

## Application for corporation's licence: Real estate agent, property developer, auctioneer, motor dealer and commercial agent

*Property Agents and Motor Dealers Act 2000*

This form is effective from 1 July 2011

ABN: 13 846 673 994

### 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 \$35.90** (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 Office of Fair Trading 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.

Your name and business address will be placed on a register that may be inspected by the public.

## Part 1—Licence application details (please tick 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

\*Licence issued by the Office of Fair Trading.

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.

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.

\*Licence issued by the Office of Fair Trading.

\*A person cannot be the person-in-charge of more than one place of business at a time.

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.

**Part 3—Applicant qualifications**

**Section 1**

**Previous licence/s held**

\*Licence issued by the Office of Fair Trading.

Have you previously held a \*licence under this Act?

No  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.

\*Licence issued by the Office of Fair Trading.

**Does the corporation have a licensed director?**

Yes

\*Licensee's name .....

\*Licence number .....

Please complete Part 5 for each director and executive officer and business associate/partner.

No—Has an application been lodged?  Yes  No

**If No, an application for PAMD 1-1 or PAMD 1-5 (Commercial Agents) must be completed and must accompany this application form.**

**Office use only**

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 partner must be licensed.

\*Licence issued by the Office of Fair Trading.

### Is your partner a corporation?

No—Please fill out Part 5.

Yes—Name of corporation/s .....

ACN

Licence number (must be licensed\*) .....

## 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.

If ‘yes’ to name change you must provide evidence of change for each name change (e.g. **original or certified copies** of marriage certificate, change of name certificate, statutory declaration or Registry of Births, Deaths and Marriages documents).

**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

Former name .....

Reason for change of name .....

### Section 2

\*Licence (not registration certificate) issued by the Office of Fair Trading.

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

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

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

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

Place of birth: Town ..... State

Country .....

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

Passport number ..... Visa number .....

Country of issue .....

Passport type  Government  Private  UN refugee

If you are not an Australian citizen, please provide an international passport including 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 5—Executive officer and business associate details continued**

**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.

**Refer to PAMD Form 1-2 Notes (Part 6)**

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.

**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 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 (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)
- 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, Queensland Civil and Administrative 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. However, failure to disclose convictions may result in your licence 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 \$35.90 x ..... = \$ .....
- Total amount enclosed (add up previous two points) \$ .....

**The licence and application fees do not include the criminal history check fee of \$35.90 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 \$71.80 being 2 x \$35.90 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 Office of Fair Trading. 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!**



## Application for corporation's licence: Real estate agent, property developer, auctioneer, motor dealer and commercial agent

*Property Agents and Motor Dealers Act 2000*

This form is effective from 1 July 2011

ABN: 13 846 673 994

*PAMD 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, other than a commercial agent licence, please use *PAMD Form 1-1*. For an individual commercial agents licence, please use *PAMD Form 1-5*.

### 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.

Corporation applicants for a single category licence, both one or three years, pay the one licence issue fee and a non-refundable application fee of \$132.60.

CORPORATE APPLICATIONS			
TOTAL FEE (Includes a non-refundable application fee of \$132.60)			
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.
Real estate	641.80	1151.05	0
Auctioneer	641.80	1151.05	0
Property developer	641.80	1151.05	0
Motor dealer	641.80	1151.05	0
Commercial agent	641.80	1151.05	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 \$35.90 (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 \$35.90 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 \$71.80 being 2 x \$35.90 for the criminal history checks).**

Criminal history check fee \$35.90 x ..... = \$ .....

### Part 1 Section 1—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 \$132.60.

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

## Part 1 Section 2—Category and type of licence

Form 1-1 is for an individual only to apply for a licence, other than a commercial agent licence, under the *Property Agents and Motor Dealers Act* ('Act') for one or more licence categories. If you require a corporation licence, please use *PAMD Form 1-2* or if you are applying for a resident letting agent's licence, either as an individual or a corporation, please use *PAMD Form 1-3*. If you are applying for an individual commercial agents licence, please use *PAMD Form 1-5*.

### Real estate agent

If you are acting as an agent for others and you perform the following activities -

- A real estate agent includes buying, selling, exchanging, negotiating or letting places of residence, businesses or land including interests in places of residence, businesses or land
- Collection of rents
- Buying, selling, negotiating or exchanging livestock or an interest in livestock.

### Limited real estate agent

A limited real estate agent -

- **Affordable housing** – acts as an agent for others under the affordable housing rental scheme to let places of residence, collect rents and negotiates for the letting of places of residence.
- **Business letting** – acts as an agent for others to let businesses or interests in businesses, collects rents or negotiates for the letting of businesses or interests in businesses.

### Auctioneer

An auctioneer -

- Sells or offers to sell property by way of auction.

### Property Developer (individuals/partners)

A property developer –

Completes more than six residential property sales and markets residential property where the Property Developer has at least a 15% interest.

**Residential property** is a single parcel of land on which a place of residence is constructed or being constructed or a single parcel of vacant land in a residential area.

### Property Developer Director

A property developer director –

Completes more than six residential property sales and markets residential property where the Property Developer has at least a 15% interest as a director of a licensed property developer corporation.

**Residential property** is a single parcel of land on which a place of residence is constructed or being constructed or a single parcel of vacant land in a residential area.

### Motor Dealer

A motor dealer –

- Acquires primarily for resale used motor vehicles
- Sells used motor vehicles
- Sells used motor vehicles on consignment.

**Meaning of motor vehicle** - a vehicle that moves on wheels and is propelled by a motor that forms part of the vehicle, whether or not the vehicle is capable of being operated or used in a normal way and includes a caravan

A **motor vehicle** does not include –

- A hovercraft; or
- A vehicle designed for use exclusively in the mining industry; or
- A trailer; other than a caravan; or
- A tractor or farm machinery; or
- A vehicle designed for use exclusively on a railway or tramway.

If you are selling second-hand vehicles which do not require a motor dealer's licence you may be required to hold a second-hand dealers licence. It is suggested that you seek your own independent legal advice to see which licence you require.

### Motor Dealer Wrecker

A motor dealer wrecker acquires used motor vehicles whether or not as complete units to break up for sale as parts and to sell the acquired used motor vehicles as parts.

### Motor Dealer Broker

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

### Commercial Agent

A commercial agent acts as an agent for others and includes;

- Debt collection
- Finds/repossess goods or chattels that they are entitled to repossess under agreement
- Serves writs, summons, claims, applications or other processes.

### How to Apply

Choose your licence category/ies ensuring you have carefully read the definitions of each licence type.

**If you are unsure as to which licence category/ies you require please seek your own independent legal advice.**

## 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 2 Sections 5 and 6—principal place of business and other places of business

A person cannot be the person-in-charge of more than one place at a time.

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 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)*.
- 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

Trust accounts are to be opened only with Approved Financial Institutions listed on the Office of Fair Trading website ([www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)).

The licensee must produce their current licence in order to open a trust account. A corporation licence is required to open a trust account in the name of a company.

Within 14 days of opening, closing or changing the name of a trust account, the licensee must advise the Office of Fair Trading in writing using PAMD Form 19, which is available at [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)

An audit report of all trust accounts held by a licensee must be lodged with the Office of Fair Trading on a yearly basis.

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 person approved by the Chief Executive (OFT) to audit the licensee's trust account;
- a registered auditor under the Corporations Law;
- a member of CPA Australia or the Institute of Chartered Accountants in Australia (ICAA); or
- 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 128o(2)(a)(ii).

## Part 7—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 Office of Fair Trading on 13 QGOV (13 74 68) for information and assistance.**