# Eligibility to be employed as an agent’s representative: checklist

This checklist is to help prospective agents’ representatives determine their eligibility for employment under section 16 of the *Estate Agents Act 1980.* You may want to provide the completed checklist to your prospective estate agent employer.

It may help estate agent employers to ensure the eligibility of a prospective agent’s representative.

Estate agent employers do not need to lodge this checklist with the Business Licensing Authority (BLA) or Consumer Affairs Victoria**.** Employers may want to keep this on file.

For more information about agents’ representatives, including the relevant forms such as the Permission application form, visit the [Estate agents section of the Consumer Affairs Victoria website](https://www.consumer.vic.gov.au/estateagents) (consumer.vic.gov.au/estateagents).

## Prospective agent’s representative details

Provide details or mark Yes or No with an ‘X’as appropriate.

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| --- | --- | --- |
| 1. Full name |  | |
| 1. Have you ever been known by another name (such as birth name, previous married name, alias)? | | |
| Yes |  | List all the other names in the space below |
| No |  | Go to question 3. |
|  | | |
| 1. Are you at least 18 years of age? | | |
| Yes |  | Go to question 4. |
| No |  |  |
| 1. Residential address  Include postcode. |  | |
| 1. Daytime telephone number |  | |

## Prospective agent’s representative qualifications

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| 1. Have you passed the current prescribed 18 units of competency for the award of the Certificate IV in Real Estate Practice (CPP41419) or the 3 units of competency completed before 30 September 2021 prescribed for agent’s representatives in the Estate Agents (Education) Regulations 2020? | | |
| Yes |  | Go to question 11. |
| No |  | Go to question 7. |
| 1. Did you hold a Victorian estate agent’s licence at any time during the five years immediately preceding the date you are to start work as an agent’s representative | | |
| Yes |  | Complete questions 8 & 9. |
| No |  | Go to question 10. |
| 1. Licence number |  | |
| 1. Date licence last held dd/mm/yyyy |  | |
| 1. Did you hold a sub-agent’s licence from 31 January 1990 to 1 February 1995, and work as an agent’s representative at any time during the last ten years? | | |
| Yes |  | Attach a copy of your letter from the Business Licensing Authority confirming that you were licenced during the above period, and when you last worked as an agent’s representative. Go to question 12. |
| No |  | You are not eligible to be employed as an agent’s representative until you have completed a prescribed course. |
| 1. Did you complete the course within the five years immediately preceding the date you are to start work as an agent’s representative? | | |
| Yes |  | Attach a copy of your course document. Go to question 16. |
| No |  | Go to question 12. |
| 1. At any time during the 10 years immediately preceding the date you are to start work, have you worked as an agent’s representative **or** held a Victorian estate agent’s licence? | | |
| Yes |  | Complete questions 13 or 14 & 15. |
| No |  | You are not eligible to be employed as an agent’s representative. |
| 1. Date last employed as an agent’s representative? dd/mm/yyyy |  | |
| **or** | | |
| 1. Licence number |  | |
| 1. Date licence last held dd/mm/yyyy |  | |
| 1. Have you, at any time, been declared ineligible or subject to an order disqualifying you from holding an estate agent’s licence or being employed as an agent’s representative, by any tribunal or regulatory body in or outside of Victoria? | | |
| Yes |  | Attach a copy of the order. You are not permitted to work as an agent’s representative whilst you are temporarily or permanently ineligible or disqualified. |
| No |  | Go to question 17. |
| 1. Are you a represented person within the meaning of the *Guardianship and Administration Act 1986* (this means that a guardian and/or administrator has been appointed by a court to make legal and/or financial decisions on your behalf)? | | |
| Yes |  | You are not permitted to work as an agent’s representative. |
| No |  | Go to question 18. |
| 1. Have you, within the last 10 years in Australia or elsewhere, been convicted or found guilty (whether or not a conviction was recorded) of any offence involving fraud, dishonesty, violence or drug trafficking, punishable by imprisonment for three months or more (whether or not any penalty of imprisonment was imposed)?  **Note:** A conviction or finding of guilt for an offence in a jurisdiction outside of Victoria may be subject to a spent convictions scheme. Refer to the *Spent conviction schemes* section on page 1 for more information. | | |
| Yes |  | Give details in the space below. Include dates, type of offence(s) and outcome(s). Attach a separate page if necessary and any supporting documentation. |
| No |  | Go to question 19. |
|  | | |
| **Important note:** You cannot commence employment as an agent’s representative until you have provided your employer with a Victoria Police or ACIC records check. A form for obtaining a police check is available from the [Victoria Police website](http://www.police.vic.gov.au/) (police.vic.gov.au). | | |
| 1. Are you currently insolvent under administration? This means:  * bankrupt in respect of bankruptcy from which you have not been discharged * you have executed a deed of arrangement under Part X of the *Bankruptcy Act 1966* * your creditors have accepted a composition under Part X of the *Bankruptcy Act 1966* * you are currently subject to a debt agreement under Part IX of the *Bankruptcy Act 1966* * you are currently subject to a personal insolvency agreement under Part X of the *Bankruptcy Act 1966*. | | |
| Yes |  |  |
| No |  |  |
| 1. Have you ever had a claim against you allowed in relation to the Victorian Property Fund or a corresponding fund? | | |
| Yes |  |  |
| No |  |  |
| 1. Did you answer Yes to question **18, 19** or **20?** | | |
| Yes |  | Go to question 22. |
| No |  | Go to question 23. |
| 1. Has the BLA or a tribunal granted you permission to be employed as an agent’s representative? | | |
| Yes |  | Attach a copy of the BLA or tribunal’s decision. |
| No |  | You are not permitted to work as an agent’s representative. You must apply for permission from the BLA. |
| **Note:** For information on applying for permission from the BLA, including obtaining the relevant permission application form, visit the [Estate agents section of the Consumer Affairs Victoria website](https://www.consumer.vic.gov.au/estateagents) (consumer.vic.gov.au/estateagents). | | |

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| 1. Is the Victoria Police or ACIC records check that you are supplying your estate agent employer more than six months old? | | |
| Yes |  | You must complete the attached statutory declaration on page 7 of this checklist. **You must provide your employer with a new Victoria Police or ACIC records check within six weeks of commencing employment**. Failure to do so makes you automatically ineligible to continue working as an agent’s representative. |
| No |  | Go to declaration of prospective agent’s representative. |

## Declaration of prospective agent’s representative

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| I certify that:   * the information contained in this declaration is true and correct; * I have provided my proposed employer with: * a Victoria Police or ACIC records check not older than six months, and * a copy of my course completion certificate or statement of attainment; * I understand that: * it is an offence under section 16(2) of the *Estate Agents Act 1980* to be employed as an agent’s representative without being eligible. * the estate agent or officer in effective control of the estate agency business in which I am seeking employment is entitled to verify the information I have provided in this declaration and hereby authorise him or her to make any enquiry he or she considers necessary relating to any or all of the information I have given for the purpose of this declaration. | |
| Signature Person making declaration. |  |
| Date dd/mm/yyyy |  |
| ‘Spent convictions schemes’ apply to convictions or findings of guilt for offences under Commonwealth laws, and the laws of some States and Territories.  Generally, a ‘spent conviction’ under these schemes is a conviction or finding of guilt for a Commonwealth, Territory, State or foreign offence where it is 10 years or more since the date of that conviction or finding of guilt (or five years for juvenile offenders) and the offender was not sentenced to imprisonment for more than 30 months (or six months in some States) and has not re-offended during that period. | |

## Statutory declaration

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| * This statutory declaration only needs to be completed if you are providing your estate agent employer a Victoria Police or ACIC records check older than six months * This section is to be completed by the agent’s representative. | |
| I,  Print your full name. |  |
| of, Print your residential address. Include postcode. |  |
| do solemnly and sincerely declare that I have not been convicted or found guilty of a disqualifying offence, the contents of this declaration are true and correct in every particular and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.  I understand that:   * it is an offence under section 16(2) of the *Estate Agents Act 1980* to be employed as an agent’s representative without being eligible * the estate agent or officer in effective control of the estate agency business in which I am seeking employment is entitled to verify the information I have provided in this declaration form and hereby authorise him or her to make any enquiry he or she considers necessary relating to any or all of the information I have given for the purpose of this declaration * I must provide my employer with a new, up to date, Victoria Police or ACIC records check within six weeks of commencing employment as an agent’s representative. | |
| **Note: you must sign this declaration in the presence of the witness** | |
| Signature  Person making the declaration. |  |
| **Note: This section must be completed by the witness** | |
| Declared at  Print suburb or town. |  |
| in the State of Victoria, on the (day of) (month) (year) |  |
| Signature of witness |  |
| Full name of witness Print full name. |  |
| Residential address of witness Include postcode. |  |
| Qualification  Qualification to witness statutory declaration (from the list on the following page). |  |
| **In accordance with the *Evidence Act 1958*, the following people may witness the signing of a statutory declaration within Victoria**   * Member of the Police Force * Sheriff or Deputy Sheriff * Justice of the Peace or Bail Justice * Public Notary * Registered medical practitioner * Registered dentist * Veterinary practitioner * Pharmacist * School principal * Bank manager * Australian lawyer * Clerk to an Australian lawyer * Deputy Prothonotary of the Supreme Court * Registrar or Deputy Registrar of the County Court * Principal Registrar of the Magistrates’ Court * Registrar or Deputy Registrar of the Magistrates’ Court * Registrar of Probates or an Assistant Registrar of Probates * Associate to a Judge of the Supreme Court or County Court * Person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth * Member or former member of either House of the Parliament of Victoria * Member or former member of either House of the Parliament of the Commonwealth * Councillor of a municipality * Senior officer of a Council as defined in the *Local Government Act 1989* * Member of the Institute of Chartered Accountants in Australia or Australian Society of Accountants or Institute of Public Accountants * Secretary of a building society * Minister of religion authorised to celebrate marriages * Fellow of the Institute of Legal Executives (Victoria) * Person employed under the *Public Administration Act 2004* at a classification level at or above that prescribed * Victorian Inspectorate Officer within the meaning of the *Victorian Inspectorate Act 2011*. * IBAC Officer within the meaning of the *Independent Broad-based Anti-corruption Commission Act 2011*. | |