to the dwelling or any other aspect of the NRAS Scheme; (iii) claimed a tax offset to a person who is not entitled to claim; or (iv) passed on a tax offset to a person who is not entitled to claim the tax offset.

Provide details of the alleged breach here:

A large, empty rectangular box with a thin black border, intended for providing details of the alleged breach. The box is currently blank.

Part 3 – Information about the approved participants code of conduct and conditions of allocation

Approved participants code of conduct

Approved participants for an allocation:

- (a) must comply with legal obligations relating to investors in a timely manner; and
- (b) must comply with the law of the Commonwealth and the States and Territories in relation to dealings with investors and tenants; and (c) must lodge an annual Statement of Compliance in relation to the dwelling; and
- (d) must respond to a communication from an investor within 30 days, unless the approved participant has a reasonable excuse; and
- (e) must have an internal or external dispute resolution mechanism for use by investors; and
- (f) must not enforce, seek to enforce or threaten to enforce an unfair contract; and
- (g) must not make a misrepresentation to an investor; and
- (h) must not engage in misleading or deceptive conduct in relation to an investor; and
- (i) must not threaten or coerce an investor to take an action the investor is not required to take under contract; and
- (j) must not prevent an investor from entering into a contract with a suitably qualified and experienced person in relation to the dwelling; and
- (k) must not threaten to take action that would result in an investor not receiving incentive to which the investor is entitled under law; and
- (l) must not require an investor to enter into a contract with another person in relation to the dwelling, unless the contract relates to a property management service provider and the approved participant is able to ensure that the provider:
 - (i) complies with the contract between the provider and the investor; and
 - (ii) complies with legal obligations relating to the investor in a timely manner; and
 - (iii) complies with the laws of the Commonwealth and the States and Territories in relation to dealings with investors and tenants; and
 - (iv) does not enforce, seek to enforce or threaten to enforce an unfair contract with an investor; and
 - (v) does not make a misrepresentation to an investor; and
 - (vi) does not engage in misleading or deceptive conduct in relation to an investor; and
 - (vii) does not threaten or coerce an investor to take action the investor is not required to take under contract; and
- (m) if the approved participant requires the investor to enter into a contract as mentioned in paragraph (l)—ensures that the property management service provider acts in accordance with subparagraphs (l)(i) to (vii).

Conditions of allocation

- (a) the dwelling must be rented to one or more eligible tenants;
- (b) the dwelling must, at all times of the year, be rented at least 20% less than market value rent;
- (c) the dwelling must not be vacant for a period of more than 26 weeks during the NRAS year (continuous or not);
- (d) the approved participant has lodged Statements of Compliance for the dwelling with the Department;
- (e) the approved participant has ensured that the dwelling has complied at all times with landlord, tenancy, building, health and safety laws of the State or Territory where the dwelling is located;
- (f) the approved participant has submitted market rent valuations when required by the Regulations; and
- (g) any other special conditions associated with the dwelling.

Part 4 - Declaration and execution

Declaration

By signing this form, the investor:

- confirms that prior to completing this form they have contacted their approved participant in relation to the alleged breach and are satisfied that the approved participant has not taken appropriate action within 90 days;
- requests the Secretary of the Department to transfer the NRAS allocation(s) associated with the investor's rental property/(ies) described in this form to a different approved participant under Regulation 22BG of the NRAS Regulations;
- confirms that the information in this form is correct and not misleading;
- acknowledges that providing false or misleading information to the Department is a serious offence;
- confirms that all documents required by this form to be attached, are attached;
- if a representative is appointed in this form, authorises the representative to represent the investor in dealings with the Department in relation to this transfer request, bind the investor in relation to all matters associated with the transfer request and receive all correspondence from the Department in relation to the transfer request; and
- acknowledges that information included in this form, and other information held by the Department relating to the investor, may be disclosed to the approved participant in connection with the decision-making process.

Execution by individual investor(s)

Investor signature

Investor signature

Investor name

Investor name

Date of execution

Date of execution

Execution by corporate investor

Executed by the investor under section 127 of *Corporations Act 2001*

Signature

Signature

Position

Position

Date of execution

Alternative execution for corporate investors

Signed for and on behalf of the investor

Signature

Name

Position

Date of execution

By signing this form, I certify I have authority to bind the investor.

If an investor has any difficulty completing this form, please contact the Department for advice at nrasinvestortransfers@dss.gov.au