

Name entered in Board Register – natural persons

GOVERNANCE

Reference	Licensing and Registers
Document Category: Board/Legislative/Operational	Legislative
Document Type: Rule/Policy/Procedure/Reference	Policy
Responsible: Board/Executive Officer	Board
Publication Status: Public/Private	Public
Board Approval:	11 July 2019
Next review date	June 2022
Version	1
Commencement date	11 July 2019

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CONTEXT AND BACKGROUND

The Property Agents Board (the Board), is the statutory authority responsible for property agents in Tasmania.

Amongst other things, the functions of the Board are:

- to administer the licensing system for property agents established by the *Property Agents and Land Transactions Act 2016* (the Act), and
- to maintain the Board's Register of Property Agents.

OBJECTIVE

The objective of this policy is to provide advice to the property agents industry in understanding the Board's policy on names of natural persons that are entered in the Board's Registers under Part 4 of the Act.

SCOPE

This policy applies to **all** licensed property agents who are licensed under the Act.

POLICY PRINCIPLES

The Board may change policies relevant to the names of natural persons entered on the Board's Registers at any time. However, the property agents industry will be notified of all amended policies which will be published on the Board's website to ensure that property agents are aware of any changed requirements.

LEGISLATIVE FRAMEWORK OF BOARD'S REGISTERS

Section 29 found within PART 4 of the *Property Agents and Land Transactions Act 2016* (the Act) states as follows:

"29. Board to maintain Register

(1) The Board is to maintain a Register of Property Agents.

(2) The Register is to be divided into 4 Parts.

(3) Those Parts are to be –

(a) Part 1 – Real Estate Agents, which is to contain the name and address of each real estate agent; and

(b) Part 2 – Property Managers, which is to contain the name and address of each property manager; and

(c) Part 3 – General Auctioneers, which is to contain the name and address of each general auctioneer; and

(d) Part 4 – Property Representatives, which is to contain the name and address of each property representative.

(4) The Register may be kept in any form that permits its contents to be readily inspected in a legible form.

(5) The Board is to make the Register available for public inspection during normal business hours.

(6) The Board is to publish the Register on its website.

LEGAL NAMES TO BE ENTERED ON THE BOARD'S REGISTER

The Board has determined that as it maintains a statutory register of property agents in Tasmania in accordance with Part 4 of the *Property Agents and Land Transactions Act 2016* and property agents are involved in legal transactions, the Board should only enter legal names on its Register.

Exception to the general rule

An exception may be made to this usual position if there is a genuine reason that a property agent may need to use a different name from their legal name (safety). If this situation occurs, this will be considered by the Board on a case by case basis on request.

REQUIREMENTS FOR NAME TO BE CHANGED ON THE BOARD'S REGISTER

If a property agent seeks to change their name on the Board's Register certified evidence is required to support the change.

Evidence must be a certified copy of one of the following documents:

- Standard marriage certificate (ceremonial certificates will not be accepted) issued by Births, Deaths and Marriages Tasmania (or a similar entity in another jurisdiction)
- Deed poll or change of name certificate issued by Births, Deaths and Marriages Tasmania (or a similar entity in another jurisdiction),
- A driver's licence issued by a State or Territory Government Department authorised to issue driver's licences; or
- A Passport issued by the Australian Passport Office of the Department of Foreign Affairs and Trade or an authority authorised to issue passports in another Country.

If a property agent wishes to revert to a maiden name, a certified copy of the full birth certificate is required.

Certification of evidence

Copies of documents provided in support a change of name must be certified as true copies of the original documents. Photocopies of previously certified documents will not be accepted.

PREFERRED NAME FOR MARKETING INCLUDED AS A NOTATION ON THE BOARD'S REGISTER

The Board appreciates that some property agents prefer to use an alternative or nickname for marketing purposes. As such, the Board has determined that upon the request of a property agent in writing, it will include a notation on the Board's Register for those who are using a different name for advertising/marketing.

Example of notation in Board's Register

For example, if a property agent Edward Bosworthy markets himself (and hence is known to the public) as Garry Bosworthy the following entry can be made in the relevant section of the Board's Register – Edward (Garry) Bosworthy.