

## LICENSING, REGULATION AND ALCOHOL STRATEGY

### Approved Managers under the *Commercial and Private Agents Licensing Act*

This fact sheet has been developed to inform business and individuals of the requirement of Agents in the Northern Territory to appoint an Approved Manager under the *Commercial & Private Agents Licensing Act*, and the process for obtaining approval from the Commissioner of Consumer Affairs.

#### Requirement for an Agent's Manager

A licensed Agent must not carry on business unless there is present and in charge of the operations of the business, an approved manager if the licensee is a corporation and if the agent is a natural person, either the agent or another natural person approved by the Commissioner to be the manager.

A licensed Agent who fails to comply with this requirement may incur a maximum fine of 500 penalty units. The *Penalty Units Act* prescribes the monetary value of a penalty unit, its indexation and change of value by regulation. As at 1 July 2009, a penalty unit means \$130. A licensee, when recruiting a manager, should consider that Commissioner of Consumer Affairs will carefully examine the character, criminal history and reputation of the person before selecting them as the manager.

A person who desires to be approved by the Commissioner as an Approved Manager must satisfy the character test and not have a criminal history containing, for example, fraud, dishonesty or physical violence offences. The Commissioner will also take into account the reputation of the applicant in deciding whether they are a fit and proper person to be granted approval.

#### Fees and duration of approval

An application fee of \$50 applies when the application is lodged (Please note all fees are GST exempt). This is non-refundable and covers the costs of assessment. The Commissioner's approval is valid until the expiry of the licence of the agent for whom he or she is manager, the licence is revoked, surrendered, the agent dies or if the agent is a corporation, it is dissolved.

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### **Undertaking a Criminal History Check**

Please note applicants for a criminal history check are required to attend a police station to lodge their criminal history check. The Police will photocopy your identification (drivers licence/ 18+ card, birth certificate/extract or passport) and witness the Authority to Release Criminal History. The criminal history check can only be witnessed by an authorised officer. Authorised officers are Northern Territory Police Fire and Emergency Services employees and interstate and overseas Police Officers.

The fee for lodging a criminal check is \$30 to be paid at the police station. Please supply a copy of a receipt showing payment of your criminal history check fee when lodging your application.

### **The key steps to obtaining the Commissioner's approval to be a Manager for a licensed Agent.**

Complete the Form 8 Application for Approval for an Agents Manager together with an Authority to Release Criminal History form and lodge with the prescribed fees.

The applicant must provide a copy of their current photographic proof of identity, i.e. passport or drivers licence, and two written reference statements attesting to the good character of the applicant.

The Commissioner of Consumer Affairs will only accept applications which have been completed in full.

Applications lodged by post must include the relevant fees, a completed application form, a completed Authority to Release Criminal History form and include a certified true copy of proof of identity.

Cheque payments to be made payable to the Receiver of Territory Monies, or electronic payment (Visa and Mastercard) can be made through the Territory Business Centres, telephone 8982 1700.

### **Key obligations of an Approved Manager**

An Approved Manager must ensure that the business is carried out in compliance with the law and the required records are maintained.