

CHECKLIST

Employment of an Agent's Representative by an Estate Agent

When employing an agent's representative (AR) the Estate Agents Council recommends this checklist form part of an individual's file as the information may be subject to auditing requirements. It should be completed before any duties of an AR are carried out. **Employer estate agents must take all reasonable steps necessary to ensure that the applicant is eligible to be employed as an AR under Section 16 of the *Estate Agents Act 1980* (the Act).**

Responsibility	Document/Action	When/Where to lodge	✓
Employer estate agent to provide for applicant AR (minimum age 18) to complete www.bla.vic.gov.au/bla/blaforms.nsf/BLA?OpenView&StartKey=Estate%20Agents .	1. Declaration of <i>Eligibility to be Employed as an Agent's Representative</i> . The employer estate agent must ensure that the applicant AR meets all eligibility requirements. Ineligible people acting as ARs or leading others to believe they are eligible risk a fine of up to 500 penalty units	Do not send this document to the Business Licensing Authority (BLA). Original is kept on file by employer estate agent for a period of 7 years and a copy retained by the AR.	
Applicant AR to provide A Consent to Check and Release National Police Record Form should be lodged with the Victoria Police. (This process takes approximately 3 weeks)	2. Police Records Report (PRR) not more than six (6) months old. A Statutory Declaration is to be completed if the PRR is older than 6 months. The applicant AR must provide a new PRR to the employer estate agent within 6 weeks of commencing employment if the PRR is older than 6 months. www.police.vic.gov.au/index.cfm?menuid=8	The employer estate agent must sight applicant AR's Police Records Report and take reasonable steps to ensure the applicant is eligible or risk a fine of up to 500 penalty units. Copy to be kept on file by employer estate agent. Copy to be retained by AR.	
Applicant AR to provide	3. Copy of Course Certificate or letter of successful completion stating that the person has passed the <i>Course in Real Estate for Agents' Representatives</i> within the previous 5 years <u>or</u> if applicant AR has worked in industry within the previous 10 years, evidence of previous employment as a licensed estate agent or AR.	The employer estate agent must ensure the applicant AR meets the educational requirements for employment. Copy kept on file by employer estate agent.	
Employer estate agent to complete.	4. Authority to Perform the Duties of an Estate Agent (Section 47(1) the Act) www.bla.vic.gov.au/bla/blaforms.nsf/BLA?OpenView&StartKey=Estate%20Agents	Do not send this document to the BLA. Original to be retained by the AR and a copy kept on file by employer estate agent.	
Employer estate agent to complete.	5. Notice of Agent's Representative Employment (Section 35(6) the Act) www.bla.vic.gov.au/bla/blaforms.nsf/BLA?OpenView&StartKey=Estate%20Agents	Employer estate agent should send this form to the BLA, GPO Box 322B, Melbourne 3001, no later than 7 days after employment is commenced. Copy kept on file by employer estate agent.	

When an agent's representative ceases employment

Former employer estate agent	Notice of Agent's Representative Employment (section 35(6)) of the Act www.bla.vic.gov.au/bla/blaforms.nsf/BLA?OpenView&StartKey=Estate%20Agents	Former employer estate agent should send this form to the BLA no later than 7 days after employment ceases. Copy kept on file by employer estate agent.	
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