

**NORTHERN TERRITORY OF AUSTRALIA**

**COMMERCIAL AND PRIVATE AGENTS LICENSING REGULATIONS**

As in force at 1 November 1985

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 1 November 1985. Any amendments that commence after that date are not included.

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## COMMERCIAL AND PRIVATE AGENTS LICENSING REGULATIONS

### Regulations under the *Commercial and Private Agents Licensing Act*

#### 1 Citation

These Regulations may be cited as the *Commercial and Private Agents Licensing Regulations*.

#### 2 Reference to forms

A reference in these Regulations to a form by number is a reference to the form so numbered in the Schedule.

#### 3 Applications

- (1) For the purposes of section 7(1) of the Act, the prescribed form of application for a licence is:
  - (a) where the applicant is a corporation - Form 1; and
  - (b) in any other case - Form 2.
- (2) For the purposes of section 7(2) of the Act, the statutory declaration shall be in accordance with Form 3.

#### 4 Licences

A licence shall be in accordance with Form 4.

#### 5 Changes in nominees

Where there is an alteration in the address of a nominee or where a new nominee is appointed the nominee or new nominee, as the case may be, shall lodge with the Local Court which issued the licence the return set out in Form 5, duly completed, within 7 days of the change.

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**6 Fees**

For the purposes of section 15 of the Act the prescribed fee for the issue of:

- (a) a commercial agent's licence is \$70; and
- (b) any other licence is \$35.

**7 Bonds**

- (1) For the purposes of section 18(1) of the Act, Form 6 is the prescribed form of bond.
- (2) For the purposes of section 18(1) of the Act, the security for the satisfaction of the bond (a bond given by an insurance company excepted) shall be trustee securities equal to the amount of the bond accompanied by an authority to sell the securities authorizing the Territory to sell the securities upon breach of condition of the bond.

**8 Prescribed records, &c.**

- (1) For the purposes of section 25(1) of the Act, the prescribed records and other documents to be kept by an agent are records containing:
  - (a) in the case of an agent acting in connection with ascertaining the whereabouts of any goods delivered pursuant to a hire-purchase agreement or bill of sale:
    - (i) the full name and address of the person who requested the whereabouts of the goods to be ascertained;
    - (ii) the date the request was received;
    - (iii) a description of the goods;
    - (iv) the whereabouts of the goods;
    - (v) if any premises had to be entered to ascertain the whereabouts of the goods, how the entry was made, and the exact terms of the authority, document, arrangement or agreement under which legal power to make such entry is claimed; and
    - (vi) the fee charged for the service;

- 
- (b) in the case of an agent acting in connection with repossessing any goods delivered pursuant to a hire-purchase agreement or bill of sale:
- (i) the full name and address of the person who requested the goods to be repossessed;
  - (ii) the date the request was received;
  - (iii) the full name and address of the person from whom the goods were repossessed;
  - (iv) the date and time of day of the repos-session;
  - (v) the names of the agents who repossessed the goods;
  - (vi) a full description of the goods repossessed;
  - (vii) the address of the premises at which the goods were repossessed;
  - (viii) as to whether or not the person from whom the goods were repossessed was present at the time of the repossession;
  - (ix) if that person was not present at the time of the repossession, the names of any other occupants of the premises at which the goods were repossessed who were then present;
  - (x) if the person from whom they were repossessed was not present at the time of repossession, how entry was made into the premises from which they were repossessed;
  - (xi) the exact terms of the authority, document, arrangement or agreement under which legal power to make any entry is claimed;
  - (xii) what notice, if any, that the repossession had been made was given to or left for the person from whom the goods were repossessed;
  - (xiii) the address to which the repossessed goods were taken; and
  - (xiv) the fee charged for the service;

- 
- (c) in the case of an agent acting in connection with collecting or requesting payment of debts:
    - (i) the full name and address of the person who requested that the debt be collected or that a request for payment of the debt be made;
    - (ii) the date the request was received;
    - (iii) the full name and address of the person from whom the debt was collected or to whom the request for payment of the debt was made;
    - (iv) the amount of the debt;
    - (v) particulars of requests made for payment of the debt or of action taken to collect the debt; and
    - (vi) the fee charged for the service;
  - (d) in the case of an agent acting as a process server in relation to the service of any process:
    - (i) the name and address of the person requesting the process to be served;
    - (ii) the date the process was received;
    - (iii) the nature of the process;
    - (iv) the full name and address of the person to be served with the process;
    - (v) the date, place and time of day of service of the process;
    - (vi) whether the process was served personally on the person named therein;
    - (vii) if the process was not served personally on the person named therein, the name of the person with whom and the time, date and place the process was left.
    - (viii) in the event of non-service, the reason for failure to serve the process; and
    - (ix) the fee charged for the service; and

- 
- (e) in the case of an agent acting as an inquiry agent in relation to any inquiry:
    - (i) the full name and address of the person who requested the inquiry to be conducted;
    - (ii) the date the request was received;
    - (iii) a statement of the nature of the inquiry;
    - (iv) the date a written statement of the information or evidence obtained or other final report on the inquiry was delivered; and
    - (v) the fee charged for the inquiry.
  - (2) The particulars to be recorded in accordance with subregulation (1) shall be so recorded forthwith upon becoming available to the agent.

## **9 Copy of licence**

For the purposes of section 35 of the Act, Form 7 is the prescribed form of application for a copy of a licence.

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**Schedule**

**FORM 1**

NORTHERN TERRITORY OF AUSTRALIA

*Commercial and Private Agents Licensing Act*

APPLICATION FOR LICENCE IN RESPECT OF A CORPORATION

To the Local Court at .....

1. .... a corporation, apply to the Local Court to be held at ..... on the ..... day of ....., 19...., for:

- \* a commercial agent's licence
- an inquiry agent's licence
- a process server's licence
- a private bailiff's licence.

2. (a) The names and addresses of officers of the corporation are:

.....  
.....  
.....

(b) the names and addresses of persons who are not officers of the corporation but who substantially control or could substantially control the affairs of the corporation are:

.....  
.....  
.....

(c) the registered office of the corporation is:

.....

(d) the address of the corporation to which all communications, letters, notices or other documents may be addressed is:

.....

(e) the principal place of business of the Corporation is:

.....

(f) the other places of business of the corporation are:

.....

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.....  
.....

3. I,..... was on the.....day of....., 19..., appointed nominee of the corporation for the purposes of the *Commercial and Private Agents Licensing Act*, and am in bona fide control of the affairs of the corporation in the Territory.

.....  
Nominee

/ /19 .

\* Delete if inapplicable.



**FORM 2**

**NORTHERN TERRITORY OF AUSTRALIA**

*Commercial and Private Agents Licensing Act*

**APPLICATION FOR LICENCE  
FOR A PERSON WHO IS NOT A CORPORATION**

To the Local Court at .....

1. I..... of.....in the Northern Territory of Australia, apply to the Local Court to be held at ..... on the ..... day of ....., 19...., for:

- \* a commercial agent's licence
- an inquiry agent's licence
- a process server's licence
- a private bailiff's licence.

2. I attach:

- (a) a certified copy of, or an extract from my birth certificate;
- (b) 2 testimonials, signed by different reputable persons, as to my character; and
- (c) 3 passport-type photographs, showing clearly my facial features.

3. (a) My principal place of business is:

.....

(b) my other places of business are:

.....

(c) I \*do/do not propose to carry on business as an agent in partnership with another person;

(d) The name(s) and address(s) of the person(s) with whom I propose to carry on business as an agent in partnership are:

.....

.....

.....

(e) I am employed by .....  
of ..... as an agent.

.....  
Applicant

/ /19 .

\* Delete if inapplicable.

**FORM 3**

NORTHERN TERRITORY OF AUSTRALIA  
*Commercial and Private Agents Licensing Act*

STATUTORY DECLARATION

I, .....

of.....do solemnly and sincerely declare:

\*1. I am identical with the applicant ..... named in the application for:

- \* a commercial agent's licence
- an inquiry agent's licence
- a process server's licence
- a private bailiff's licence.

made on the ..... day of ....., 19....,

to the Local Court at .....

\*2. I am identical with the nominee ..... named in the application for:

- \* a commercial agent's licence
- an inquiry agent's licence
- a process server's licence
- a private bailiff's licence.

made by ....., a corporation,

on the .....day of ....., 19..,

to the Local Court at .....

\*3. Now produced and shown to me and marked with the letter "A" is the certificate of incorporation of the corporation, or other evidence of its incorporation.

4. The facts stated in the application are, to the best of my knowledge and belief, true.

AND I make this solemn declaration by virtue of the Oaths Act and conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at.....

the ..... day of ....., 19....

.....

(Applicant)

Before me.....

(Signature and title of person before whom declaration is made)

\* Delete if inapplicable.

NOTE: A person wilfully making a false statement in a statutory declaration is liable to a penalty of \$1,000 or imprisonment for 6 months.

**FORM 4**

NORTHERN TERRITORY OF AUSTRALIA  
*Commercial and Private Agents Licensing Act*  
LICENCE

.....  
(name of licensee)

of ..... is  
(address)

hereby licensed under the *Commercial and Private Agents Licensing Act* to act as and hold \*himself/itself out as being, and to perform and hold \*himself/itself out as willing to perform any of the functions of a \*commercial agent/an inquiry agent/a process server/a private bailiff.

GRANTED the ..... day of ....., 19.....

.....  
Clerk of the Court

\* Delete if inapplicable.

NOTE: This licence is not transferable.

**FORM 5**

NORTHERN TERRITORY OF AUSTRALIA

*Commercial and Private Agents Licensing Act*

RETURN OF APPPOINTMENT OF NEW NOMINEE OR CHANGE OF PARTICULARS OF NOMINEE

To the Local Court at.....

I,.....

of.....

in the Northern Territory of Australia was appointed nominee of.....

.....

a corporation to which a licence under the Act was granted on the ..... day of ....., 19.....

**Former particulars**

Name of former nominee:.....

Address of former nominee:.....

**Current particulars**

Name of nominee:.....

Address of nominee:.....

I am in bona fide control of the affairs of the corporation in the Territory.

.....

Nominee

/ /19 .

**FORM 6**

NORTHERN TERRITORY OF AUSTRALIA  
*Commercial and Private Agents Licensing Act*

**BOND**

KNOW ALL MEN BY THESE PRESENTS THAT

.....  
(name of applicant or insurance company)

of.....  
(address)

binds \*himself/itself and \*his/its heirs, executors, successors and assigns to the Territory in the sum of \*\$2,000/\$1,500/\$1,000 to be paid to the Territory in legal tender.

It is a condition of this bond that if..... is the holder  
(name of applicant)

of a licence under the Commercial and Private Agents Licensing Act and during the currency of that licence complies with that Act as it applies to dealings with moneys held on trust, this bond is void.

\*Provided that if.....  
(name of insurance company)

gives written notice to .....  
(name of applicant)

and the Local Court at .....  
that it wishes to be relieved of further liability under the bond, the obligation of

.....  
(name of insurance company)

under this bond is, on and from 30 days after the date of service of that notice on that Local Court, terminated in respect of transactions occurring after that last-mentioned date.

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IN WITNESS WHEREOF:

.....  
(name of applicant or insurance company)  
has hereunto fixed \*his/its hand and seal on the .....  
.....day of ....., 19 .....

\*Delete if inapplicable.



**FORM 7**

NORTHERN TERRITORY OF AUSTRALIA  
*Commercial and Private Agents Licensing Act*  
APPLICATION FOR COPY OF LICENCE

I.....  
(name of applicant)

of.....  
(address of applicant)

apply for:

\* a copy of a licence granted to .....  
..... a corporation, on / /19 .

\* a copy of a licence granted to me on / /19 .

\*I am the duly appointed nominee of the corporation for the purposes of the  
*Commercial and Private Agents Licensing Act.*

The original licence has been \*lost/destroyed:  
(set out in full the circumstances in which the licence was \*lost/destroyed)

.....  
.....  
.....  
.....  
.....

Applicant  
/ /19 .

\* Delete if inapplicable.

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**ENDNOTES****1****KEY**

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

**2****LIST OF LEGISLATION*****Commercial and Private Agents Licensing Regulations (Act No. 2, 1980)***

Notified	11 January 1980
Commenced	12 September 1980

***Amendments of the Commercial and Private Agents Licensing Regulations (SL No. 11, 1981)***

Notified	22 May 1981
Commenced	22 May 1981

**3****LIST OF AMENDMENTS**

r 8	amd No. 11, 1981
sch	amd No. 11, 1981