



Application for individual's licence: Real estate agent, property developer, auctioneer, Motor dealer and Commercial agent

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 1-1 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 Term of licence

Name of applicant

am applying for a one year or three year licence.

Section 2 Category and type of licence

Please tick appropriate box.
See *PAMD Form 1-1 Notes* for definitions of licence categories.

- | | | |
|---|--|---|
| <input type="checkbox"/> Real estate agent | <input type="checkbox"/> Auctioneer | <input type="checkbox"/> Real estate agent (Business letting) |
| <input type="checkbox"/> Real estate agent (Affordable housing) | <input type="checkbox"/> Property developer | <input type="checkbox"/> Property developer (director) |
| <input type="checkbox"/> Motor dealer | <input type="checkbox"/> Motor dealer (broker) | <input type="checkbox"/> Motor dealer (wrecker) |
| <input type="checkbox"/> Commercial agent (not commercial property—Refer to <i>PAMD 1-1 Notes</i>) | | |

If you are applying for a salesperson, trainee auctioneer or commercial sub-agent certificate, you must complete PAMD Form 3.

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Part 2—Applicant details

Section 1 Name 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 2 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

Visa details: Passport number..... Driver's licence 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 3 Contact details

Phone (business hours) Phone (after hours)

Fax (business hours) Mobile

Email

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

Section 4 Residential address

A post office box address is not acceptable.

Home address

Suburb State Postcode

Section 5 Postal address

This is the address your certificate will be sent to.

Address

Suburb State Postcode

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

Section 6 Photographs

Two recent passport quality and size photographs of the applicant must accompany this application.

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.....

Certifier signs here

Signature: Date / /
D D M M Y Y Y Y

Part 3—Applicant qualifications

Section 1 Educational or other qualification

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

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

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

- No— Go to Section 2.
Please contact a registered training provider before lodging this form.
- 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/training package

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

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

Part 4—Trading particulars

Trading particulars

* If this corporation is not currently licensed, you will need to complete a separate *PAMD Form 1-2*.

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

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

Name of partner

Licence number

Part 5—Employer details (employer to sign)

Employment Details

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

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 a employee 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 name (if applicable)

Address

Suburb State Postcode

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 individual and 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 a corporate business associate (must be licensed)

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).

Section 2

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

No Yes—Licence number.....

**Section 3
Residential address**

A post office box address is not acceptable.

Address

Suburb State Postcode

**Section 4
Postal address**

Address

Suburb State Postcode

Enter ‘As above’ if the same as residential address.

**Section 5
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

Visa details: Passport number..... Driver’s licence 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 6

Contact details

For each person mentioned in Part 7 Section 1.

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.

Property developers can not operate a trust account—see Section 374 of the Act.

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 1-1 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 1-1 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 1-1 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—Checklist

**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 1-1 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) \$

Part 11—Declaration (applicant to sign)

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.

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/we 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/we 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 Immigration and Citizenship to verify eligibility to work in Australia. In other instances, information on this form can be disclosed without your consent where authorities or required by law.

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 Department of Justice and Attorney-General may contact you for further information. Your application will be considered withdrawn if you fail to respond 30 days after a written request for further information.

Please ensure you have signed above!

Section 2 Lodgement details

Please lodge the completed application, any supporting documentation and fees to the Department of Justice and Attorney-General at the address below.

(Call 13 13 04 for addresses or visit our website www.fairtrading.qld.gov.au.)

By mail:

Department of
Justice and Attorney-General
GPO Box 3111
Brisbane QLD 4001.

In person:

Department of
Justice and Attorney-General
Ground floor, Brisbane Magistrates Court
363 George Street
Brisbane QLD 4000.

The counter is open Monday to Friday,
8:30 am to 4:30 pm.

For any enquiries relating to the contents of the PAMD Form 1-1 please seek your own independent legal advice.

Refunds

If an applicant withdraws an application prior to a licence being issued, or it is refused, \$120.00 of the licence fee and the fee for the criminal history check will not be refundable.

Payment details

Cash Credit card Money order Cheque

Make money order or cheque payable to the Department of Justice and Attorney-General.

A receipt will not be issued unless specifically requested.

Credit card payment

Charge my:

Mastercard VISA AMEX

Credit card number:

Cardholder's name:

.....

Amount authorised:

\$ Expiry date: /
M M / Y Y Y Y

Cardholder's signature:

.....



Form 1-1 is for an individual only to apply for a licence under the Property Agents and Motor Dealers Act 2000 ('Act'). For a corporation licence, please use Form 1-2 or if you are applying for a resident letting agent's licence, either as an individual or a corporation, please use Form 1-3.

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.

INDIVIDUAL APPLICATIONS

TOTAL FEE (Includes a non-refundable application fee of \$120.00)

NO GST PAYABLE ON ANY LICENCE FEES

* 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.

Licence Category	One year term (One licence category, includes application fee)	Three year term (One licence category, includes application fee)	Additional licence category fee* one or three year term to be added to one licence category fee.
Real estate	1025	1925	+ 120
Auctioneer	1025	1925	+ 120
Property developer	1025	1925	+ 120
Property developer director	1025	1925	+ 120
Motor dealer	1025	1925	+ 120
Commercial agent	1025	1925	+ 120

E.g. If applying for a one year licence in three categories the fee would be (\$1025.00 + (\$120.00 x 2)).

Criminal history check

A criminal history check will be conducted on each person whose date and place of birth are requested on the 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 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.

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 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, or for general enquiries telephone 3237 8777;
- visit www.ntis.gov.au and search by typing in the name of the qualification from the relevant training package;
- visit www.training.com.au, or for general enquiries telephone 1300 369 935;
- TAFE Queensland, visit 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.

Auctioneer requirements for applicants:

Either:

1. Successfully completed or been assessed as competent in, units/modules from the Property Development and Management Training Package.

The modules are:

- PRDRE09A (Implement and monitor financial systems);
- PRDRE14A (Market property);
- PRDRE26A (Conduct property sale by auction) or PRDSSA24A (Conduct chattel auction/clearing sale);
- PRDRE28A (Maintain trust account);
- PRDRE39A (Prepare and execute documentation); and
- the conducting of five auctions when employed as a trainee auctioneer under the supervision of an auctioneer.

AND

3. If you are applying for an auctioneer licence, please provide a letter from the supervising auctioneer verifying that you have completed five supervised auctions and the dates the auctions were held.

Motor dealer requirements for applicants:

Either:

1. Successfully completed, or been assessed as competent in, modules from the Automotive Industry Retail, Service and Repair Training Package AUR99. The modules are:

- AUR38216A (Determine used motor vehicle stock requirements);
- AUR41303A (Apply sales procedures);
- AUR41769A (Sell product);
- AUR41803A (Apply legal requirements relating to product sales);
- AUR41903A (Apply relevant finance, leasing and insurance contracts/policies);
- AUR44230A (Inspect and appraise used motor vehicles in preparation for purchase);
- AUR44355A (Purchase used motor vehicles to supplement stock for sale);
- AUR63238A (Manage complex customer issues);
- AUR70125A (Following workplace occupational health and safety procedures);
- AUR70314A (Contribute to workplace communication); and
- AUR70421A (Establish relations with customers).

OR

2. Successfully completed, or been assessed as competent in, modules from the Automotive Industry Retail, Service and Repair Training Package AUR05. The modules are:

- AURS338216A (Determine used motor vehicle stock requirements);
- AURS241303A (Apply sales procedures);
- AURS241769A (Sell product/s);
- AURS241803A (Apply legal requirements relating to product sales);
- AURC341903A (Apply relevant finance, leasing and insurance contracts/policies);
- AURS344330A (Inspect, appraise and purchase used motor vehicles to supplement stock for sale);
- AURC463238A (Manage complex customer issues);
- AURC270103A (Apply safe working practices);
- AURC270789A (Communicate effectively in the workplace); and
- AURC270421A (Establish relations with customers).

OR

3. Held a motor dealers licence within two years of making an application.

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

Motor dealer (wrecker) requirements for applicants:

Either:

1. Successfully completed, or been assessed as competent in, modules from the Automotive Industry Retail, Service and Repair Training Package AUR05. The modules are:
 - AURS238127A (Identify and select automotive parts and products);
 - AURS241303A (Apply sales procedures);
 - AURV228603A (Apply legal requirements for vehicle dismantlers);
 - AURS344330A (Inspect, appraise and purchase used motor vehicles to supplement stock for sale);
 - AURC463238A (Manage complex customer issues);
 - AURC270103A (Apply safe working practices);
 - AURC270789A (Communicate effectively in the workplace); and
 - AURC270421A (Establish relations with customers).

OR

2. Held a motor dealer (wrecker) 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.

Real estate agent requirements for applicants:

Either:

1. Successfully completed, or been assessed as competent in, 17 selected units/modules from the Property Development and Management Training Package. The modules are:
 - PRDRE09A (Implement and monitor financial systems);
 - PRDRE10A (Manage agency risk);
 - PRDRE11A (Provide property appraisal);
 - PRDRE12A (Establish and expand client base);
 - PRDRE13A (Obtain property listings);
 - PRDRE14A (Market property);
 - PRDRE15A (Undertake property sale by private treaty);
 - PRDRE16A (Monitor sales process);
 - PRDRE18A (Lease property);
 - PRDRE19A (Provide property management services);
 - PRDRE22A (Present and explain property reports);
 - PRDRE26A (Conduct property sale by auction);
 - PRDRE28A (Maintain trust account);
 - PRDRE30A (Implement personal marketing plan);
 - PRDRE37A (Perform and record property management activities and transactions);
 - PRDRE39A (Prepare and execute documentation); and
 - PRDPOD62A (Clarify and confirm property information requirements),

OR

2. Held a real estate agent's licence within two years of making an application.

Limited real estate agent's licence (business letting) requirements for applicants

1. Successfully completed, or been assessed as competent in, selected units/modules from the Property Development and Management Training Package. The modules are:
 - PRDRE13A (Obtain property listings);
 - PRDRE15A (Undertake property sale by private treaty);
 - PRDRE18A (Lease property); and
 - PRDRE39A (Prepare and execute documentation).

OR

2. Held a real estate agent's licence, or a limited real estate agent's licence (business letting), within two years of making application.

Limited real estate agent's licence (affordable housing) requirements for applicants

Successfully completed, or been assessed as competent in, the following units of Property Development and Management Training Package—PRD01:

- PRDRE28A (Maintain trust account); and
- PRDRE37A (Perform and record property management activities and transactions).

The other prescribed qualification is that a person is a director of an approved non-profit corporation, or a person in charge of an approved non-profit corporation's business at a place of business. An approved non-profit organisation means a corporation that:

- is a registered provider under the *Housing Act 2003*;
- provides a service consisting of letting and collecting rents under an affordable housing rental scheme; and
- has to provide a copy of the approval from the Department of Housing.

There are no educational requirements for applicants for Commercial Agent, Motor Dealer (Vehicle Broker), Property Developer or Property Developer Director licences.

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 1-1 (Individuals)*, or *Form 1-2 (Corporation)*.
- 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 5 of the *Form 1-1*.
- Licensees may be in charge of more than one premise if they are contiguous (adjoining). For separate premises a separate licensee must be in charge of each premises.

Part 6 Sections 2 and 3—principal place of business and other places of business

Motor dealers are required to provide documentary evidence that they have local government approval for each address listed as either a principal place of business or other place of business.

Note: Documentary evidence means a letter or certificate from the local or shire council clearly stating the use of the property nominated on the application form is suitable for the conduct of a motor dealing business. If the council does not provide written approval, but does provide a self-assessment process, you must provide a copy of the self assessment you have completed and evidence from the council that self-assessment is allowed.

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

This section requires the applicant or licensee to provide details of business associates and or executive officers 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 mentioned in the appropriate sections listed below, for the licence category being applied for, then that person will be required to lodge a *Form 1-1 (Individual)*. All corporate partners must be licensed under the Act using a *Form 1-2 (Corporations)*.

Licence Category	Section of the Act
Real estate agent	128
Auctioneer	205
Property developer	262
Property developer director	263
Motor dealer	279
Commercial agent	339

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 an individual, business associate or executive officer of a corporation who is intending to carry on a business as a sole trader, member of a partnership or an employed licensee **'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;
- (b) an offence involving the trafficking of drugs;
- (c) an offence involving the use or threatened use of violence;
- (d) an offence of a sexual nature;
- (e) extortion;
- (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.

If you are uncertain about any of the above, you can contact the Office of Fair Trading on 13 13 04 for information and assistance.