

SOUTH AUSTRALIA

COMMERCIAL AND PRIVATE AGENTS REGULATIONS, 1989

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **1 July 1995**.*

It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.

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REGULATIONS UNDER THE COMMERCIAL AND PRIVATE AGENTS ACT, 1986

COMMERCIAL AND PRIVATE AGENTS REGULATIONS, 1989

being

No. 21 of 1989: *Gaz.* 16 February 1989, p. 460¹

as varied by

No. 101 of 1989: *Gaz.* 29 June 1989, p. 1765²
No. 158 of 1989: *Gaz.* 17 August 1989, p. 594
No. 188 of 1989: *Gaz.* 12 October 1989, p. 1192
No. 212 of 1989: *Gaz.* 23 November 1989, p. 1574
No. 6 of 1990: *Gaz.* 25 January 1990, p. 172
No. 50 of 1990: *Gaz.* 26 April 1990, p. 1187
No. 104 of 1990: *Gaz.* 21 June 1990, p. 1673³
No. 121 of 1990: *Gaz.* 28 June 1990, p. 1765
No. 176 of 1990: *Gaz.* 30 August 1990, p. 725
No. 206 of 1990: *Gaz.* 25 October 1990, p. 1289
No. 245 of 1990: *Gaz.* 13 December 1990, p. 1767
No. 84 of 1991: *Gaz.* 20 June 1991, p. 1975
No. 133 of 1991: *Gaz.* 27 June 1991, p. 2239⁴
No. 222 of 1991: *Gaz.* 24 October 1991, p. 1126
No. 140 of 1992: *Gaz.* 25 June 1992, p. 2015⁵
No. 190 of 1992: *Gaz.* 24 September 1992, p. 1159⁶
No. 131 of 1993: *Gaz.* 24 June 1993, p. 2085⁷
No. 62 of 1994: *Gaz.* 2 June 1994, p. 1608⁸
No. 50 of 1995: *Gaz.* 10 May 1995, p. 1992⁹

¹ Came into operation 19 February 1989: reg. 3.

² Came into operation 1 July 1989: reg. 2.

³ Came into operation 1 July 1990: reg. 2.

⁴ Came into operation 1 July 1991: reg. 2.

⁵ Came into operation 1 July 1992: reg. 2.

⁶ Came into operation 24 September 1992: reg. 2.

⁷ Came into operation 1 July 1993: reg. 2.

⁸ Came into operation 2 June 1994: reg. 2.

⁹ Came into operation 1 July 1995: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

**PART I
PRELIMINARY**

Citation

1. These regulations may be cited as the *Commercial and Private Agents Regulations, 1989*.

Revocation

2. All regulations under the *Commercial and Private Agents Act, 1972*, are revoked.

Commencement

3. These regulations will come into operation on 19 February, 1989.

Interpretation

4. In these regulations, unless the contrary intention appears—

"the Act" means the *Commercial and Private Agents Act, 1986*:

"prescribed person" in relation to a corporate licensee means any person who is in a position to control or influence substantially the affairs of the body corporate.

Device of prescribed kind: s. 4

4a. For the purposes of paragraph (b)(iv) of the definition of "agent" in section 4 of the Act and these regulations, an electronic device that is designed, constructed or adapted so as to detect unauthorized entry of a person or thing into premises or part of premises is a device of a prescribed kind.

Application of Act: s. 5

5. The following are the prescribed qualifications—

- (a) for the purposes of section 5(e)(ii) of the Act—a current practising certificate issued by either the Institute of Chartered Accountants in Australia or the Australian Society of Accountants;
- (b) for the purposes of section 5(e)(iii) of the Act—membership of the Chartered Institute of Loss Adjusters (Australasian Division) or the Institute of Loss Adjusters of Australia Limited.

Registered address of agent

6. For the purposes of the Act, the registered address of an agent is the address for the time being registered under the *Commercial Tribunal Act, 1982*, in the name of the agent as the address of the agent's principal place of business or, if the agent is an employee, as the agent's address for service.

Exemptions (s. 6 of the Act)

6a. (1) A person who would otherwise be required under the Act to hold a licence with the endorsement security alarm agent is exempt from that requirement if—

- (a) the person is a registered architect or holds the qualifications necessary for membership of the Institution of Engineers Australia;

or

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- (b) the person—
- (i) does not install any device of a prescribed kind;
 - (ii) does not attend at premises for the purpose of giving advice upon or maintaining any such device that is, is to be, or may be, installed at those premises;
- and
- (iii) does not engage another to perform a function referred to in subparagraphs (i) or (ii).

(1a) A person who would otherwise be required under the Act to hold a licence with the endorsement crowd controller is exempt from that requirement if—

- (a) the person performs the function of controlling crowds while acting in the ordinary course of his or her employment in connection with the licensed casino;

or

- (b) the person is not employed or engaged to control or deal with persons who behave in a disorderly manner or create a nuisance.

(1b) A person who has, before the commencement of these regulations, applied for a licence bearing the endorsement security alarm agent or crowd controller, or for an additional endorsement of that kind to a licence, is exempt from the requirement to hold such a licence until the application is determined or 31 December, 1990, whichever first occurs.

(2) A body corporate that carries on the business of loss adjusting is exempt from the requirement to be licensed under the Act while acting in the ordinary course of such a business on condition that the business is managed by a natural person who is resident in this State and who is exempt from the requirement to hold a licence under the Act pursuant to section 5(e)(iii) of the Act.

(3) A person employed under a contract of service by a body corporate of a kind referred to in subregulation (2) is exempt from the requirement to be licensed under the Act while acting in the ordinary course of such employment.

(4) A person employed in connection with any Australian Formula One Grand Prix for the purposes of—

- (a) protecting or guarding a person or property, or keeping a person or property under surveillance, while within the declared area;
- (b) preventing, detecting or investigating the commission of an offence in relation to a person or property within the declared area;

or

- (c) controlling crowds within the declared area,

is, subject to the conditions set out in subregulation (5), exempt from the requirement to be licensed under the Act while acting in the ordinary course of such employment.

(5) An exemption under subregulation (4) is subject to the conditions—

(a) that the person must not, while acting in the course of the employment, carry a firearm or other offensive weapon;

and

(b) that the person must, while acting in the course of the employment, be under the direct supervision of a licensed security guard.

(6) In this regulation—

"declared area" means the area from time to time declared as the declared area for a year under the *Australian Formula One Grand Prix Act, 1984*.

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**PART II
LICENSING AND CONTROL OF AGENTS**

Endorsements to licences: s. 9

7. (1) A licence that bears an endorsement set out below authorizes the holder of the licence to act as an agent by performing one or more of the classes of functions set out below in relation to that endorsement.

Endorsement	Classes of functions
1 or commercial agent	<p>(a) ascertaining the whereabouts of or repossessing goods or chattels that are subject to any security interest;</p> <p>(b) collecting or requesting the payment of debts;</p> <p>(c) executing any legal process for the enforcement of any judgment or order of a court;</p> <p>(d) executing any distress for the recovery of rates, taxes or money.</p>
2 or inquiry agent	<p>(a) obtaining or providing (without the written consent of a person) information as to the personal character or actions of the person or as to the business or occupation of the person;</p> <p>(b) searching for missing persons;</p> <p>(c) obtaining evidence for the purpose of legal proceedings (whether the proceedings have been commenced or are prospective).</p>
3 or security agent	<p>(a) protecting or guarding a person or property or keeping a person or property under surveillance;</p> <p>(b) hiring out or otherwise supplying a dog or other animal for the purpose of protecting or guarding a person or property;</p> <p>(c) preventing, detecting or investigating the commission of any offence in relation to a person or property;</p> <p>(d) controlling crowds.</p>
4 or security guard	<p>(a) protecting or guarding a person or property or keeping a person or property under surveillance;</p> <p>(b) preventing, detecting or investigating the commission of any offence in relation to a person or property;</p> <p>(c) controlling crowds.</p>

5 or security alarm agent	providing advice on, hiring out or otherwise supplying or installing or maintaining a device of a prescribed kind for the purpose of protecting or guarding a person or property or keeping a person or property under surveillance.
6 or security officer	preventing, detecting or investigating the commission of any offence in relation to a person or property.
7 or crowd controller	controlling crowds.
8 or process server	serving any writ, summons or other legal process.

Conditional endorsements to licences: s. 11

8. The period of one year is prescribed for the purposes of section 11(1)(b) of the Act.

Fees

9. Fees are payable to the Registrar in accordance with schedule 1.

Forms

10. The forms to be used for the purposes of the Act are set out in schedule 2.

Advertisement of applications (s. 12(3) of the Act)

11. An application for a licence or an additional endorsement to a licence must be advertised on at least one occasion in a newspaper circulating throughout the State.

Annual fees and returns: s. 13

12. (1) The date for payment of an annual licence fee and for lodging an annual return is—

(a) in the case of an agent who held a licence under the repealed Act immediately before the commencement of the Act—31 May, 1989 and thereafter—

(i) if the agent is a commercial agent—31 October in each year;

(ii) if the agent is not a commercial agent—30 June in each year;

(b) in the case of any other commercial agent—31 October in each year;

(c) in any other case—30 June in each year.

(2) If a licence has two or more endorsements including commercial agent, the licensee need only comply with the requirements of subregulation (1) relating to a commercial agent.

(3) An annual return must relate to the period from the day on which the last annual return was lodged (or if it is a first return, the day on which the licence was issued) to the day of lodgement.

(4) The penalty for default in paying an annual licence fee or lodging an annual return is \$186.

(5) An annual return—

(a) must clearly identify the licensee in respect of whom it is made;

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- (b) must include such information as is necessary to ensure that the information relating to the licensee on the register kept under the *Commercial Tribunal Act, 1982*, is correct as at the date of the annual return;
- (c) must, if the licence is unconditional, include a statement specifying any period, within the period to which the return relates, during which the licensee was not carrying on business as an agent and setting out the reasons for not having carried on business during that period;
- (d) must, if the licensee is a commercial agent, include a statement specifying any period (during the financial year ending within the period to which the return relates) during which the licensee did not maintain a trust account and setting out the reasons for not having maintained a trust account;
- (e) must, where the licensee or a prescribed person in relation to a corporate licensee has been charged with or found guilty of an offence (other than an offence against the Act), include particulars of the offence and the conduct that constituted or is alleged to constitute the offence;
- (f) must, where the licensee or a prescribed person in relation to a corporate licensee—
 - (i) has become an undischarged bankrupt;
 - (ii) has gone into receivership;or
 - (iii) is bound by a subsisting composition or deed or scheme of arrangement for the benefit of the person's creditors,

include particulars of the bankruptcy, receivership, composition or arrangement.

Notice of change in circumstances

13. (1) If particulars relating to a licensee recorded on the register kept under the *Commercial Tribunal Act, 1982*, are no longer correct due to a change in those particulars, the licensee must, within 14 days after the change, give notice in writing to the Registrar of the relevant particulars.

(2) Within 14 days after a licensee or a prescribed person in relation to a corporate licensee—

- (a) is charged with or found guilty of an offence (other than an offence against the Act);
 - (b) becomes an undischarged bankrupt;
 - (c) goes into receivership;
- or
- (d) becomes bound by a composition or deed or scheme of arrangement for the benefit of the person's creditors,

the licensee must give notice to the Registrar of that fact together with such particulars as are required by the Registrar.

(3) A licensee who fails to comply with this regulation is guilty of an offence.

Penalty: \$1 000.

Replacement of licences

14. The Registrar may issue to a licensee, on payment of the prescribed fee, a licence in replacement of a current licence if satisfied—

- (a) that the current licence has been lost, destroyed or damaged;
 - (b) that any photograph of the licensee on the current licence should be replaced with a more recent photograph of the licensee;
- or
- (c) that any particulars appearing on the current licence are, due to a change in those particulars, no longer correct.

Transitional provisions: clause 3 of schedule

15. (1) A person who was, immediately before the commencement of the Act, the holder of a licence under the repealed Act of a category set out below is entitled to hold a licence under the Act with the endorsement and subject to the conditions (if any) set out below as corresponding to that category.

Category of licence under repealed Act	Corresponding endorsement under the Act	Conditions
Commercial agent	1 or commercial agent	
Commercial sub-agent	1 or commercial agent	As specified in s. 11(1)(a) of the Act
Inquiry agent	2 or inquiry agent	
Loss assessor	2 or inquiry agent	
Process server	8 or process server	
Security agent	3 or security agent and 5 or security alarm agent	
Security guard	4 or security guard	As specified in s. 11(1)(a) of the Act
Store security officer	6 or security officer	As specified in s. 11(1)(a) of the Act.

(2) If the licence held under the repealed Act is a provisional licence, the corresponding endorsement to a licence under the Act is subject to the conditions specified in section 11(1)(b) of the Act.

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**PART III
COMMERCIAL AGENTS' TRUST ACCOUNTS**

Financial Institutions: s. 28

16. The following are financial institutions with which a commercial agent may deposit trust money—

- (a) ANZ Executors and Trustee Company (South Australia) Limited;
- (b) CBFC Limited;
- (c) the Co-operative Building Society of South Australia;
- (ca) Executor Trustee Australia Limited;
- (d) Farmers Trustee Group;
- (e) Hindmarsh and Adelaide Building Society;
- (f) R.E.I. Building Society.

Accounts to be kept by agent: s. 30

17. The accounts, records and documents that a commercial agent must keep or cause to be kept in relation to the agent's functions as a commercial agent are as follows:

- (a) a separate account must be kept in relation to each client for whom the agent performs services and, if the agent performs services for the client in respect of a number of transactions between different parties, in relation to each such transaction;
- (b) such an account must include—
 - (i) the name and address of the client for whom the services are provided;and
 - (ii) brief particulars of the services provided and the transaction to which the account relates;
- (c) where money is transferred from one such account to another—
 - (i) the transfer must be clearly noted in both accounts;and
 - (ii) that notation must indicate the authority given for the transfer by the client or other person entitled to the money;
- (d) the accounts must include the following information in respect of each disbursement of trust money—
 - (i) the date of the disbursement;

- (ii) the name of the person to whom the money is disbursed;
 - (iii) the amount of money disbursed;
 - (iv) the account kept under paragraph (a) to which the disbursement is debited;
- and
- (v) brief particulars of the purpose for which the disbursement is made;
- (e) a duplicate copy of a receipt that complies with regulation 18 must be kept in respect of each payment of trust money;
- (f) a receipt that complies with regulation 19 must be kept in respect of each disbursement of trust money by cash cheque.

Receipt to be given by agent

18. A commercial agent must make available to a person making payment of trust money a receipt that—

- (a) is legible;
 - (b) contains the following information:
 - (i) the date of payment;
 - (ii) the name of the person making payment;
 - (iii) the form of payment (cash, cheque or draft) and if the payment is by cheque, the name of the drawer of the cheque;
 - (iv) the amount paid;
 - (v) the name of the person for whom the money is received;
- and
- (vi) brief particulars of the purpose for which the payment is made;
- and
- (c) is made out on a form comprised in a series of consecutively numbered duplicate receipt forms.

Offences relating to disbursement of trust money

19. (1) A commercial agent must not disburse trust money in cash.

Penalty: \$1 000.

(2) Where a commercial agent disburses trust money by cheque—

- (a) the agent must cross the cheque and endorse it "not negotiable";

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or

(b) the agent must—

(i) obtain from the person to whom the cheque is given a receipt complying with the requirements of subregulation (3);

and

(ii) keep the receipt as part of the records and accounts relating to the trust money.

Penalty: \$1 000.

(3) The receipt in respect of a cash cheque must—

(a) be legible;

and

(b) contain the following information:

(i) the date of the cheque;

(ii) particulars identifying the trust account against which the cheque is drawn;

(iii) the amount of the cheque;

(iv) the name of the person to whom the cheque is given;

and

(v) brief particulars of the purpose for which the payment is made.

Auditor's report

20. An auditor of a commercial agent's trust account must include in the report furnished by the auditor for the purposes of the Act a statement as to the following matters:

(a) whether the trust account of the agent has in the opinion of the auditor been regularly and properly compiled;

(b) whether the trust account of the agent has been ready for examination at the periods appointed by the auditor;

(c) whether the auditor demanded the production of a statement complying with regulation 21 for the last preceding audit and whether the agent complied with that demand;

(d) whether the agent has otherwise complied with the auditor's requirements;

(e) whether the agent's trust account is in order;

- (f) any matter in relation to the trust account which should, in the opinion of the auditor, be communicated to the Registrar.

Agent's statement

21. (1) A commercial agent must prepare, certify and produce to the auditor before the completion of an audit of the trust accounts of the agent a statement setting out in detail particulars of—

- (a) all trust money held by the agent on the last day of the period to which the audit relates;
- (b) all negotiable or bearer securities or deposit receipts in the name of the agent which represent money drawn from the agent's trust accounts and which were held by the agent on that day;

and

- (c) the name of the banking or other institutions holding the money, securities and deposits referred to in paragraphs (a) and (b) together with all account numbers and other identifying references in respect of such money, securities and deposits.

(2) The auditor must examine the statement, endorse on it a certificate as to whether or not it is correct and deliver it to the agent.

(3) The statement so delivered must be retained by the agent and be produced by the agent together with a copy of the report of the audit signed by the auditor on demand to the auditor making the next audit of the agent's trust account.

(4) When an agent's trust account is being audited for the first time, or where for any other reason no statement containing the particulars set out in subregulation (1) and relating to the previous audit period is available for the purpose of audit, the agent must prepare, certify and produce to the auditor before the making of the auditor's report, a statement containing the same particulars as to money, negotiable or bearer securities and deposit receipts held on the first day of the period to which the audit relates.

(5) An agent who fails to comply with a requirement of this regulation is guilty of an offence.

Penalty: \$1 000.

Where deficiency, etc., in trust money

22. If an auditor in the course of auditing a commercial agent's trust account discovers—

- (a) that the account has not been kept so as to enable it to be conveniently and properly audited;
- (b) any matter which appears to the auditor to involve dishonesty or any breach of law on the part of the agent;
- (c) any loss or deficiency of trust money;

or

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- (d) any failure to pay or account for trust money, or to comply with the Act or these regulations,

the auditor must—

- (e) if the auditor discovers the matter before the end of the period of the audit, forthwith inform the Commissioner by notice in writing of the facts so discovered and furnish a signed copy of the notice to the agent;

and

- (f) in any case, fully set out the facts so discovered in the report furnished by the auditor for the purposes of the Act.

Transitional provision for audit of trust accounts

23. A commercial agent who held a licence under the repealed Act immediately before the commencement of the Act and who maintains a trust account must—

- (a) have the accounts, records and documents kept by the commercial agent for the period from 1 April, 1988, to 30 June, 1989, audited by an auditor;

and

- (b) submit a copy of the auditor's report to the Commissioner on or before 31 October, 1989, or such later date as the Commissioner may allow.

Penalty: \$1 000.

SCHEDULE 1

Fees

\$

1. Subject to clause 2, the following fees are payable under the Act and these regulations:

(a)	Application fee for licence or alteration or addition to endorsements (section 12(1))	134
(b)	Licence fee (section 12(9))—	
(i)	if licence subject to condition specified in section 11(1)	86
(ii)	in any other case	229
(c)	Annual licence fee (section 13(2))—	
(i)	if licence subject to condition specified in section 11(1)	86
(ii)	in any other case	229
(d)	Application for relief from agent's charges (section 26)	27
(e)	Issue of a replacement licence (regulation 14)	27

2. Notwithstanding clause 1, the fee payable—

- (a) under clause 1(a), (d) or (e) where application is made prior to 1 July 1995; or
- (b) under clause 1(b) where the licence fee becomes payable prior to 1 July 1995,

is the fee payable under these regulations as in force immediately prior to the commencement of this schedule.

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SCHEDULE 2

Forms

FORM 1:	APPLICATION FOR LICENCE OR ADDITIONAL ENDORSEMENT TO LICENCE WHERE APPLICANT IS A BODY CORPORATE	s. 12
FORM 2:	APPLICATION FOR LICENCE OR ADDITIONAL ENDORSEMENT TO LICENCE WHERE APPLICANT IS A NATURAL PERSON	s. 12
FORM 3:	NOTICE OF APPLICATION FOR LICENCE OR ADDITIONAL ENDORSEMENT TO LICENCE	s. 12
FORM 4:	NOTICE OF SUSPENSION OF LICENCE	s. 13
FORM 5:	FORM TO BE LODGED BY AGENT WITH AUDITOR'S REPORT	

The form to be used by a person lodging with the Tribunal a complaint setting out matters alleged to constitute grounds for disciplinary action against a person who has acted as an agent is the form prescribed for that purpose under the *Commercial Tribunal Act, 1982*.

FORM 1

APPLICATION TO THE COMMERCIAL TRIBUNAL FOR A LICENCE UNDER THE COMMERCIAL AND PRIVATE AGENTS ACT, 1986

BODY CORPORATE

Applicant's full name

Registered office (Companies Code) Postcode

Address for service of notices Postcode

Address from which the business will be conducted Postcode

Trading name (if applicable)

Name of person to be contacted Telephone (Bus.) A/H

for further information:

Name of person who is to be the nominated manager

Please list below the names and dates of birth of the persons who may be in a position to control the affairs of the company—for example, Directors, Shareholders, Secretary, Manager.

NAME	DATE OF BIRTH	POSITION
.....
.....
.....
.....
.....
.....
.....
.....

A successful applicant will be granted a licence which will be endorsed to permit the performance of limited functions. Please indicate below which endorsements you wish to have approved by the Tribunal. (A full description of each endorsement can be found by reference to Regulation 7 of the Regulations made under the Act).

ENDORSEMENT DESCRIPTION

1. Commercial Agent
2. Inquiry Agent
3. Security Agent
4. Security Guard
5. Security Alarm Agent
6. Security Officer
7. Crowd Controller
8. Process Server

ANSWER YES OR NO TO EACH OF THE FOLLOWING QUESTIONS

1. Has the company been convicted of any offence, or are any such proceedings pending?
2. Have any of the persons who may be in a position to control or influence substantially the affairs of the company been convicted of any offence (excluding a traffic offence) or are any such proceedings pending?
3. Has the company had its affairs administered under the laws of bankruptcy?
4. Has the company made suitable arrangements to fulfil the obligations that may arise under the Act?

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NOTE:

In order for this application to be assessed, it is necessary for a copy of the company's most recent balance sheet, profit and loss statement, certificates of incorporation and registration of business name certificate (if applicable) to be lodged with this application.

Information supplied in this application must be true and correct. A penalty of up to \$2 000 may be imposed if false information is given.

Signed Date
(A director, secretary, or manager authorised by the company to sign
on its behalf)

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NOMINATION OF MANAGER

NOTE: This form must be completed by a director or the secretary authorised by the company to sign on its behalf.

Full name of agent

Address of registered office of the agent
..... Telephone Postcode

The following person, being a licensed agent under the *Commercial and Private Agents Act, 1986* is nominated as manager of the agent's business in South Australia.

Name of nominee

Residential address (not post office box)

..... Telephone Postcode

Licence endorsements held by the nominee Tick as appropriate

- 1. Commercial agent
- 2. Inquiry agent
- 3. Security agent
- 4. Security guard
- 5. Security alarm agent
- 6. Security officer
- 7. Crowd controller
- 8. Process server

Date Signed

Statement of Nominee

I accept nomination as stated above.

Date Signed

FORM 2

APPLICATION TO THE COMMERCIAL TRIBUNAL FOR A LICENCE UNDER THE COMMERCIAL AND PRIVATE AGENTS ACT, 1986

INDIVIDUAL

Applicant's full name

Date of birth

Residential address (not a post office box) Postcode

Address for service of notices Postcode

Telephone (Bus.) A/H

Trading name (if applicable)

Name(s) of any person(s) with whom you intend to carry on business as partner (if applicable)
.....
.....
.....

Name of licensee which will employ you once licensed. (If you intend conducting your own business, write "self-employed".)
.....

A successful applicant will be granted a licence which will be endorsed to permit the performance of limited functions. Please indicate below which endorsements you wish to have approved by the Tribunal. (A full description of each endorsement can be found by reference to Regulation 7 of the Regulations made under the Act).

ENDORSEMENT DESCRIPTION	YES/NO
1. Commercial agent
2. Inquiry agent
3. Security agent
4. Security guard
5. Security alarm agent
6. Security officer
7. Crowd controller
8. Process server

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In addition, the Tribunal may approve an endorsement(s) which will be subject to conditions set out in either Section 11(1)(a) or 11(1)(b) of the Act.

A "Section 11(1)(a)" condition will permit licensees to perform the functions permitted by the approved endorsement *but only whilst employed by another person.*

A "Section 11(1)(b)" condition will permit licensees to perform the functions permitted by the approved endorsement whilst the licensee is *employed by and under the direct supervision of a properly-authorized licensee.* In most cases an "11(1)(b)" condition will be applied if the licensee is not experienced in the performance of the endorsement that is the subject of the condition.

No condition "11(1)(a)" condition "11(1)(b)" condition

PLEASE INDICATE YOUR PREFERENCE BY TICKING THE APPROPRIATE BOX

ANSWER YES OR NO TO EACH OF THE FOLLOWING QUESTIONS

If the answer to any question is "YES", provide full details in the space provided or on an attachment.

- 1. Have you been convicted of any offence (other than a traffic offence), or are any such proceedings pending?
- 2. Are you, or have you been, director, secretary, or manager of a company which has been convicted of any offence, or are any such proceedings pending?
- 3. Are you bankrupt or have you had your affairs administered under the laws of bankruptcy?
- 4. Are you, or have you been, a director, secretary, or manager of a company which has had its affairs administered under the laws of bankruptcy?

PLEASE INDICATE BELOW THE DETAILS OF YOUR EXPERIENCE AND QUALIFICATIONS

(Use an attachment if space is insufficient.)

This section is to be completed **ONLY** by applicants who seek an endorsement which is unconditional.

- 5. Have you made suitable arrangements to fulfil the obligations that may arise under the Act?

The following information is required to enable the Tribunal to be satisfied (as required by the Act) that the applicant has sufficient financial resources to carry on business in a proper manner under the licence. If assets or liabilities are jointly-owned, show the applicant's share only.

Commercial and Private Agents Regulations, 1989

I, (NAME)

hereby declare my assets and liabilities to be as follows:

Table with 5 columns: Assets, Liabilities, and Net Amount. Rows include Real estate, Motor vehicles, Plant and equipment, Other assets, Sub-total, Total credit account balances, Trade debtors, Stock on hand, and Total Assets/Liabilities.

What is your overdraft limit (if applicable)? \$

Bank Branch

INFORMATION CONTAINED IN THIS APPLICATION MUST BE TRUE AND CORRECT TO THE SIGNATORY'S KNOWLEDGE AND BELIEF, A PENALTY OF UP TO \$2 000 MAY BE IMPOSED IF FALSE INFORMATION IS GIVEN

Date

Signed

(Applicant).

Commercial and Private Agents Regulations, 1989

FORM 5

FORM TO BE LODGED BY AGENT WITH AUDITOR'S REPORT

[This form must accompany the copy of the auditor's report submitted to the Commissioner by a commercial agent pursuant to section 33 of the Act.]

Commercial and Private Agents Act, 1986

TO: The Commissioner
The Commercial Tribunal Registry

USE BLOCK LETTERS

Agent lodging auditor's report:

FULL NAME:

ADDRESS (if natural person, residential address, not post office box; if corporation, registered corporate office):

LICENSEE NUMBER:

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last reprint)

Regulation 4a:	inserted by 176, 1990, reg. 2
Regulation 6a:	inserted by 158, 1989, reg. 2; redesignated as reg. 6a(1) by 188, 1989, reg. 2; varied by 212, 1989, reg. 2; 6, 1990, reg. 2; 50, 1990, reg. 2; 121, 1990 reg. 2; substituted by 176, 1990, reg. 3
Regulation 6a(1a) and (1b):	inserted by 176, 1990, reg. 3
Regulation 6a(2) and (3):	inserted by 188, 1989, reg. 2
Regulation 6a(4):	inserted by 188, 1989, reg. 2; varied by 206, 1990, reg. 2; 222, 1991, reg. 2(a); 190, 1992, reg. 3(a)
Regulation 6a(5):	inserted by 188, 1989, reg. 2;
Regulation 6a(6):	inserted by 188, 1989, reg. 2 definition of "declared area" varied by 206, 1990, reg. 2; 222, 1991, reg. 2(b); 190, 1992, reg. 3(b)
Regulation 11:	varied by 245, 1990, reg. 2
Regulation 12(4):	varied by 101, 1989, reg. 3; 104, 1990, reg. 3; 133, 1991, reg. 3; 131, 1993, reg. 3; 50, 1995, reg. 3
Regulation 16:	varied by 84, 1991, reg. 2
Schedule 1:	varied by 101, 1989, reg. 4, 104, 1990, reg. 4; substituted by 133, 1991, reg. 4; 140, 1992, reg. 3; 131, 1993, reg. 4; 62, 1994, reg. 3; 50, 1995, reg. 4
Schedule 2	
Forms 3 and 4:	revoked by 245, 1990, reg. 4.