



## Application for individual's licence

### Commercial agent

*Property Agents and Motor Dealers Act 2000*

This form is effective from 1 July 2014

ABN: 13 846 673 994

#### OFFICE USE ONLY

##### Date received

##### Lodgement details

Lodgement unit number

Amount allocated: \$ .....

CHC amount: \$ .....

Total amount: \$ .....

##### Entity

Entity number .....

### Instructions

Before completing this application, please read the accompanying *PAMD Form 1-5 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 \$38.40** (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 Border Protection 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

#### Category and type of licence

#### Term of licence

Commercial Agent principal .....

is applying for a  one year or  three year licence.

Commercial Agent employee .....

is applying for a  one year or  three year licence.

#### Debt Collector, Process Server and Repossession Agent

**If you are applying for a commercial sub-agent certificate, you must complete PAMD Form 3.**

OFFICE  
USE ONLY

## 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, change of name certificate, statutory declaration or Registry of Births, Deaths and Marriages documents).

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 Date, place of birth and visa details

**Note:** This office will only accept photocopies of documents certified by the following people: Justice of the Peace; Commissioner for Declarations; barrister/solicitor; or Notary Public.

#### Eligibility to work in Australia

See notes for lodging visa details.

**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 of birth  /  /   
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 .....

Passport country .....

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 Border Protection 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.

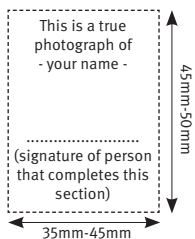
Address .....

Suburb ..... State  Postcode

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

### Section 6 Photographs

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



**Certifier signs here**

Two recent passport quality and sized photographs of the applicant must accompany this application. The reverse side of each photograph 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 <<insert applicants name>>* .....

The person who certifies and signs the reverse side of the photographs must also complete the information below and sign in the space provided.

Full name .....

Residential address .....

Suburb ..... State  Postcode

Phone ..... Fax .....

Mobile ..... Email .....

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

### Part 3—Applicant qualifications

**Section 1**  
**Previous licence/s held**

\*Licence or registration issued by the Office of Fair Trading.

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

No—go to Part 4  Yes—please provide details below.

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

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

**Office use only**

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

### Part 4—Trading particulars

**Trading particulars**

\* 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)  Sole trader (complete Part 6)

Licensed director\* (complete Parts 6 & 7)

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

ACN (if applicable)

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

Partnership (complete Parts 6 and 7)

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

ACN (if partner is a corporation\*).....

Licence number (if applicable) .....

### Part 5—Employer details (employer to sign)

**Employment Details**

\* Licence issued by the Office of Fair Trading.

**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\* .....

**Employment Details**

Where will you be employed as an 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 5—Employer details (employer to sign) continued

### Employment Details

\* Licence issued by the Office of Fair Trading.

Is this a new place of business?

Yes

No

Will you be employed as the person in charge of the place of business nominated above?

Yes

No—If **NO** who is the person in charge?

Person in charge .....

Licence number\* .....

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

\*Signature ..... Date   /   /

Name of licensee .....

Licence number of licensee .....

### Employer to sign and date

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

## Part 6—Sole trader/Partnership/Director

### Section 1

#### Business name

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

Copy part if more than one business name being used.

Will you be trading using a Queensland registered business name?

No—Go to Section 2.

Yes—Complete the below.

Business name (if applicable) .....

Registered Business Number (BN)           and/or;

Australian Business Number (ABN)

### Section 2

#### 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

### Section 3

#### Other place of business (if applicable)

A post office box address is not acceptable.

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

Address .....

Suburb ..... State    Postcode

Name of licensee .....

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.

### Change of address

**If you change your address you are required to notify the chief executive in writing within 14 days. If you do not notify Industry Licensing within the required timeframes it may result in a fine being issued.**

## 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 (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).

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.)

a corporate business associate (must be licensed)

a executive officer

Name of corporation .....

ACN (if applicable)

Corporate licence number (if applicable) .....

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

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

an individual business associate

#### 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 current \*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

**Note:** This office will only accept photocopies of documents certified by the following people: 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, driver’s licence or certificate of citizenship with this application or a photocopy which has been certified\* as a true copy.**

Date of birth  /  /   
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 .....

Passport country .....

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 Border Protection 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.

**\*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 1-5 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. However, failure to disclose convictions may result in your licence 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 7:**

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 1-5 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, 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 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 1-5 Notes* attached to this form.
- I have completed all relevant parts of this form.
- 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 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) \$ .....
- Criminal history check fee \$38.40 x ..... = \$ .....
- Total amount enclosed (add up previous three points) \$ .....

## Part 11—Declaration (applicant to sign)

### Applicant signature

#### Processing timeframes:

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 \$38.40 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 \$76.80 being 2 x \$38.40 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 Border Protection 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 Office of Fair Trading 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!**

## Lodgement details

### Change of address

**If you change your address you are required to notify the chief executive in writing within 14 days. If you do not notify Industry Licensing within the required timeframes it may result in a fine being issued.**

### Lodgement details

Please lodge the completed application, any supporting documentation and fees to the Office of Fair Trading at the address below, or at one of our regional offices.

#### By mail:

Industry Licensing Unit, Office of Fair Trading, GPO Box 3111, Brisbane QLD 4001.

Visit [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au) or call **13 QGOV (13 74 68)** for information and your nearest Fair Trading Office.

## Payment details

### Payee details

This section must be completed by the person who provides the payment for this application.

Name .....

Address .....

Suburb ..... State    Postcode

Phone ( ) ..... Fax ( ) .....

**A receipt will not be issued unless specifically requested.**

Receipt of payment request  Yes  No

Cash  Credit card  Money order  Cheque  
 Make money order or cheque payable to the Office of Fair Trading.

### Credit card payment

Charge my:  Mastercard  VISA

Credit card number:

Cardholder's name: .....

Amount authorised: \$ ..... Expiry date:   /      
M M / Y Y Y Y

Cardholder's signature: .....



## Application for individual's licence

### Commercial agent

*Property Agents and Motor Dealers Act 2000*

This form is effective from 1 July 2014

ABN: 13 846 673 994

Form 1-5 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*.

#### 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 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 \$144.60.

If you wish to apply for other categories of PAMD licences you must also lodge a PAMD Form 1-1. Where an applicant applies for more than one category of licence (including adding an additional class at a later date), they must pay an added application fee of \$144.60 for each additional licence category. The added \$144.60 application fee is non-refundable. E.g. If applying for a one year licence in three categories the fee would be (\$1242.60 + (\$144.60 x 2)).	INDIVIDUAL APPLICATIONS			
	TOTAL FEE (Includes a non-refundable application fee of \$144.60) 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* one or three year term to be added to one licence category fee.
Commercial agent	\$1242.60	\$2329.60	+ \$144.60	

#### 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 \$38.40 (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 \$38.40 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 \$76.80 being 2 x \$38.40 for the criminal history checks).**

Criminal history check fee \$38.40 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 \$144.60.

The \$144.60 is non-refundable.

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

Form 1-5 is for an individual only to apply for a licence under the *Property Agents and Motor Dealers Act ('Act')* for one licence category. If you require a corporation licence, please use *PAMD Form 1-2*.

#### 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, summonses, claims, applications or other processes.

## How to Apply

Choose your licence category ensuring you have carefully read the definition of the licence type.  
**If you are unsure as to which licence you require please seek your own independent legal advice.**

## Part 3—Applicant qualifications

**Please note: There are no educational requirements for applicants applying for a Commercial Agent licence.**

## Part 4—Trading particulars

- If you are trading as a licensed director of a corporation the corporation is required to be licensed.
- If you are trading in a partnership with a corporation, the corporation is required to be licensed.
- If you are trading in partnership with an individual and your partner is undertaking the activities for the particular category of licence being applied for, then the partner is required to be licensed.
- 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 an individual business associate for the purposes of Part 7 of the *PAMD form 1-5*.

## Part 5— Employer details

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 6 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, then that person will be required to lodge a *Form 1-5 (Individual)*. All corporate partners must be licensed under the Act using a *Form 1-2 (Corporations)*.

### Licence Category

### Section of the Act

Commercial agent

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## Part 8—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) a person approved by the Chief Executive (OFT) to audit the licensee's trust account;
- (b) a registered auditor under the Corporations Act;
- (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).

## Part 9—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 Customer Contact Centre on 13 QGOV (13 74 68) for information and assistance.**