

Application for a corporation’s licence

Real estate agent, property auctioneer, resident letting agent, motor dealer, chattel auctioneer, field agent

Property Occupations Act 2014 • Motor Dealers and Chattel Auctioneers Act 2014

• *Debt Collectors (Field Agents and Collection Agents) Act 2014*

ABN: 13 846 673 994

This form is effective from 1 July 2019

Who can use this form?

New licence application form 1-2 is for corporations to apply for real estate agent, auctioneer (real property), and resident letting agent licences under the *Property Occupations Act 2014*, motor dealer and chattel auctioneer licences under the *Motor Dealer and Chattel Auctioneers Act 2014*, and field agent licences (for collection of debts) under the *Debt Collectors (Field Agents and Collection Agents) Act 2014*. If you require an individual licence, please use the New licence application form 1-1.

Fees payable

The Acts provide for a licence applicant to pay both an application fee and a licence issue fee. These fees are in the *Property Occupations Regulation 2014* and the *Motor Dealers and Chattel Auctioneers Regulation 2014*, and the *Debt Collectors (Field Agents and Collection Agents) Act 2014*. Listed below are the current application and licence issue fees for a single licence category of one or three years. Applicants for a single class licence, for either one or three years must pay the listed fee.

Licence category	One year term (One licence category – includes non-refundable application fee of \$169.60)	Three year term (One licence category – includes non-refundable application fee of \$169.60)
Real estate agent, auctioneer (real property), resident letting agent, motor dealer, chattel auctioneer and field agent	\$829.40	\$1495.60

Corporations applying for more than one class of licence under the *Property Occupations Act 2014*, or the *Motor Dealers and Chattel Auctioneers Act 2014*, or the *Debt Collectors (Field Agents and Collection Agents) Act 2014* only pay the licence fee shown above.

Criminal history check

A criminal history check (CHC) will be conducted for each person whose name is listed on the application. The fee for each CHC conducted is \$39.35 (inclusive of \$1.13 GST) and processing of the application cannot be progressed until this fee is paid. Criminal history checks are conducted in accordance with the legislation as outlined in the *Property Occupations Act 2014* and *Motor Dealers and Chattel Auctioneers Act 2014*. history checks are conducted in accordance with the legislation as outlined in the *Property Occupations Act 2014*, *Motor Dealers and Chattel Auctioneers Act 2014*, and *Debt Collectors (Field Agents and Collection Agents) Act 2014*. All applications are subject to mandatory criminal history checks. **CHC fees are not included in the above fees.**

Please note: A CHC is not required if one has been completed under a relevant Act within the past six months. If it is outside of this timeframe then another one is required.

*Relevant Act includes:

- *Motor Dealers and Chattel Auctioneers Act 2014*,
- *Property Occupations Act 2014*,
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*,
- The repealed *Property Agents and Motor Dealers Act 2000*.

Total fee = 1 or 3 year fee \$ + CHC \$ (\$39.35 x no. required) = \$

Part 1—Licence details

Property occupations

The following licence classes allow the licensee to perform the activities listed below as an agent for others for reward.

Real estate agent

- buy, sell, exchange or let real property or interests in real property
- buy, sell, exchange or let businesses or interests in businesses
- negotiate for the buying, selling, exchanging or letting of real property or interests in real property
- negotiate for the buying, selling, exchanging or letting of businesses or interests in businesses
- collect rents.

Auctioneer (real property)

- sell or attempt to sell or offer for sale or resale any real property or interest in real property by way of auction
- sell real property by any means during the auction period
- sell or attempt to sell or offer for sale or resale goods by auction if they are directly connected with the auction of a real property holding.

Resident letting agent

- let lots in a building complex
- collect rents for lots in a building complex.

Limited real estate agent (business letting)

- buy, sell, exchange or let businesses or interests in business
- negotiate for the buying, selling, exchanging, letting of businesses or interests in businesses
- collect rents for commercial premises.

Motor dealer and chattel auctioneer occupations

The following licence classes allow the licensee to perform the activities listed below for reward.

Motor dealer

- acquire used motor vehicles primarily for resale
- sell used motor vehicles
- sell used motor vehicles on consignment
- sell leased motor vehicles to the lessee under the terms of the lease
- acquire used motor vehicles, whether or not as complete units, to break up for sale as parts
- sell used motor vehicles as parts
- negotiate, under a consultancy arrangement, for a person who is not a motor dealer or a chattel auctioneer for the purchase or sale of a used motor vehicle for the person.

Motor dealer (broker)

- negotiate for the purchase or sale of a used motor vehicle for another person who is not a motor dealer or auctioneer under a consultancy arrangement.

Motor dealer (wrecker)

- acquire used motor vehicles, whether or not as complete units, to break up for sale as parts
- sell used motor vehicles as parts.

Chattel auctioneer

- sell goods by auction
- sell goods by any means during the auction period.

Debt Collectors (Field Agents and Collection Agents) occupations

A field agent licence allows the licence holder to perform the activities listed below for reward.

- Find or repossess goods for a person, or any goods or chattels that the person is entitled to repossess under an agreement
- Collect or request debt payments
- Serve a writ, claim, summons application or other process.

A field agent licence is not required where the activity is performed without face-to-face communication with the debtor.

Part 3—Previous licences

If the corporation held an equivalent licence under the current *Property Occupations Act 2014*, the *Motor Dealers and Chattel Auctioneers Act 2014*, the *Debt Collectors (Field Agents and Collection Agents) Act 2014* or the repealed *Property Agents and Motor Dealers Act 2000* which expired less than two years ago, list the licence details in Part 3.

Part 4—Trading particulars

Indicate the corporation's method of trade and complete the appropriate parts of the form.

Corporation—you intend to operate your business through the corporation under its own name, or any business name of which it is proprietor. You are required to nominate a person in charge who holds the same licence in Queensland. Each executive officer is required to complete the executive officer page, supply identification, and undergo a criminal history check.

Partnership—you intend to operate your business through the corporation in partnership with other individuals or corporations. Each executive officer of the applicant corporation, and all individual partners, are required to complete the executive officer page, supply identification, and undergo a criminal history check. Individual partners who perform licensable activities (see Part 1), and any corporation partners, are required to hold the appropriate licence in Queensland. A corporation cannot be a silent partner.

Part 5—Places of business

Principal place of business—the place where the licence holder performs the licensable activity and where records of this activity are kept is considered the principal place of business. There must be a suitably licensed person in charge of the principal place of business, except for field agents who require a licensed person in charge of the regulated business. A post office box is not acceptable as a place of business.

Other place of business—places of business divided by a public road are considered separate, and each must nominate a different licensed person in charge. If more than two places of business are operated, an attachment must be provided listing all places of business operated, any business names used at each place, and the name and licence number of the licensed person in charge at each place of business.

Places of business must be within Australia, and are not restricted to Queensland. Real estate agents may nominate a real estate salesperson to be person in charge of a place of business other than the principal place.

Resident letting agents are not required to supply body corporate approval as part of the application, however, it is a requirement of the licence to hold and maintain current body corporate approval to manage each building complex. Resident letting agents must have an office in the building that is the registered office. A person cannot be in charge of more than one building unless the buildings are not separated by a public road. Resident letting agents may nominate a resident letting agent or a real estate agent to be in charge.

Business name

The licence holder must be the proprietor of any business name used in conjunction with a licence issued by the Office of Fair Trading. If a trust is listed as a proprietor of the business name, acceptable evidence must be provided that the licence holder is entitled to operate on behalf of the trustees e.g. a photocopy of the relevant page from the trust deed listing the trustees of the trust.

Part 6—Partnership details

This section is to be completed if Partnership was selected in Part 4. If there is insufficient space to include all partners, please attach additional pages.

List the names of all partners, corporation and individual in this section. All corporations in a partnership must be licensed. If a partner is an individual, Part 7 must also be completed for each individual partner.

Part 7—Executive officer and individual business associate

This section requires the applicant or licensee to provide details of all executive officers and/or business associates of the corporate applicant, irrespective of whether each person holds or is applying for a licence. Certified proof of identity documents must be supplied for each person showing their current name. If there is more than one executive officer or business associate then this section must be printed and completed for each person.

Part 8—Suitability checklist

This section of the form relates to the corporate applicant, all executive officers of the corporate applicant and business associates (partners).

A corporation is not a suitable person to hold a licence if the corporation:

- has been convicted in the past five years in Queensland or elsewhere of a serious offence
- is currently disqualified from holding a licence.

A corporation is also not a suitable person to hold a licence if an executive officer of the corporation:

- is insolvent under administration
- has been convicted in the past five years in Queensland or elsewhere of a serious offence
- is currently disqualified from holding a licence or registration certificate
- is subject to a relevant control order (motor dealer licence applicants only).

While an applicant is automatically deemed not suitable to hold a licence if they answer yes to any of the above, there are also a number of other matters which must be considered when determining suitability. If you answer yes to any of the suitability questions listed on the application form, please provide the full details in writing.

Relevant Acts include the *Motor Dealers and Chattel Auctioneers Act 2014*, the *Property Occupations Act 2014*, the *Debt Collectors (Field Agents and Collection Agents) Act 2014*, the repealed *Property Agents and Motor Dealers Act 2000* or a corresponding law.

'insolvent under administration' has the meaning as defined in the *Corporations Act 2001*, section 9.

The *Corporations Act 2001* defines insolvent under administration as:

1. a person who, under the *Bankruptcy Act 1966* or the law of a foreign country has the status of an undischarged bankrupt; or
2. a person who, under the law of an external Territory or the law of a foreign country, has the status of an undischarged bankrupt; or
3. A person whose property is subject to control under:
 - a. Section 50 or Division 2 of Part X of the *Bankruptcy Act 1966*; or
 - b. A corresponding provision of the law of an external Territory or the law of a foreign country; or
4. A person who has executed a personal insolvency agreement under:
 - a. Part X of the *Bankruptcy Act 1966*; or
 - b. The corresponding provisions of the law of an external Territory or the law of a foreign country; Where the terms of the agreement have not been fully complied with; or
5. A person who is a party (as a debtor) to a debt agreement under:
 - a. Part IX of the *Bankruptcy Act 1966*; or
 - b. The corresponding provisions of the law of an external Territory or the law of a foreign country.

'serious offence' means any of the following offences punishable by three or more years imprisonment:

- an offence involving fraud or dishonesty
- an offence involving the trafficking of drugs
- an offence involving the use or threatened use of violence
- an offence of a sexual nature
- extortion
- arson
- unlawful stalking.

For motor dealer applicants only, a serious offence also includes:

- an offence against the Criminal Code, section 76 (Recruiting person to become participant in criminal organisation)
- an offence mentioned in the Criminal Code, part 2, chapter 9A (Consorting); or
- an offence that is –
 - a prescribed offence within the meaning of the *Penalties and Sentences Act 1992*, section 161N; and
 - committed with a serious organised crime circumstance of aggravation within the meaning of the *Penalties and Sentences Act 1992*, section 161Q

The fact that a sentence for one of the offences was less than three years does not lessen the applicant's responsibility for disclosure. If in doubt answer 'Yes' and provide written details of the conviction. It is an offence to provide incorrect or misleading information.

'conviction' includes a plea of guilty or a finding of guilt by a court, but does not include a plea of guilty or a finding of guilt by a court if no conviction is recorded by the court.

'corresponding law' means a law of another State, Territory or New Zealand that provides for the same matter as a relevant Act or a provision of a relevant Act.

If you are uncertain about any of the above, you can contact the Office of Fair Trading on 13 QGOV (13 74 68) for information and assistance.

Declaration

All persons relating to this application (including for example: Directors, Executive Officers and Business Associates) must be a suitable person. The applicant must have the consensus of all these persons for a criminal history check to be conducted for this application.

Please note: The criminal history check fee is payable for each check conducted in relation to the application.

Lodgement details

Please ensure your application is fully completed and you have attached proof of identification documents, fees and attachments as required. If any details or fees are missing or incomplete our office will be required to write to you which delays the processing of your application and the issue of your licence. If no response is received from you within a reasonable timeframe, your application may be deemed to have been withdrawn by you. In this circumstance a refund of fees paid less the application fee and criminal history check fees (if the checks have been conducted) will be refunded to you. You will then need to resubmit another application if you still require the licence.

Licence approval

Normal processing time for new applications is 4–6 weeks however this can be longer if we need to contact you for missing information or fees. Applications can sometimes be delayed awaiting clearance of police checks which is outside the control of the Office of Fair Trading. If your application is refused we will send an information notice to you explaining your rights and the process involved in appealing the decision.

The corporation is not able to perform the functions of a licensee until a licence has been issued.

Refunds

You can withdraw your application at any time prior to the licence being granted or refused. If the application is withdrawn by you or deemed withdrawn or refused you will receive a refund of the fees paid less a non-refundable application processing fee and any fees paid for criminal history checks that have already been conducted.

This section has been intentionally left blank.

Part 2—Contact details

Section 1 Contact details	Business phone After hours phone..... Fax number..... Mobile Email address..... Preferred contact method: B/H <input type="checkbox"/> A/H <input type="checkbox"/> Mobile <input type="checkbox"/> Email <input type="checkbox"/> Mail <input type="checkbox"/>
Section 2 Postal address	Address Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Change of address: If you change your address you are required to notify the chief executive in writing within 14 days. You may be issued with a fine if you do not notify Industry Licensing within the required timeframe.

Part 3—Previous licences

Section 1	Has the corporation held an equivalent licence under the current <i>Property Occupations Act 2014</i> , the <i>Motor Dealers and Chattel Auctions Act 2014</i> , the <i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i> , or the repealed <i>Property Agents and Motor Dealers Act 2000</i> ? If so, provide the licence details below. Licence number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Period: from: / / to: / / Licence number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Period: from: / / to: / /
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Office use only	Type	Licence number	Status	Condition	Period	
					From	To

Part 4—Trading particulars

Trading particulars See Notes accompanying this form for information and tick the option which is applicable to you.	<input type="checkbox"/> Corporation with no business partners (complete below question and Parts 5 & 7) <input type="checkbox"/> Corporation trading in partnership (complete below question and Parts 5, 6 & 7) Does the corporation sub-contract its services to another licence holder? Yes <input type="checkbox"/> No <input type="checkbox"/> When you have completed the above parts as required, complete this form from Part 8 onwards
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This area has been intentionally left blank.

Part 5—Places of business

Section 1

Principal place of business

A post office box address is not acceptable.

Registered National Business Name (if applicable)

.....

Principal place of business

Suburb State Postcode

Name of person in charge

Licence number of person in charge

Section 2

Other places of business

(if applicable)

A post office box address is not acceptable.

A person cannot be in charge at more than one place of business.

Registered National Business Name (if applicable)

.....

Other place of business

Suburb State Postcode

Name of person in charge

Licence number of person in charge

Will you have more than two places of business? Yes No

If yes, you will need to supply an attachment with this form listing your other places of business, the business name (if any) used at each place of business and the name and licence number of the licensed person in charge at each place of business.

Part 6—Partnership details

Name of partners

If you have more than two partners you will need to supply an attachment with this form listing all your partners and their licence numbers.

Part 7 of this form must be completed for each individual partner.

Partner 1 name.....

ACN (if partner is a corporation)

Partner licence number (if licensed)

Partner 2 name

ACN (if partner is a corporation)

Partner licence number (if licensed)

All corporations in a partnership must be licensed.

This area has been intentionally left blank.

Part 7—Executive officer and individual business associate (partner) details

If there is more than one executive officer or individual business associate (partner) you will need to print and complete a copy of this section for each person.

Section 1

Executive officer / individual business associate details

An individual business associate is another individual with whom the licensee carries on business.

An executive officer is any person concerned with or takes part in the management of a corporation (Directors and company secretaries).

NOTE: Individuals must provide certified identification in their current name.

*Only photocopies of documents certified as being a true copy of the original document by a Justice of the Peace, Commissioner for Declarations, barrister/solicitor, or Notary Public can be accepted. The photocopy must contain the original signature of the person certifying the identification.

Preferred title Mr Mrs Ms Miss Other (specify)

Surname

Given names

Have you been known by any other name? Yes No

Previous names

If you are lodging this application in person, you can provide your original **birth certificate/ extract, passport, Australian certificate of citizenship or driver's licence**, which will be copied and certified by the officer accepting your application. If you are lodging this application by mail, please send a photocopy **certified as being a true copy.***

Date of birth / /
D D M M Y Y Y Y

Place of birth: Town State

Country

Section 2

Residential address

A post office box address is not acceptable.

Home address

Suburb State Postcode

Section 3

Postal address

Enter 'as above' if the same as residential address.

Address

Suburb State Postcode

Section 4

Contact details

Business phone Home phone

Fax number..... Mobile

Email address.....

Section 5

Any persons that perform any activity in the business that requires a licence must be appropriately licensed.

Does this person perform any activity in the business which will require them to hold a real estate agent, auctioneer, motor dealer, chattel auctioneer, resident letting agent, or field agent licence?

Yes—Licence number

No

This area has been intentionally left blank.

Part 8—Suitability checklist

Suitability requirements

Please see Notes accompanying this form for explanation.

It is an offence to supply incorrect or misleading information.

Disclosure of previous convictions does not automatically disqualify you from holding a licence. However, failure to disclose convictions may result in your licence being cancelled and prosecution action being commenced.

*Executive officer of a corporation means any person who is concerned, or takes part, in the management of the corporation (director or company secretary)

**Relevant Act includes:

- *Property Occupations Act 2014*
- *Motor Dealers and Chattel Auctioneers Act 2014*
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*
- the repealed *Property Agents and Motor Dealers Act 2000*
- a corresponding law.

If you answer Yes to any of these questions, you need to provide full details in writing.

Has the corporation, any executive officers or any business associates listed in Parts 6 and 7:

Been found guilty of an offence (excluding traffic or misdemeanour offences) in Queensland or elsewhere, within the last five years? Yes No

Been convicted of an offence and/or disqualified from holding a licence or registration certificate under a relevant Act** or the *Agents Financial Administration Act 2014*? Yes No

Received an adverse order under the *Property Occupations Act 2014*, the *Motor Dealers and Chattel Auctioneers Act 2014*, the *Debt Collectors (Field Agents and Collection Agents) Act 2014*, or the repealed *Property Agents and Motor Dealers Act 2000* from QCAT or the District court in the last five years? Yes No

Been (or are) insolvent under administration (this includes entering into bankruptcy or a Personal Insolvency Agreement under Part X of the *Bankruptcy Act 1966* or is a party as a debtor to a debt agreement under Part IX of the *Bankruptcy Act 1966*)? Yes No

Been an executive officer* of a corporation licensed under a relevant Act** that has been placed into receivership or liquidation? Yes No

Been placed into receivership or liquidation? Yes No

Been named in the register of persons disqualified from managing corporations under the Corporations Act? Yes No

Ever had a licence or registration certificate refused, suspended or cancelled under a relevant Act**? Yes No

Had an amount paid from the Claim Fund including the Funds established under the repealed *Property Agents and Motor Dealers Act 2000* or the repealed *Auctioneers and Agents Act 1971*, because of an action or omission that gave rise to a claim? Yes No

Relevant control order in relation to a licence, means a control order or registered corresponding control order that restricts the person to whom the order applies from carrying on a business, engaging in an occupation or performing an activity that requires the licence.

Motor dealer licence applicants only

Control orders

The corporation is not a suitable person to hold a licence under the *Motor Dealers and Chattel Auctioneers Act 2014* if an executive officer is subject to a relevant control order as defined under the *Motor Dealers and Chattel Auctioneers Act 2014*.

This area has been intentionally left blank.

Part 9—Checklist and declaration

Applicant to sign

Must be signed by an executive officer of the Corporation.

Please check each statement and tick each box if you have met the following requirements:

- I/We have made appropriate enquiries and to the best of my knowledge all details on this application have been provided honestly and correctly
- I/We have enclosed certified identification for each individual/partner and office holder/s shown on this application
- I have enclosed the application fee \$and
- Criminal history check of \$39.35 x= \$

In submitting this application, I declare I have the consent of all persons relating to this application being subject to a national criminal history check by the Queensland Police Service (QPS) and for QPS and other Australian police services to disclose criminal history information and any impending charges to the Office of Fair Trading.

I understand any disclosure will be subject to applicable Commonwealth, state or territory legislation and/or police policy. Enquiries may also be made with the Department of Home Affairs to verify eligibility to work in Australia. In other instances, information on this form can be disclosed without your consent where authorised or required by law.

I declare the answers I have given on this form and attachments are true and correct in every detail.

I have read and agree to the terms stated above.

Applicant signature

Signatory's name

Position held

Date / /

D D / M M / Y Y Y Y

Lodgement details

IMPORTANT!

Please make sure you:

- provide all necessary information and documentation
- sign the application
- return all pages of the application form.

Please lodge the completed application, any supporting documentation and applicable fees to the Office of Fair Trading at the address below, at one of our regional offices, or at a Queensland Government Service Office.

By mail:

Industry Licensing Unit, GPO Box 3111, Brisbane QLD 4001

In person:

Visit www.qld.gov.au/fairtrading or call **13 QGOV** (13 74 68) for information and your nearest Fair Trading Office or Queensland Government Service Office.

Refunds

If an applicant withdraws an application prior to a licence being issued, or it is refused, the application fee and fees paid for criminal history checks that have already been conducted are not refundable.

Change of details

If at any time your licence details or suitability requirements change, you must notify the Office of Fair Trading within 14 days.

This area has been intentionally left blank.

Payer details

This section must be completed if payment has been made by another person on behalf of the applicant.

Name

Postal address

Suburb State Postcode

Mobile Fax number

Receipt request Yes No

Email

Payment

Payment details

Cash—pay in person Debit/Credit card Money order Cheque
Do not send cash by mail

Make money order or cheque payable to the Office of Fair Trading.
A receipt will not be issued unless specifically requested.

Debit/Credit card

OFT cannot accept debit/credit card details over the phone, fax or email (including any attachments) in accordance with the Payment Card Industry Data Security Standard. If an email or fax is received containing debit/credit card details, it will be deleted immediately and your application and payment will not be processed.

Charge my:



Go online to www.qld.gov.au/fairtrading

Debit/Credit card number:

Cardholder's name:

.....

Amount authorised:

\$ Expiry date: /

Cardholder's signature:

.....



Online payments

Tick box if you wish to pay online

If you select this option, once OFT has received your documentation, an officer will be in contact to provide you with a Customer Reference Number (CRN). You can use this to pay via the following methods:



Go online to www.qld.gov.au/fairtrading



Payments can be made using **BPAY** through your bank or financial institution using the reference details that will be provided to you.



By post

A cheque or money order can be posted in, together with the application form.

Make money order or cheque payable to the Office of Fair Trading



In person

You can also visit a Fair Trading Office or an applicable Queensland Government Service Office to lodge this application and pay the applicable fees over the counter.

Visit www.qld.gov.au/fairtrading or call **13 QGOV** (13 74 68) for your nearest Fair Trading Office or Queensland Government Service Office.