

Disclosure of beneficial interest to seller —by a real estate agent, real estate salesperson, auctioneer, trainee auctioneer, pastoral house or pastoral house officer

Property Agents and Motor Dealers Act 2000

This form is effective from 1 July 2009

ABN: 97 406 359 732

Department of **Employment, Economic
Development and Innovation (DEEDI)**

WARNING

The client is advised to seek independent legal advice before signing this form.

This form is to be used if a real estate agent, real estate salesperson, auctioneer, trainee auctioneer, pastoral house or pastoral house officer ('selling agent') acting for a client on sale of property obtains a beneficial interest in the property.

A selling agent commits an offence under the *Property Agents and Motor Dealers Act 2000* if he or she obtains a beneficial interest in the property, unless the selling agent obtains the client's written acknowledgment that the client is aware that the selling agent is interested in obtaining a beneficial interest in the property and the client consents to the selling agent obtaining the interest by signing this form.

If the selling agent is a real estate agent, real estate salesperson, pastoral house or pastoral house officer, the client must sign this form **BEFORE** the client signs a contract for sale of the property.

If the selling agent is an auctioneer or trainee auctioneer, the client must sign this form **BEFORE** the earlier of the auction of the property or the client signs a contract for sale of the property.

Privacy statement—please read

The Office of Fair Trading is collecting information, including personal information, for the purposes of the *Property Agents and Motor Dealers Act 2000*. In accordance with the legislation, information on this form can be disclosed without your consent where authorised or required by law.

Part 1—Selling agent signature

Selling agent declaration

I, (the selling agent), declare:

- (i) I am interested in obtaining a beneficial interest in the property.
- (ii) the nature of the beneficial interest is: (please describe nature of beneficial interest).

.....
(iii) no commission can be charged for this transaction.

Signature.....

Date / /
D D M M Y Y Y Y

Part 2—Examples of beneficial interest in property

Under Section 13 of the *Property Agents and Motor Dealers Act 2000*, a selling agent is taken to have a beneficial interest in property in the following cases:

- the purchase of property is made for the selling agent or the selling agent's associate. (The selling agent's associate includes the selling agent's spouse, de facto spouse, parent, brother, sister, child or stepchild, or child or stepchild of the selling agent's spouse or de facto spouse.)
- an option to purchase the property is held by the selling agent or the selling agent's associate.
- the purchase of the property is made for a corporation (having not more than 100 members) of which the selling agent or the selling agent's associate is a member.
- an option to purchase the property is held by a corporation (having not more than 100 members) of which the selling agent or the selling agent's associate is a member.
- the purchase of the property is made for a corporation of which the selling agent or the selling agent's associate is an executive officer.
- an option to purchase the property is held by a corporation of which the selling agent or the selling agent's associate is an executive officer.
- the purchase of the property is made for a member of a firm or partnership of which the selling agent or the selling agent's associate is also a member.
- the purchase of the property is made for a person carrying on a business for profit or gain and the selling agent or the selling agent's associate has, directly or indirectly, a right to participate in the income or profits of the person's business or the purchase or sale of the property.

Part 3—Selling agent details

Selling agent details

The selling agent is: (please tick relevant box)

- | | |
|--|--|
| <input type="checkbox"/> A real estate agent | <input type="checkbox"/> A real estate agent salesperson |
| <input type="checkbox"/> An auctioneer | <input type="checkbox"/> A trainee auctioneer |
| <input type="checkbox"/> A pastoral house | <input type="checkbox"/> A pastoral house officer |

Name ABN

Address

Locality/Suburb State Postcode

Phone () Fax ()

Mobile

Email

Licence number

Licence expiry date / /
D D M M Y Y Y Y

OR

Registration number

Registration expiry date / /
D D M M Y Y Y Y

Part 4—Property details

Property address

Address

Suburb/Town State Postcode

Lot Plan

Title Reference

Part 5—Client details

Client contact details

Name

Address

Suburb/Town State Postcode

Phone () Fax ()

Mobile

Email

Part 6—Client's acknowledgement

Client sign here

I/we, and (the client),
 declare that I am/we are aware that the selling agent is interested in obtaining a beneficial
 interest in the property and I/we consent to the selling agent obtaining such a beneficial interest.

Signature Signature

Date / / Date / /
D D M M Y Y Y Y D D M M Y Y Y Y

If you need more information about this form, you can visit the Office of Fair Trading's website at
www.fairtrading.qld.gov.au.