

New registration application Form 3–3



Queensland
Government

Application for a motor salesperson registration certificate

Motor Dealers and Chattel Auctioneers Act 2014

This form is effective from 1 August 2023

ABN: 13 846 673 994

OFFICE USE ONLY

Date received

.....
Entity number

Payment details

Application allocation

\$

CHC fee \$

Total allocation \$

Instructions

Before completing this application, please read the accompanying *Form 3–3 Notes*.

- Please complete application in BLOCK letters
- Attach extra pages if necessary
- References to dates should be in DD/MM/YYYY
- To find the fees for your registration certificate, visit www.publications.qld.gov.au/dataset/office-of-fair-trading-fee-schedule
- No GST is payable on licence fees

Criminal history check fee

All applicants and their individual business associates are subject to mandatory criminal history checks. This fee is not included in the application fee and must be included with your payment. Processing of your application will not be progressed until this fee is paid.

If you were born in New Zealand or have a New Zealand passport, you need to get a copy of your criminal history or a letter indicating you have no criminal history from New Zealand. For more information, visit the New Zealand Ministry of Justice website www.justice.govt.nz

We can only accept original documents dated within one month of the date you send them to us. Please note, it can take up to 20 working days to process a request for a New Zealand criminal history check. There is no fee payable for you to get a New Zealand criminal history check.

Please note: A criminal history check is not required if one has been completed under a relevant Act in the last six months.

Incomplete applications

Failure to complete this form or provide all the information, fees and documents will result in a delay in granting your registration certificate.

Privacy statement—please read

The Office of Fair Trading (OFT) collects information, including personal information, on this form as required by the *Motor Dealers and Chattel Auctioneers Act 2014* to process your application. In accordance with this Act, some personal information may be passed on to police services in Australia (including federal, states and territories) for criminal history searches. Enquiries may also be made with the Department of Home Affairs to verify eligibility to work in Australia. Your name will be placed on a register which may be inspected by the public. Additionally, information on this form can be disclosed without your consent where authorised or required by law. Under the *Fair Trading Act 1989* information may also be shared on a confidential basis with other Australian fair trading agencies.

If you give the OFT an email address to communicate with you, the personal information in these communications will be stored on your email service provider's servers. These servers may be outside of Australia. By giving us your email address, you are consenting to the personal information contained within the emails to and from the OFT to be transferred outside Australia.

Change of details

If at any time your registration certificate details or suitability requirements change, you must notify the Office of Fair Trading within 14 days.

Part 1—Registration certificate details

Section 1 Applicant name	Name of applicant
Section 2 Registration category	<input type="checkbox"/> Motor Salesperson <input type="checkbox"/> Motor Salesperson (wrecker) <input type="checkbox"/> Motor Salesperson (broker)
Section 3 Registration term	<input type="checkbox"/> 1 Year <input type="checkbox"/> 3 Years

Part 2—Applicant details

<p>Section 1 Applicant details</p>	<p>Preferred title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other (specify)</p> <p>Surname</p> <p>Given names</p> <p>Have you been known by any other name? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Previous names</p> <p>Reason for change</p>
<p>Section 2 Date, place of birth and visa details</p> <p>NOTE: You must provide certified identification in your current name.</p> <p>*Only photocopies of documents certified as being a true copy of the original document by a Justice of the Peace, Commissioner for Declarations, barrister/solicitor, or Notary Public can be accepted. The photocopy must contain the original signature of the person certifying the identification.</p>	<p>If you are lodging this application in person, you can provide your original birth certificate/ extract, passport, Australian certificate of citizenship 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.*</p> <p>Date of birth <input type="text"/><input type="text"/>/ <input type="text"/><input type="text"/>/ <input type="text"/><input type="text"/><input type="text"/><input type="text"/> <small>D D M M Y Y Y Y</small></p> <p>Place of birth: Town State <input type="text"/><input type="text"/><input type="text"/></p> <p>Country</p> <p>Driver licence number State of issue</p> <p>Passport number</p> <p>Passport country</p> <p>Passport type: Government <input type="checkbox"/> Private <input type="checkbox"/> UN refugee <input type="checkbox"/></p> <p>Eligibility to work in Australia</p> <p>Are you an Australian citizen? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you are not an Australian citizen, supply a certified copy of your international passport—for more information see Notes accompanying this form.</p>

Part 3—Contact details

<p>Section 1 Contact details</p>	<p>Business phone After hours phone.....</p> <p>Fax number..... Mobile</p> <p>Email address.....</p> <p>Preferred contact method: B/H <input type="checkbox"/> A/H <input type="checkbox"/> Mobile <input type="checkbox"/> Email <input type="checkbox"/> Mail <input type="checkbox"/></p>
<p>Section 2 Residential address</p> <p>A post office box address is not acceptable.</p>	<p>Home address</p> <p>Suburb State <input type="text"/><input type="text"/><input type="text"/> Postcode <input type="text"/><input type="text"/><input type="text"/><input type="text"/></p>
<p>Section 3 Postal address</p> <p>Enter 'as above' if the same as residential address.</p>	<p>Address</p> <p>Suburb State <input type="text"/><input type="text"/><input type="text"/> Postcode <input type="text"/><input type="text"/><input type="text"/><input type="text"/></p> <p>Change of address: If you change your address you are required to notify the chief executive within 14 days. You may be issued with a fine if you do not notify Industry Licensing within the required timeframe.</p>

Part 4—Applicant qualifications

The educational and other qualifications are outlined in the Notes accompanying this form.

Have you completed the specified units of competency / modules, or previously held an equivalent registration in Queensland?

Yes—completed modules

Attach a copy of your training qualifications showing the modules completed.

Yes—I have previously held an equivalent registration under the *Motor Dealers and Chattel Auctioneers Act 2014* or the repealed *Property Agents and Motor Dealers Act 2000* which expired less than two years ago—provide your registration number/s and registration periods below.

Registration number Period: from: / / to: / /

Registration number Period: from: / / to: / /

No—contact a registered course provider and complete training modules before lodging this form—unless applying for a motor salesperson (broker) which has no training qualifications.

Office use only

Type	Licence/certificate number	Status	Condition	Period	
				From	To

Part 5—Suitability checklist

Suitability requirements

Please see Notes accompanying this form for explanation.

*Relevant Act includes:

- *Motor Dealers and Chattel Auctioneers Act 2014*,
- *Property Occupations Act 2014*
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*
- *The repealed Property Agents and Motor Dealers Act 2000*
- *A corresponding law*

It is an offence to supply incorrect or misleading information.

Disclosure of previous convictions does not automatically disqualify you from holding a registration certificate.

However, failure to disclose convictions may result in your registration certificate being cancelled and prosecution action being commenced.

If you answer Yes to any of these questions, you need to provide full details in writing.

Are you currently insolvent under administration (this includes entering into bankruptcy or a Personal Insolvency Agreement under Part X of the *Bankruptcy Act 1966* or is a party as a debtor to a debt agreement under Part IX of the *Bankruptcy Act 1966*)?

Yes No

Have you:

Been found guilty of an offence (excluding traffic or misdemeanour offences) in Queensland or elsewhere, within the last five years?

Yes No

Been convicted of an offence and/or disqualified from holding a licence or registration certificate under a relevant Act* or the *Agents Financial Administration Act 2014*?

Yes No

Received an adverse order under the *Motor Dealers and Chattel Auctioneers Act 2014* or the repealed *Property Agents and Motor Dealers Act 2000* from QCAT or the District court in the last five years?

Yes No

Been named in the register of persons disqualified from managing corporations under the *Corporations Act 2001*?

Yes No

Ever had a licence or registration certificate refused, suspended or cancelled under a relevant Act*?

Yes No

Had an amount paid from the Claim Fund including the Funds established under the repealed *Property Agents and Motor Dealers Act 2000* or the repealed *Auctioneers and Agents Act 1971*, because of an action or omission that gave rise to a claim?

Yes No

Relevant control order in relation to a registration certificate, means a control order or registered corresponding control order that restricts the person to whom the order applies from carrying on a business, engaging in an occupation or performing an activity that requires the registration certificate.

Control orders

You are not a suitable person to hold a registration certificate under the *Motor Dealers and Chattel Auctioneers Act 2014* if you are subject to a relevant control order as defined under the *Motor Dealers and Chattel Auctioneers Act 2014*.

Part 6—Checklist and declaration

<p>Checklist</p> <p>It is an offence to supply incorrect or misleading information.</p> <p>To find the fees for your licence, visit www.publications.qld.gov.au/dataset/office-of-fair-trading-fee-schedule</p>	<p>Please check each statement and tick each box if you have met the following requirements:</p> <p><input type="checkbox"/> I have completed each part of this form honestly and correctly to the best of my knowledge.</p> <p><input type="checkbox"/> I have provided all relevant certified documentation to meet the identity verification check in Part 2.</p> <p><input type="checkbox"/> I have enclosed proof of completion of an approved training course (including units completed) as required in Part 4.</p> <p><input type="checkbox"/> I have enclosed the application fee \$and</p> <p><input type="checkbox"/> Criminal history check fee.</p>
<p>Applicant to sign</p>	<p>In submitting this application, I declare I have the consent of all persons relating to this application being subject to a national criminal history check 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.</p> <p>I 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 Home Affairs 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.</p> <p>I declare the answers I have given on this form and attachments are true and correct in every detail.</p> <p>I have read and agree to the terms stated above.</p> <p>Applicant signature</p> <p>Date <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p style="text-align: center;"><small>D D / M M / Y Y Y Y</small></p>

Lodgement details

<p>IMPORTANT!</p> <p>Please make sure you:</p> <ul style="list-style-type: none"> provide all necessary information and documentation sign the application return all pages of the application form. 	<p>Please lodge the completed application, any supporting documentation and applicable fees to the Office of Fair Trading at the address below, at one of our regional offices, or at a Queensland Government Service Office.</p> <p>By mail: Industry Licensing Unit, GPO Box 3111, Brisbane QLD 4001</p> <p>In person: Visit www.qld.gov.au/fairtrading or call 13 QGOV (13 74 68) for information and your nearest Fair Trading Office or Queensland Government Service Office.</p>
<p>Refunds</p>	<p>If an applicant withdraws an application prior to a registration certificate being issued, or it is refused, the application fee and fees paid for criminal history checks that have already been conducted are not refundable.</p>
<p>Change of details</p>	<p>If at any time your licence details or suitability requirements change, you must notify the Office of Fair Trading within 14 days.</p>

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Proceed to the Notes.**



Application for a motor salesperson registration certificate

Motor Dealers and Chattel Auctioneers Act 2014

This form is effective from 1 August 2023

ABN: 13 846 673 994

Who can use this form?

New registration application form 3–3 is for individuals to apply for a motor salesperson certificate of registration under the *Motor Dealers and Chattel Auctioneers Act 2014*.

A motor salesperson registration certificate allows the holder to be employed by a licensed motor dealer and perform any of the following activities that the motor dealer who employs you is licensed to perform:

Motor salesperson

- sell used motor vehicles
- sell used motor vehicles on consignment
- sell leased motor vehicles to the lessee under the terms of the lease
- sell used motor vehicles as parts
- negotiate, under a consultancy arrangement, for a person who is not a motor dealer or a chattel auctioneer for the purchase or sale of a used motor vehicle for the person.

Motor Salesperson (Wrecker)

- sell used motor vehicles as parts.

Motor Salesperson (Broker)

- negotiate 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.

As a motor salesperson you cannot operate a trust account or be the person in charge at a place of business.

Fees payable

To find the fees for your registration certificate, visit www.publications.qld.gov.au/dataset/office-of-fair-trading-fee-schedule

Criminal history check

A criminal history check (CHC) will be conducted for each person whose name is listed on the application. Processing of the application cannot be progressed until this fee is paid. Criminal history checks are conducted in accordance with the legislation as outlined in the *Motor Dealers and Chattel Auctioneers Act 2014*. All applications are subject to mandatory criminal history checks.

Please note: A CHC is not required if one has been completed under a relevant Act * within the past six months. If it is outside of this timeframe then another one is required.

*A relevant Act includes:

- *Motor Dealers and Chattel Auctioneers Act 2014*,
- *Property Occupations Act 2014*,
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*,
- The repealed *Property Agents and Motor Dealers Act 2000*.

Total fee = 1 or 3 year fee \$..... + CHC fee = \$.....

If you were born in New Zealand or have a New Zealand passport, you need to get a copy of your criminal history or a letter indicating you have no criminal history from New Zealand. For more information, visit the New Zealand Ministry of Justice website www.justice.govt.nz

We can only accept original documents dated within one month of the date you send them to us. Please note, it can take up to 20 working days to process a request for a New Zealand criminal history check. There is no fee payable for you to get a New Zealand criminal history check.

Part 2—Applicant details

Proof of name and identification

You need to provide proof of identification in your current name. This can be your driver's licence, passport, Australian certificate of citizenship or birth certificate/extract. Do not send originals. Only photocopies of original documents certified as being a true copy of the original document by the following people can be accepted: Justice of the Peace, Commissioner for Declarations, barrister/solicitor or Notary Public.

If you are lodging your application in person, you can provide your original documents which will be copied and certified by the officer accepting your application.

Eligibility to work in Australia

Every worker from overseas must have a valid Australian visa with work rights. Temporary visas with work rights include working holiday maker visas, student visas and the subclass TSS visa. You can check your own work and visa entitlements at www.homeaffairs.gov.au. Enquiries may be made with the Department of Home Affairs to verify an applicant's work entitlements in Australia.

Part 4—Applicant qualifications

An applicant is eligible to obtain registration as a motor salesperson or motor salesperson (wrecker), if they are at least 18 years of age and if they have completed the educational and other qualifications as approved by the chief executive.

To qualify for a motor salesperson or motor salesperson (wrecker) registration certificate, you must have successfully completed or been assessed as competent in the approved units of training.

If you are the holder of a student visa, it is necessary to ensure the training organisation you complete training through holds registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

A full list of the approved training units can be found at www.qld.gov.au/fairtrading

If you have held an equivalent registration under the *Motor Dealers and Chattel Auctioneers Act 2014* or the repealed *Property Agents and Motor Dealers Act 2000* which expired less than two years ago, list the registration details in Part 4.

If you have held a motor salesperson or motor salesperson (wrecker) registration certificate within two years of applying for the registration, you do not need to complete the training requirements.

Motor Salesperson (broker)

There are no prescribed qualifications for a motor salesperson (broker).

If you have held an equivalent registration under the *Motor Dealers and Chattel Auctioneers Act 2014* or the repealed *Property Agents and Motor Dealers Act 2000*, list the registration details in Part 4.

Part 5—Suitability checklist

An applicant is not a suitable person to hold a registration certificate if the individual:

- has been convicted of a serious offence within the last five years in Queensland or elsewhere
- is currently disqualified from holding a licence or registration certificate
- is subject to a relevant control order.

While an applicant is automatically deemed not suitable to hold a registration certificate if they answer yes to any of the above, there are also a number of other matters which must be considered when determining suitability. If you answer yes to any of the suitability questions listed on the application form, please provide full details in writing.

If you are currently insolvent under administration, you will need to supply the following information to allow a determination to be made on your suitability:

- A description of the circumstances that caused you to go into bankruptcy (if you were involved in a business please advise the type of business) and a description of the steps taken by you to avoid going into bankruptcy.
- Official notification of the insolvency including a list of creditors and amounts owing to each creditor.
- Confirmation of whether any charges were laid against you in regard to the bankruptcy.
- A letter from your employer outlining your role within the business. The letter must be written on business letterhead and signed by a director or the licensed person in charge. In accordance with section 158(1)(g) (iii) of the *Motor Dealers and Chattel Auctioneers Act 2014*, the letter should specify whether you would be **'in a position to influence significantly the management of the licensee's business'**.

Relevant Acts include the *Motor Dealers and Chattel Auctioneers Act 2014*, the *Property Occupations Act 2014*, the *Debt Collectors (Field Agents and Collection Agents) Act 2014*, the repealed *Property Agents and Motor Dealers Act 2000* or a corresponding law.

'insolvent under administration' has the meaning as defined in the *Corporations Act 2001*, section 9.

The *Corporations Act 2001* defines insolvent under administration as:

1. a person who, under the *Bankruptcy Act 1966* or the law of a foreign country has the status of an undischarged bankrupt; or
2. a person who, under the law of an external Territory or the law of a foreign country, has the status of an undischarged bankrupt; or
3. A person whose property is subject to control under:
 - a. Section 50 or Division 2 of Part X of the *Bankruptcy Act 1966*; or
 - b. A corresponding provision of the law of an external Territory or the law of a foreign country; or
4. A person who has executed a personal insolvency agreement under:
 - a. Part X of the *Bankruptcy Act 1966*; or
 - b. The corresponding provisions of the law of an external Territory or the law of a foreign country; Where the terms of the agreement have not been fully complied with; or

5. A person who is a party (as a debtor) to a debt agreement under:

- a. Part IX of the *Bankruptcy Act 1966*; or
- b. The corresponding provisions of the law of an external Territory or the law of a foreign country.

'serious offence' means any of the following offences punishable by three or more years imprisonment:

- an offence involving fraud or dishonesty
- an offence involving the trafficking of drugs
- an offence involving the use or threatened use of violence
- an offence of a sexual nature
- extortion
- arson
- unlawful stalking, intimidation, harassment or abuse.
- an offence against the Criminal Code, section 76 (Recruiting person to become participant in criminal organisation)
- an offence mentioned in the Criminal Code, part 2, chapter 9A (Consorting); or
- an offence that is –
 - a prescribed offence within the meaning of the *Penalties and Sentences Act 1992*, section 161N; and
 - committed with a serious organised crime circumstance of aggravation within the meaning of the *Penalties and Sentences Act 1992*, section 161Q

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 a relevant Act or a provision of a relevant 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.

Lodgement details

Please ensure your application is fully completed and you have attached proof of identification documents, training certificates, fees and attachments as required. If any details or fees are missing or incomplete our office will be required to write to you which delays the processing of your application and the issue of your registration certificate. If no response is received from you within a reasonable timeframe, your application may be deemed to have been withdrawn by you. In this circumstance a refund of fees paid less the application fee and criminal history check fees (if the checks have been conducted) will be refunded to you. You will then need to resubmit another application if you still require the registration certificate.

Application approval

Normal processing time for new applications is 4–6 weeks however this can be longer if we need to contact you for missing information or fees. Applications can sometimes be delayed awaiting clearance of police checks which is outside the control of the Office of Fair Trading. If your application is refused we will send an information notice to you explaining your rights and the process involved in appealing the decision.

You are not able to perform the functions of a motor salesperson until your registration certificate has been issued.

Refunds

You can withdraw your application at any time prior to the registration certificate being granted or refused. If the application is withdrawn by you or deemed withdrawn or refused you will receive a refund of the fees paid less a non-refundable application processing fee and any fees paid for criminal history checks that have already been conducted.