

## Application for resident letting licence (Corporations and individuals)

**OFFICE USE ONLY**

**Date received**

.....

**Lodgement details**

Lodgement unit number  
.....

Amount allocated  
\$.....

CHC amount  
\$.....

Total amount  
\$.....

**Instructions**

Before completing this application, please read the accompanying *PAMD Form 1-3 Notes*.

- Please complete application in BLOCK letters
- Attach extra pages if necessary
- References to dates should be in DD/MM/YYYY
- Fees quoted in this application/notes may alter at any time by Regulation
- Refer to notes for fees—No GST is payable on licence fees

**Criminal history check fee of \$35.50** (inclusive of \$1.13 GST per check)

Failure to complete this form or provide all information, fees and documents may result in the application being returned to you by post which will delay the granting of your licence.

**Privacy statement—please read**

The Department of Justice and Attorney-General is collecting information, including personal information, on this form as required by the *Property Agents and Motor Dealers Act 2000*. In accordance with the Act, some personal information and business information may be passed on to police services in Australia (including federal, states and territories) to assist with criminal history searches. Enquiries may also be made with the Department of Immigration and Citizenship 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.

**Part 1—Licence application details (please ✓ appropriate boxes)**

**Section 1**  
**Category and type of licence**  
**Term of licence**

Resident letting corporation .....  
is applying for a  one year or  three year licence.

Resident letting principal .....  
is applying for a  one year or  three year licence.

Resident letting employee .....  
is applying for a  one year or  three year licence.

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## Part 2—Applicant details

### Section 1

#### Corporation details

Name of corporation .....

ACN

Name of licensed director .....

Licence number .....

Name of person in charge .....

Licence number .....

### Section 2

#### Individual applicant details

If 'yes' to name change you must provide evidence of change for each name change (e.g. original or certified copies of marriage certificate, deed poll certificate, statutory declaration or Registry of Births, Deaths and Marriage documents).

Preferred title  Mr  Mrs  Ms  Miss Other (specify) .....

Surname .....

Given names .....

Have you been known by any other name?  
 No  Yes—(eg: marriage or deed poll) .....

Reason for change of name .....

### Section 3

#### Date, place of birth and visa details

Documentaion can be certified by Justice of the Peace, Commissioner for Declarations, barrister/solicitor or notary public.

#### Eligibility to work in Australia.

See notes for lodging visa details.

You must provide an original of your birth certificate, birth extract, passport or driver's licence with this application or a photocopy which has been certified.

Date  /  /   
D D M M Y Y Y Y

Place of birth: Town ..... State

Country .....

Driver's licence number..... State issued.....

**Visa details:** Passport number..... Country of issue.....

Passport type:  Government  Private  UN refugee

If you are not an Australian citizen, please provide an international passport showing the page displaying your visa. This must clearly state that you are authorised to work in Australia. If there are any conditions on the visa, please supply written advice from the Department of Immigration and Citizenship explaining the conditions.

### Section 4

#### Contact details

Phone (business hours) ..... Phone (after hours) .....

Fax (business hours) ..... Mobile .....

Email .....

Preferred contact method  B/H  A/H  Mobile  Email  Mail

### Section 5

#### Residential address

A post office box address is not acceptable.

You must provide the unit number at which you will be residing.

Building name .....

Unit number..... Street number .....

Address .....

Suburb ..... State  Postcode

**Note:** The individual must reside in the building complex where the resident letting business is conducted. If you are not residing until the date of settlement, please advise the date from when your residency in the complex will commence.

Date  /  /   
D D M M Y Y Y Y

## Part 2—Applicant details continued

### Section 6

#### Postal address

This is the address your licence will be sent to.

Building name (if applicable) .....

Address .....

Suburb ..... State    Postcode

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

### Section 7

#### Photographs

Two recent passport quality and sized photographs of the applicant must accompany this application. The reverse side of the photographs must be **certified and signed by a person** who is at least 18 years of age and has known the applicant for at least 12 months and is not related by birth or marriage using the following wording:

*This is a true photograph of (applicant's name) .....*

*signature of person who certifies the photographs .....*

Full name .....

Postal address .....

Suburb ..... State    Postcode

Phone/mobile.....

Signature: ..... Date   /   /

**Certifier signs here**

## Part 3—Applicant qualifications

### Section 1

#### Educational or other qualification

The educational and other qualifications are outlined in the accompanying *PAMD Form 1-3 Notes*.

Please provide details of educational or other qualifications that meet the requirements for the type of registration applied for.

Have you completed the specified units of competency/modules for the licence for which you are applying?

No— If no you will be required to complete relevant modules (refer to *PAMD Notes Form 1-3*) before lodging this application.

Yes— provide below the name of the course/training package only. You must also enclose a copy of the certificate of completion, statement of attainment or official transcript from an approved registered training organisation.

Name of course .....

**Ensure your modules/training package is listed in *PAMD Form 1-3 Notes*.**

### Section 2

#### Previous licence/s held

**Have you previously held a licence or registration certificate under this Act?**

No—go to Part 4

Yes—please provide details below.

Licence number ..... Period: from: / / to: / /

Type of licence ..... Condition.....

### OFFICE USE ONLY

Type	Licence/ Certificate number	Status	Condition	Period	
				From	To
				/ /	/ /
				/ /	/ /
				/ /	/ /

## Part 4—Trading particulars

### Trading particulars

\* Licence issued by the Department of Justice and Attorney-General.

This corporation is required to be licenced or required to complete a separate licence application form.

How do you intend carrying on business? (Please tick appropriate one.)

- Employed licensee (complete Part 5)       Sole trader (complete Part 6)  
 Licensed director\* (complete Parts 6 and 7 below)

Name of corporation (if applicable) .....

ACN (if applicable).....

Corporation licence number\* (if applicable).....

- Partnership (complete Parts 6 and 7 below)

Name of partner (if applicable) .....

Licence number (if applicable) .....

## Part 5—Employed licensee (employer to sign)

### Employment details

\* Licence issued by the Department of Justice and Attorney-General.

Your employer must hold the same category of licence that you are applying for.

**Note:** if employer is a corporation, give corporation name and licence number. If employer is an individual, give individual's name and licence number. **DO NOT GIVE A BUSINESS NAME.**

Full name of employer .....

Licence number\* .....

Where will you be employed as an employed licensee?

- Principal place of business of employer (PPOB)  
 Other place of business of employer (OPOB)

**What is the address of your employer's place of business at which you will generally report for work? Either PPOB or OPOB.**

Business address .....

Address .....

Suburb ..... State  Postcode

Will you be the licensed person in charge?  Yes  No

**I declare (employer name) .....that I will be employing the applicant and the information supplied in this part is true and correct.**

\*Signature ..... Date  /  /   
D D M M Y Y Y Y

Name of licensee .....

Licence number of licensee .....

### Employer to sign and date

\*Must be signed by director and/or person in charge.

## Part 6—Sole trader/Partnership/Director

### Section 1

#### Business name

If the business name differs at each place of business, please provide these details for each business name.

Will you be trading under a business name?

- No—Go to Section 2.       Yes—Complete the below.

Business name (if applicable) .....

Registered Business Number (BN)  (Not Australian Business Number.)

### Section 2

#### Principal place of business

A post office box address is not acceptable.

Building name .....

Address .....

Suburb ..... State  Postcode

Will you be carrying on business from the address listed above immediately on the grant of your licence?  Yes  No

**Note:** the principal place of business must be located in the building complex where the resident letting agency business is conducted.

## Part 7—Executive officer and business associate details

### Section 1

#### Executive officer or business associate details

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

'Business associate' of an applicant for a licence or a licensee means a person or corporation with whom the applicant or licensee carries on, or intends carrying on, business under a licence.

You should complete a copy of this section for each executive officer of the applicant corporation and **for each individual and/or corporate business associate** (not your employer). Make as many copies of this page as required.

Is the business associate: (See definitions in margin.)

an executive officer       an individual business associate

Name of corporation (if applicable) .....

Corporation licence number (if applicable) .....

ACN (if applicable)

#### Executive officer/individual business associate details

Preferred title  Mr  Mrs  Ms  Miss Other (specify) .....

Surname .....

Given names .....

#### Have you been known by any other name?

No  Yes—(eg: marriage or deed poll) .....

Reason for change of name .....

If yes, you must provide evidence of change for each name change (e.g. original or certified copies of marriage certificate, deed poll certificate, statutory declaration or Registry of Births, Deaths and Marriage documents).

#### Does this person carry out any activity which requires them to hold a licence?

No  Yes—Licence number .....

### Section 2

#### Residential address

Of executive officer or business associate.

A post office box address is not acceptable.

Building name (if applicable) .....

Address (include unit number) .....

Suburb ..... State  Postcode

### Section 3

#### Postal address

Of executive officer or business associate.

Building name (if applicable) .....

Address .....

Suburb ..... State  Postcode

Enter 'As above' if the same as postal address.

### Section 4

#### Date, place of birth and visa details

Documentation can be certified by Justice of the Peace, Commissioner for Declarations, barrister/solicitor or notary public.

#### Eligibility to work in Australia.

See notes for lodging visa details.

You must provide an original of your birth certificate, birth extract, passport or driver's licence with this application or a photocopy which has been certified.

Date  /  /   
D D M M Y Y Y Y

Place of birth: Town ..... State

Country .....

Driver's licence number..... State of issue .....

Visa details: Passport number.....

Country of issue .....

Passport type:  Government  Private  UN refugee

If you are not an Australian citizen, please provide an international passport showing the page displaying your visa. This must clearly state that you are authorised to work in Australia. If there are any conditions on the visa, please supply written advice from the Department of Immigration and Citizenship explaining the conditions.

**Part 7—Executive officer and business associate details continued**

**Section 5  
Contact details**

Phone (business hours) ..... Fax (business hours) .....  
 Phone (after hours) ..... Mobile .....  
 Email .....  
 Preferred contact method  Phone  Fax  Mobile  Email  Mail

**Part 8—Trust account and auditor declaration (auditor to sign)**

**Section 1  
Operation of a trust account**

A licensee who receives trust monies should operate a trust account.

If employed by another licensee then you will not operate a separate trust account (please tick 'No').

**Will you operate a trust account?**

No—Go to Part 9.  
 Yes—Your appointed auditor is required to complete and sign this declaration below.  
 Provide the name and branch of financial institution where you will open a trust account:

Name of branch: .....  
 Financial institution: .....

**Do you use a computer program instead of the prescribed trust account books, accounts or records that meets the standard provided under the *Property Agents and Motor Dealers Regulation (section 52)*?**

No  Yes—Name of computer program and version .....

**Section 2  
Auditor's declaration**

Please see *PAMD 1-3 Notes* for explanation.

**Auditor to sign and date**

Auditor's full name .....  
 Business address .....  
 Suburb ..... State  Postcode   
 Contact details.....  
 Member of  ICAA  CPA Australia  NIA  
 I accept appointment as auditor for the applicant's trust account(s)  
 Signature: ..... Date  /  /   
D D M M Y Y Y Y

**Part 9—Suitability checklist**

**Section 1  
Suitability requirements**

Please see *PAMD Form 1-3 Notes* 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/certificate. However, failure to disclose convictions may result in your licence/certificate 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 (including a director or company secretary).

**Has the applicant mentioned in Part 2 or have any of the executive officers or business associates/partners of the corporation mentioned in Part 4 and/or Part 5:**

- Been affected by bankruptcy action?  No  Yes (please supply written details)
- Been an executive officer\* of a corporation that has been placed in receivership or liquidation?  No  Yes (please supply written details)
- Has the corporation been placed into receivership/liquidation?  No  Yes (please supply written details)
- Been convicted of a serious offence in Queensland or elsewhere, within the preceding five years  No  Yes (please supply written details)
- Been disqualified from holding a licence or registration certificate under the current Act, the repealed *Auctioneers and Agents Act 1971* or a corresponding law?  No  Yes (please supply written details)
- Held a licence under the current Act, the repealed *Auctioneers and Agents Act 1971* or a corresponding law that has been suspended or cancelled?  No  Yes (please supply written details)

**Part 9—Suitability checklist continued**

**Section 1  
Suitability requirements**

Please see *PAMD Form 1-3 Notes* for explanation.

- Had an amount paid from the Claim Fund under the current Act or the Auctioneers and Agents Fidelity Guarantee Fund under the repealed *Auctioneers and Agents Act 1971*, because you did, or omitted to do something that gave rise to a claim against the Fund?  No  Yes (please supply written details)
- Been disqualified under the current Act, the repealed *Auctioneers and Agents Act 1971* or a corresponding law from being a licensee or an executive officer of a corporation?  No  Yes (please supply written details)
- Been convicted of an offence under the current Act, the repealed *Auctioneers and Agents Act 1971* or any corresponding law?  No  Yes (please supply written details)
- Been named in the register of disqualified directors and other officers under the *Corporations Law*?  No  Yes (please supply written details)
- Within the last five years, has the Property Agents and Motor Dealers Tribunal, Commercial and Consumer Tribunal or the district court made an order against you because of your involvement as a marketeer of residential property?  No  Yes (please supply written details)

**Part 10—Resident letting agent details**

**Section 1  
Individual and corporate applicants must complete**

State the name of the complex(es) and community title scheme number(s) in which you or your corporation will conduct the letting business. ....  
 .....  
 Is there more than one building complex?  
 Yes  No—(Section 111 of the Act requires the building complexes to be contiguous, see notes below)  
 If yes, are they contiguous?  
 Yes  No  
 Note: you must supply a registered survey plan of the building complex(es) (refer to *PAMD Form 1-3 Notes*)

**Section 2  
Body corporate (see notes)**

*PAMD Form 1-3 Notes.*

**Does the applicant hold body corporate approval to let lots in the nominated building complex(es)? (see notes below.)**  
 No— **NOTE:** it is an eligibility requirement to obtain body corporate approval for each building complex in which the business of letting lots will be conducted.  
 Yes— Please provide evidence of body corporate approval for each of the building complexes where you propose to perform the activities of a resident letting agent.

**Will the person performing the activities of a resident letting agent reside in the building complex nominated in this application?**  
 No— **NOTE:** it is an eligibility requirement to reside in the building complex where you propose to perform the activities of a resident letting agent.  
 Yes— Go to next question in this section.

**Will the person performing the activities of a resident letting agent have a place in the building complex for the registered office?**  
 No— **NOTE:** It is an eligibility requirement to have a place in the nominated building complex that will be your registered office where you propose to perform the activities of a resident letting agent.  
 Yes— Go to Part 11

**Part 11—Checklist and declaration**

**Section 1  
Checklist and declaration**

**Note:** the photographs should be placed in an envelope and stapled to the front of this application form.

- I have read all the accompanying *PAMD Form 1-3 Notes* attached to this form.
- I have completed all relevant parts relating to the category of licence applied for.
- If I am an executive officer or business associate, I have attached a certified copy of either my birth certificate/extract, passport or driver's licence.
- I have attached two recent photographs of the specified size and quality.
- The person who certified my two recent passport size photographs has completed the photographer certifier's declaration.
- Where applicable, my employer has signed at Part 5.
- I have enclosed a copy of my course completion certificate and list of modules.
- I have enclosed any extra necessary information or documents
- My auditor has completed the auditor's statement.
- I have enclosed the appropriate fee for the licence applied for  
(state amount including application fee) \$ .....
- I have enclosed the additional application fees for the second and subsequent individual licence categories \$120.00 x ..... (number of additional categories) = \$ .....
- Criminal history check fee \$35.50 x ..... = \$ .....
- Total amount enclosed (add up previous three points) \$ .....

**The licence and application fees do not include the criminal history check fee of \$35.50 per individual whose date of birth and place of birth are listed on the application (i.e. a company with two directors will be required to pay \$71.00 being 2 x \$35.50 for the criminal history checks).**

In submitting this application, I consent to a national criminal history check being conducted 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 Department of Justice and Attorney-General. I understand any disclosures will be subject to applicable Commonwealth, state or territory legislation and/or police policy. Enquiries may also be made with the Department of Immigration and Citizenship 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.

**Applicant signature**

**Processing time-frames:**  
Average processing times for a complete application is four to six weeks.  
Processing times vary depending on volumes of applications on hand, seasonal fluctuations, and whether you are recorded on an interstate police database.  
Please allow at least four weeks from the date of lodgement before enquiring on the progress of an application.

**I have checked the answers I have given and state that they are true and correct in every detail. NOTE: it is an offence to supply incorrect or misleading information.**

Signature .....

Signatory's name (please print) .....

Position held .....

Date  /  /   
D D / M M / Y Y Y Y

**Note: The Industry Licensing Unit may contact you for further information. Your application will be considered withdrawn if you fail to respond 28 days after a written request for further information.**

**Please ensure you have signed above!**





Form 1-3 can be used by both an individual and a corporation to apply for a resident letting licence under the *Property Agents and Motor Dealers Act 2000* ('Act').

**Fees payable**

The Act provides for a licence applicant to pay both an application fee and a licence issue fee. These fees are in the *Property Agents and Motor Dealer Regulation 2001*. Listed below are the current application and licence issue fees, for a single and multiple licence category of one or three years.

Applicants for a single category licence, both one or three years, pay the one licence issue fee and a non-refundable application fee of \$120.00.

<p>* Where an applicant applies for more than one category of licence, they must pay an added application fee of \$120.00 for each additional licence category. The added \$120.00 application fee is non-refundable.</p>	INDIVIDUAL APPLICATIONS			
	TOTAL FEE (Includes a non-refundable application fee of \$120.00)			
	NO GST PAYABLE ON ANY LICENCE FEES			
	Licence category	One year term (One licence category, includes application fee)	Three year term (One licence category, includes application fee)	Additional licence category fee* <b>One or three year term</b> to be added to one licence category fee.
	Resident letting agent individual (employee and principal)	1025	1925	+ 120
	Resident letting agent corporation	585	1050	0
E.g. If applying for a one year individual licence in three categories the fee would be (\$1025.00 + (\$120.00 x 2)).				

Where an individual applicant applies for more than one category of licence, they must pay an added application fee of \$120.00 for each additional licence category. The added \$120.00 application fee is non-refundable.

Corporations that already hold a licence under this Act are not required to pay any fee for any subsequent licence category applied for, however the corporation must lodge an application form. The subsequent licences will be renewed at the same date as the first licence.

**Criminal history check**

A criminal history check will be conducted on each person whose date and place of birth are requested on this application. The fee for each check conducted is \$35.50 (inclusive of \$1.13 GST) and the processing of the application will not be progressed until this fee is paid.

Criminal history checks will be conducted in accordance with the legislation as outlined in the *Property Agents and Motor Dealers Act 2000*.

All applications are subject to the mandatory criminal history checks.

**The above fees do not include the criminal history check fee of \$35.50 per individual whose name, date of birth and place of birth are listed on the application (i.e. a company with two directors will be required to pay \$71.00 being 2 x \$35.50 for the criminal history checks).**

Criminal history check fee \$35.50 x ..... = \$ .....

**Part 1 Section 2 - Term of licence**

Section 78 of the Act allows for a licence to be issued for either one or three years. Should an applicant wish to apply for a licence with a term of three years, then the applicant will only pay one application fee of \$120.00.

Individual applicants applying for more than one licence category pay the licence fee plus \$120.00 for each additional category. I.e. if applying for a one year licence in three categories the fee would be (\$1025.00 + (\$120.00 x 2)).

For applicants applying for more than one licence category, all licences applied for will expire at the same time.

The \$120.00 per category is non-refundable.

## Part 2 Section 2—Corporation details

A 'licensed director' is an individual who holds, or is applying for, the equivalent licence being applied for by the corporation and who is a director of the corporation.

A 'person in charge' is an individual who is in charge of the principal licensee's place of business. This individual must hold the appropriate licence. Please refer to Section 14 of the Act for the meaning of 'in charge'.

## Part 3 Section 1—Educational, trade or other qualifications

The following are the prescribed eligibility requirements for the respective licences. Applicants should note that, for a licence to be granted, they **must** meet the relevant requirements **exactly**. If they do not, the application will be refused. Where an application is refused, a further application may not be made for three months.

Please provide with your application a certificate of completion, statement of attainment or official transcript of the relevant course/training package listing the units/modules completed.

For information on training providers:

- Queensland Automotive Skills Alliance, visit [www.mtaq.com.au](http://www.mtaq.com.au), or for general enquiries telephone 3237 8777;
- visit [www.ntis.gov.au](http://www.ntis.gov.au) and search by typing in the name of the qualification from the relevant training package;
- visit [www.training.com.au](http://www.training.com.au), or for general enquiries telephone 1300 369 935;
- TAFE Queensland, visit [www.tafe.qld.gov.au](http://www.tafe.qld.gov.au) or for general enquiries telephone 1300 308 233; or
- check with industry associations or search the yellow pages for training providers.

### Resident letting agent requirements for applicants:

Either:

1. Successfully completed, or been assessed as competent in, selected units/modules from the Property Development and Management Training Package.
  - PRDRE10A (Manage agency risk);
  - PRDRE18A (Lease property);
  - PRDRE19A (Provide property management services);
  - PRDRE28A (Maintain trust account);
  - PRDRE37A (Perform and record property management activities and transactions); and
  - PRDRE39A (Prepare and execute documentation).

OR

2. Held a resident or restricted letting agent licence within two years of making application.

If you are applying under 1, please provide a copy of a certificate of completion of the nominated modules from the training provider.

### Residency

This type of licence is available **only** to applicants who will reside at the relevant complex. It is also dependent upon the approval of the relevant body corporate to carry on the letting business. This approval should be in the form of a letting agreement, deed of assignment, or signed copy of the minutes of the body corporate meeting which passed the approval resolution. The start date and period of the agreement must be shown on whatever documentation is provided.

### Lodgement of resident letting agent application

Time is usually of the essence with resident letting applications, in that applicants generally wish to commence business immediately upon settlement of a purchase contract. It is recommended that applications be lodged as soon as possible after the execution of a contract of sale, to enable the Industry Licensing Unit to commence processing procedures. Evidence of body corporate approval may then be submitted when available. It is also recommended that applicants undertake the prescribed modules of study as early as possible.

### Letting in contiguous buildings

The holder of this type of licence may be authorised to let lots in more than one complex where the complexes are contiguous, i.e. have a common boundary and are not separated by a public road. Approval is required from all relevant bodies corporate. Applicants who wish to conduct business in such situations are required to provide a single registered survey plan showing all relevant complexes. Applicants are also required to show the building in which they will reside and maintain a registered office. (See Part 11—Resident letting agent details in Notes.)

## Part 4—Trading particulars

If you have ticked the partnership box—Please note:

- If your partner is undertaking the activities (See Part 7 Section 1 of these notes) for the particular category or categories of licence being applied for, then the partner is required to complete a separate *Form 1-3*.
- If your partner is not undertaking the functions for the particular category or categories of licence being applied for, then the partner is to be considered as a business associate for the purposes of Part 7 Section 1 of the *Form 1-3*.

## **Part 7 Section 1—Details of executive officers and business associates**

This section requires the applicant or licensee to provide details of executive officers and or business associates irrespective of whether each holds, is applying for, or does not require a licence.

If any of the business associates or executive officers undertake any of the functions of a resident letting agent, then that person will be required to lodge a *Form 1-3* and be licensed under the Act. (See section 111 of the Act for functions of a resident letting agent.)

## **Part 8—Trust account and auditor declaration**

If the auditor is not a registered company auditor, or a member of CPA Australia, or ICAA, or NIA with prescribed auditing qualifications, then the approval of the Chief Executive (OFT) will be required.

Applications for approved auditors—see sections 393 to 399 of the Act. *PAMD Form 14* is the appropriate form to complete.

Auditors should be aware of sections 400 to 407 of the Act regarding the audit of licensees' trust accounts.

Principal licensees should be aware of Part 7 of the Regulation regarding accounts, funds and record keeping.

### **Auditor's declaration**

An auditor for this section can be:

- (a) a person approved by the Chief Executive (OFT) to audit the licensee's trust account;
- (b) a registered auditor under the Corporations Law;
- (c) a member of CPA Australia or the Institute of Chartered Accountants in Australia (ICAA); or
- (d) a member of the National Institute of Accountants (NIA) who has satisfactorily completed an auditing component of a course of study in accounting of at least three years duration at a tertiary level conducted by a prescribed university or prescribed institutions under the Corporations Law section 1280(2)(a)(ii).

## **Part 10—Suitability requirements**

This section of the form relates to business associate or executive officer of a corporation who is intending to carry on a business.

'**affected by bankruptcy action**', in relation to an individual, means the individual:

- (a) is bankrupt; or
- (b) has compounded with creditors; or
- (c) has otherwise taken, or applied to take, advantage of any law about bankruptcy.

The term '**affected by bankruptcy action**' is meant to cover all the events encompassed under the *Bankruptcy Act 1966* (C'wlth):

- 'is bankrupt' will cover those cases where a debtor has committed an act of bankruptcy and is currently declared bankrupt.
- 'has compounded with creditors' will cover deeds of arrangement or assignment or a composition with creditors under Part X of the *Bankruptcy Act 1966* (C'wlth).
- 'has otherwise taken, or applied to take, advantage of any law about bankruptcy' will cover other non-bankruptcy options such as a debtor's agreement.

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

- |   |                                    |
|---|------------------------------------|
| (a) an offence involving fraud or dishonesty;                   | (d) an offence of a sexual nature; |
| (b) an offence involving the trafficking of drugs;              | (e) extortion;                     |
| (c) an offence involving the use or threatened use of violence; | (f) arson; or                      |
|   | (g) unlawful stalking.             |

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 this Act or a provision of this Act.

## **Part 11—Resident letting agent details**

Suitable evidence in the support of this section includes:

If you intend to let lots in more than one building see Section 111(4) and (5) of the Act regarding requirements for the buildings to be **contiguous**.

With respect to a corporate applicant see Section 35(3) and (4) of the Act regarding residency requirements of the licensed director and registered office.

Please supply with your application a copy of the **registered survey plan** showing the layout of the buildings and any common property, easements, driveways, or roads (whether public or private) between the building complexes. If the plan does not clearly identify the areas, please supply any further information or sketches that may assist in clarifying the situation in addition to the registered survey plan.

In respect of **body corporate approval**, the applicant or licensee can supply any of the following documents to assist in satisfying the chief executive (OFT) that the applicant or licensee has the appropriate body corporate approval:

- a signed letting agreement;
- Deed of Assignment;
- letter from the Body Corporate confirming that a general resolution has been passed by a meeting of the body corporate approving the applicant or licensee as the letting agent for the building or buildings. The letter should also indicate the term of the agreement;
- letter from the Body Corporate indicating that an option of extension, has been taken up, after the original term of the letting rights has expired; and
- signed minutes of a body corporate meeting where the applicant or licensee was approved as a letting agent for the building or buildings.

**The document should include the following points:**

- **the body corporate name and Community Title Scheme number;**
- **the name of the building or buildings;**
- **the start date of the agreement;**
- **the period of the agreement;**
- **show that the letting agreement is between the body corporate and the applicant or the licensee; and**
- **the document must be signed by all relevant parties.**

**If you are uncertain about any of the above, you can contact the Industry Licensing Unit on 3119 0224 for information and assistance.**