



Application for pastoral house 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 1-4 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)

Term, category and and type of licence

Pastoral house corporation.....

is applying for a one year or three year licence.

Pastoral house director.....

is applying for a one year or three year licence.

Pastoral house auctioneer.....

is applying for a one year or three year licence.

Pastoral house manager

is applying for a one year or three year licence.

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Part 2—Applicant details

Section 1

Corporation details

See PAMD Form 1-4 Notes for definitions.

Name of corporation (if applicable)

Australian Company Number (ACN) (if applicable)

Name of licensed director

Name of person in charge

Section 2

Name details

Preferred title Mr Mrs Ms Miss Other (specify)

Surname

Given names

Have you ever been known by any other name?

No Yes —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 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 or certificate of citizenship with this application or a photocopy which has been certified as a true copy.

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

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

This is the address your licence will be sent to.

Address

Suburb State Postcode

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

Part 2—Applicant details continued

**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.....

Certifier signs here

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

Part 3—Corporation qualifications (corporations only)

**Section 1
Corporation
qualifications**

A pastoral house licence is only available to a corporation defined as one under the Corporations Law.

Please provide evidence in support of the answers to the following questions:

Is the corporation the subject of an order under the *Banking Act 1959 (Cwlth)* section 11 to the effect that the provisions of that Act, other than section 63, do not apply to it?

No— **Note:** This is an eligibility requirement to obtain a pastoral house licence under the Act.

Yes

Is the corporation a registered corporation under the *Financial Corporations Act 1974 (Cwlth)* included in the category for pastoral finance companies under that Act?

No— **Note:** It is a requirement for a corporation to obtain a pastoral house licence under the Act.

Yes

Has a director of the corporation applied for or does a director hold a pastoral house director's licence?

No— **Note:** It is a requirement for a corporation to obtain a pastoral house licence under the Act.

Yes— Name of licensed director

Licence number

Part 4—Applicant qualifications

**Section 1
Pastoral house
directors**

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

In the case of a pastoral house director's application, is the applicant or will the applicant be a director of the pastoral house stated in the person's application?

No— It is an eligibility requirement that an applicant for a pastoral house director's licence is a director of the pastoral house nominated in the person's application.

Yes— Name of the pastoral house

Pastoral house licence number*

Pastoral house Australian Company Number (ACN)

**Section 2
Pastoral house
auctioneers/
managers**

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

How long have you been employed by a pastoral house?.....
(You must supply a letter from your employer, signed by either the person in charge or a director of the pastoral house, as evidence of how long you have been employed by a pastoral house).

Name of the pastoral house

Pastoral house licence number*

Part 7—Business name details

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.)

Part 8—Place of business details

Section 1

Principal place of business

*A post office box address is not acceptable.

Please refer to *PAMD 1-4 Notes*.

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

Section 2

Other place of business (if applicable)

*A post office box address is not acceptable.

Please refer to *PAMD 1-4 Notes*.

Building name

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 place/s of business, please make as many copies of this section as necessary and provide details of each place of business.

Part 9—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.

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).

Important—Refer to *Form 1-4 Notes*

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

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.....

Part 9—Executive officer and business associate details continued

Section 2

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 or certificate of citizenship with this application or a photocopy which has been certified* as a true copy.

Date / /
D D M M Y Y Y Y

Place of birth: TownState

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 3

Contact details

Of executive officer or business associate.

Phone (business hours) Fax (business hours)

Phone (after hours) Mobile

Email

Preferred contact method Phone Fax Mobile Email Mail

Section 4

Residential address

Of executive officer or business associate.
 A post office box address is not acceptable.

Home address

Suburb State Postcode

Phone (business hours) Phone (after hours)

Fax (business hours) Mobile

Section 5

Postal address

Of executive officer or business associate.

Address

Suburb State Postcode

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

Part 10—Suitability checklist

Section 1

Suitability requirements

Please see *PAMD Form 1-4 Notes* for explanation.

*'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/corporation mentioned in Part 2 or have any of the executive officers or business associates/partners of the corporation mentioned in Part 5 and/or Part 9:

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)

Part 10—Suitability checklist continued

**Section 1
Suitability requirements**

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.

- 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)
- 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 11—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 1-4 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 6.
- I have enclosed a copy of my course completion certificate and list of modules.
- I have enclosed any extra necessary information or documents
- I have enclosed the appropriate fee for the licence applied for
(state amount including application fee) \$
- I have enclosed criminal history check fee \$35.50 x = \$
- I have enclosed the total amount (add up previous two points) \$
- I have completed and signed Part 12 of the applicaton (page 8)

Please continue to Part 12—declaration on page 8.

Part 12—Declaration

Applicant signature

Refer to PAMD Form 1-4 Notes.

* For pastoral house corporation applications, this section must be signed by the licensed director.

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 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.

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!

Part 13—Lodgement details

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, or 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 PAMD Form 1-4 contents of this form 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/s 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 no.:

Cardholder's name:

.....

Amount authorised:

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

Cardholder's signature:

.....



Form 1-4 can be used by both an individual and a corporation to apply for a pastoral house 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.

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.

Table with 4 columns: Licence category, One year term, Three year term, and Additional licence category fee. Rows include Pastoral house director, manager, auctioneer, and corporate.

E.g. If applying for a 1 year individual 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 new applications lodged on or after 1 July 2006 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 = \$

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.

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 3 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—Applicant qualifications

See sections 38, 39 and 40 of the Act for the eligibility requirements in respect of this section of the form.

Section 8 of the *Property Agents and Motor Dealers Regulation 2001* prescribes the period of time for employment by a pastoral house for those individuals applying for pastoral house director licence, pastoral house manager licence or a pastoral house auctioneer licence. They are:

- Pastoral house director - three years;
- Pastoral house manager - two years; and
- Pastoral house auctioneer - one year.

Please provide with your application verification from your employer/s.

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 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 separate *Form 1-4* and be licensed under the Act.

Licence Category	Section of the Act
Pastoral house	165
Pastoral house director	166
Pastoral house manager	167
Pastoral house auctioneer	168

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’wth):

- ‘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’wth).
- ‘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.

Part 10 - Suitability requirements continued

'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.

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