

Agents financial administration Form 4



Queensland Government

Collection agent application for authority to open a trust account

Agents Financial Administration Act 2014

Debt Collectors (Field Agents and Collection Agents) Act 2014

This form is effective from 1 July 2022

ABN: 13 846 673 994

OFFICE USE ONLY

Date received

.....

Payment details

CHC fee \$

Total allocation \$

Instructions

This is the approved form for a collection agent under the *Debt Collectors (Field Agents and Collection Agents) Act 2014* to gain authority to open a trust account under the *Agents Financial Administration Act 2014*.

A collection agent is a person who, without a licence or registration certificate, performs a debt collection activity but only:

- a) to the extent the person does not engage in face-to-face communication with the debtor
 - b) if the person is a suitable person under Part 6 of the *Debt Collectors (Field Agents and Collection Agents) Act 2014*.
- Please complete application in BLOCK letters
 - Attach extra pages if necessary
 - References to dates should be in DD/MM/YYYY

Criminal history check fee

All applicants and their individual business associates and/or executive officers of a corporation, are subject to mandatory criminal history checks. The criminal history check fee is available at www.publications.qld.gov.au/dataset/office-of-fair-trading-fee-schedule

Incomplete applications

Failure to complete this form or provide all information, fees and documents will result in a delay in the granting of the authorisation for you to open a trust account.

Privacy statement—please read

The Office of Fair Trading (OFT) collects information, including personal information, on this form as required by the *Agents Financial Administration Act 2014* and the *Debt Collectors (Field Agents and Collection Agents) Act 2014* to process your application. In accordance with these Acts, 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. 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.

Part 1—Applicant name

Section 1

Applicant name

Name of applicant

Section 2

Corporation details

Name of corporation

ACN

Corporation licence number

Business phone Fax number.....

Email address

Postal address

Suburb State Postcode

Part 2—Individual applicant details

<p>Section 1 Individual applicant details</p>	<p>Preferred title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss Other (specify)</p> <p>Surname</p> <p>Given names</p> <p>Have you been known by any other name? <input type="checkbox"/> No <input type="checkbox"/> Yes</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. *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"/> D D / M M / Y Y Y Y</p> <p>Place of birth: Town State <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Country</p> <p>Driver's licence number State of issue</p> <p>Passport number Visa number</p> <p>Passport country</p> <p>Passport type <input type="checkbox"/> Government <input type="checkbox"/> Private <input type="checkbox"/> UN refugee</p> <p>Eligibility to work in Australia</p> <p>Are you an Australian citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If you are not an Australian citizen, supply a certified copy of your international passport.</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 <input type="checkbox"/> B/H <input type="checkbox"/> A/H <input type="checkbox"/> Mobile <input type="checkbox"/> Email <input type="checkbox"/> Mail</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>Section 4 Change of address</p>	<p>If you change your address you are required to notify the chief executive in writing within 14 days. You may be issued with a fine if you do not notify Industry Licensing within the required timeframe.</p>

Part 4—Executive officer and business associate details

<p>Section 1 Corporation business associate details (if applicable)</p> <p>A corporate business associate is a corporation with whom the authorised corporation/individual carries on business.</p>	<p>Name of corporation.....</p> <p>ACN <input type="text"/><input type="text"/><input type="text"/><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>Section 2 Executive officer / individual business associate details</p> <p>An individual business associate is another individual with whom the licensee carries on business.</p> <p>An executive officer is any person concerned with or takes part in the management of a corporation (Directors and company secretaries).</p> <p>NOTE: Individuals must provide certified identification in their 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 there is more than one executive officer or individual business associate (partner) you will need to print and complete a copy of this section for each person.</p> <p>Preferred title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss Other (specify)</p> <p>Surname</p> <p>Given names</p> <p>Have you been known by any other name? <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>Previous names.....</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"/> D D / M M / Y Y Y Y</p> <p>Place of birth: Town State <input type="text"/><input type="text"/><input type="text"/></p> <p>Country</p>
<p>Section 3 Contact details</p>	<p>Business phone After hours phone.....</p> <p>Fax number..... Mobile</p> <p>Email address.....</p> <p>Preferred contact method <input type="checkbox"/> B/H <input type="checkbox"/> A/H <input type="checkbox"/> Mobile <input type="checkbox"/> Email <input type="checkbox"/> Mail</p>
<p>Section 4 Residential address</p> <p>A post office box address is not acceptable.</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>Section 5 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>

Part 5—Suitability checklist

Suitability requirements

insolvent under administration means a person who is insolvent under administration under the *Corporations Act 2001*, section 9.

- (a) under the *Bankruptcy Act 1966* or the law of an external Territory, is a bankrupt in respect of a bankruptcy from which the person has not been discharged; or
- (b) under the law of an external Territory or the law of a foreign country, has the status of an undischarged bankrupt; and includes:
 - (c) a person any of 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—

- (a) an offence involving fraud or dishonesty;
- (b) an offence involving the trafficking of drugs;
- (c) an offence involving the use or threatened use of violence;
- (d) an offence of a sexual nature;
- (e) extortion;
- (f) arson;
- (g) unlawful stalking.

It is an offence to supply incorrect or misleading information.

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

An individual applicant must answer the following questions.

Are you or any individual business partners:

Insolvent under administration?

Yes No

Disqualified from holding a licence, sub-agent's registration certificate; or from performing a debt collection activity under the *Debt Collectors (Field Agents and Collection Agents) Act 2014*?

Yes No

Been convicted of a serious offence in Queensland or elsewhere, within the preceding five years?

Yes No

The holder of a licence or registration as a subagent that is suspended?

Yes No

A corporation applicant must answer the following questions

Is an individual in charge of the corporation's business; or an executive officer of the corporation insolvent under administration?

Yes No

Is an individual in charge of the corporation's business; or an executive officer of the corporation disqualified from holding a licence, sub-agent's registration certificate; or from performing a debt collection activity under the *Debt Collectors (Field Agents and Collection Agents) Act 2014*?

Yes No

Has an individual in charge of the corporation's business; or an executive officer of the corporation been convicted of a serious offence in Queensland or elsewhere, within the preceding five years?

Yes No

Does an individual in charge of the corporation's business; or an executive officer of the corporation hold a licence or registration as a subagent that is suspended?

Yes No

Has the corporation been convicted of a serious offence in Queensland or elsewhere, within the preceding five years?

Yes No

Does the corporation hold a licence under the *Debt Collectors (Field Agents and Collection Agents) Act 2014* that has been cancelled or suspended?

Yes No

Is the Corporation disqualified from holding a licence or performing a Debt collection activity under the *Debt Collectors (Field Agents and Collection Agents) Act 2014*?

Yes No

Part 6—Declaration

Applicant to sign

I/we consent to 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.

I/we 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.

I declare the answers I have given on this form and attachments are true and correct in every detail.

I have read and agree to the terms stated above.

Applicant signature

Signatory's name

Position held

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

Lodgement details

IMPORTANT!

Please make sure you:

- provide all necessary information and documentation
- sign the application
- return all pages of the application form.

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.

By mail:

Industry Licensing Unit, GPO Box 3111, Brisbane QLD 4001

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.

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Proceed to next section for payment details.

If you do not complete the payment section this form will be considered incomplete and may delay processing.

Payer details

This section must be completed if payment has been made by another person on behalf of the applicant.

Name

Postal address

Suburb State Postcode

Mobile Fax number

Receipt request Yes No

Email

Payment

Payment details

Cash—pay in person Debit/Credit card Money order Cheque
Do not send cash by mail

Make money order or cheque payable to the Office of Fair Trading.

A receipt will not be issued unless specifically requested.

Debit/Credit card

OFT cannot accept debit/credit card details over the phone or email (including any attachments) in accordance with the Payment Card Industry Data Security Standard. If an email is received containing debit/credit card details, it will be deleted immediately and your application and payment will not be processed.

Charge my:

 

Debit/Credit card number:

Cardholder's name:

.....

Amount authorised:

\$ Expiry date: /
M M Y Y Y Y

Cardholder's signature:

.....



By post

A cheque or money order can be posted in, together with the application form.
Make money order or cheque payable to the Office of Fair Trading



In person

You can also visit a Fair Trading Office or an applicable Queensland Government Service Office to lodge this application and pay the applicable fees over the counter.
Visit www.qld.gov.au/fairtrading or call **13 QGOV** (13 74 68) for your nearest Fair Trading Office or Queensland Government Service Office.