



Application for Corporation'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 1-2 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 corporation

is applying for a one year or three year licence.

**Section 2
Category and type
of licence**

- | | | |
|---|--|---|
| <input type="checkbox"/> Real estate agent | <input type="checkbox"/> Auctioneer | <input type="checkbox"/> Property developer |
| <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) | | |

**OFFICE
USE ONLY**

Part 2—Applicant details

**Section 1
Corporation details**

Name of corporation

ACN

Name of licensed director

Licence number of licensed director

Name of person in charge

Licence number of person in charge

**Section 2
Contact details**

Phone (business hours) Phone (after hours)

Fax (business hours) Mobile

Email

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

**Section 3
Postal address**

Building name (if applicable)

Address

Suburb State Postcode

**Section 4
Business name**

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

Are you trading using a Queensland registered business name? Yes No

Business name

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

**Section 5
Principal place of business**

A post office box address is not acceptable.
Refer to Part 2, Section 5 and 6 of PAMD Form 1-2 Notes.

Building name (if applicable)

Address

Suburb State Postcode

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

**LEFT BLANK INTENTIONALLY
PLEASE TURN OVER FOR MORE DETAILS**

Part 2—Applicant details continued

**Section 6
Other place of
business
(if applicable)**

A post office box address is not acceptable.

Building name (if applicable)
 Address
 Suburb State Postcode

Who is the licensed person-in-charge of this place of business?

Licensee's name
 Licence number

Note: If you have more than one other place of business, please supply the address and person-in-charge details on a separate sheet.

Note: Motor dealers documentary evidence means a recent letter or certificate addressed/issued to the applicant 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 i.e: selling and displaying motor vehicle. 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 3—Applicant qualifications

**Section 1
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

**Section 2
Licensed director**

If more than one licensed director please provide additional sheet.

Does the corporation have a licensed director?

Yes—Please provide licence number
 No—Has an application been lodged? Yes No

If No, an application for PAMD 1-1 must be completed and must accompany this application form.

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

Part 4—Trading particulars

Trading particulars

Please see PAMD Form 1-2 Notes.

Do you intend carrying on business as a partnership? Yes No

Name of partner (if applicable)

Licence number (if applicable)

**A corporation must
have a licensed
director.**

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

Is your partner a corporation?

No—Please fill out Part 5.
 Yes—Name of corporation/s.....

ACN

Licence number (must be licenced*)

Part 5—Executive officer and business associate details

Section 1

Executive officer and 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.

Important—Refer to *Form 1-2 Notes Part 4*.

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**.

For corporate business associates you must supply the details of all executive officers. Make as many copies of this page as required.

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

an executive officer an individual business associate (not an employee)

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

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 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.

Section 4

Contact details

Of executive officer or business associate.

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.

Home address

Suburb State Postcode

Section 6

Postal address

Of executive officer or business associate.

Address

Suburb State Postcode

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

Part 6—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 7.
 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 1-2 Notes* for explanation.

Please ensure your auditor completes the declaration below.

Auditor's full name

Business address

Suburb State Postcode

Phone 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

Auditor to sign and date

Part 7—Suitability checklist

Section 1

Suitability requirements

Please see *PAMD Form 1-2 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 7—Suitability checklist—continued

**Section 1
Suitability requirements**

Please see *PAMD Form 1-2 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 8—Checklist

**Section 1
Checklist and declaration**

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.

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

- I have read all the accompanying *PAMD Form 1-2 Notes* attached to this form.
- I have completed all relevant parts relating to the category of licence applied for.
- My auditor has completed the auditor’s statement.
- I have enclosed any extra necessary information or documents (e.g: evidence of name change or local authority approval—motor dealers only).
- 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 enclosed the appropriate fee for the licence applied for
(state amount including application fee) \$
- Criminal history check fee \$35.50 x = \$
- Total amount enclosed (add up previous two 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/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 authorised 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.

Part 9—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.

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!

Part 10

Section 1 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 3119 0224 for addresses or visit our website www.fairtrading.qld.gov.au.)

By mail:

Industry Licensing Unit
 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 1-2* please seek your own independent legal advice.

Refunds

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

Section 2 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 1-2 is for a corporation only to apply for a licence under the *Property Agents and Motor Dealers Act 2000* ('Act'). For an individual licence, please use *Form 1-1*.

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.

CORPORATE 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* one or three year term to be added to one licence category fee.
Real estate	585	1050	0
Auctioneer	585	1050	0
Property developer	585	1050	0
Motor dealer	585	1050	0
Commercial agent	585	1050	0

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 lodged 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.

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

Part 2 Section 5 and 6—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 recent letter or certificate addressed/issued to the applicant 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 i.e: selling and displaying motor vehicles. 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.

Motor dealers may now only be in charge of more than one premises only if the premises are contiguous (adjoining). For separate premises a licensed motor dealer must be in charge at each premises.

Part 2 Section 1—Applicant 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 2—Qualifications

At least one of the directors of the applicant corporation must hold or have submitted an application for an equivalent licence.

Part 4—Trading particulars

If you have ticked the partnership box—Please note:

Individual partner

- If your partner is undertaking the activities (See Part 5 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 Section 1 of the *Form 1-2* and is not required to be licensed.

Corporate partner

- All corporate partners are required to hold the appropriate licence.

Part 5 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 executive officers or business associates 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)* or *Form 1-2 (Corporations)* and be licensed under the Act.

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 6—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 8—Suitability requirements

This section of the form relates to business associates or executive officers 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;
- (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 Industry Licensing Unit on 3119 0224 for information and assistance.