

PROPERTY AND STOCK AGENTS ACT 2002

Section 49 Consent to real estate agent/assistant real estate agent obtaining a beneficial interest in property



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This form is required by the Secretary under the *Property and Stock Agents Act 2002* (the Act) for an agent seeking to obtain a beneficial interest in the property being sold. Agents and assistant agents are generally prohibited from obtaining any beneficial interest in the property, however, may do so only if:

- the client (seller of the property) provides their consent in this form prior to the person obtaining the interest, and
- the person acts fairly and reasonably in relation to obtaining the interest, and
- no commission or other reward is payable to the person in relation to the sale other than the interest, unless the client provides their consent in this form.

Agents or assistant agents completing this form should note that under s 49 of the Act, among other things:

- each of the following is considered to constitute the obtaining of a beneficial interest in property:
 - purchasing property,
 - obtaining an option to purchase property,
 - being granted a general power of appointment in respect of property. (**Note:** this list is not exhaustive)
- an agent is deemed to have obtained a beneficial interest in circumstances where a person associated with them acquires the beneficial interest e.g. a close relative.
- a “close relative” is defined as:
 - a spouse of the person, or
 - an existing or former de facto partner, or
 - a child, grandchild, sibling, parent or grandparent of the person, whether derived through paragraph (a) or (b) or otherwise, or
 - any other person who has a relationship with the person that is prescribed by the regulations as constituting the relationship of close relative for the purposes of this section.
- “property” is defined as including an interest in property.

Client details

Title	Given name	Family/Surname		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Address		Suburb	State	Postcode
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>

Property details

Address	Suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Agent's details

Print name of the real estate agent(s)/assistant real estate agent(s)

Real estate agent/assistant real estate agent 1

Title	Given name	Family/Surname		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Licence number				
<input type="text"/>				
Agent's address		Suburb	State	Postcode
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>

Real estate agent/assistant real estate agent 2

Title	Given name	Family/Surname		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Licence number				
<input type="text"/>				
Agent's address		Suburb	State	Postcode
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>

I/We* propose to obtain a beneficial interest in the above property as described below:

Nature of the interest	Person(s) obtaining the interest	Relationship to agent <i>(if person obtaining the interest is not the agent)</i>

I/We* propose/do not propose* to obtain a commission or any other reward apart from the beneficial interest(s) stated above in relation to this transaction.
[Please fill the below if applicable]

Commission or reward	Value/nature of commission or reward	Person(s) obtaining the commission or reward	Relationship to agent <i>(if person obtaining the commission or reward is not the agent)</i>

Signature of real estate agent(s)/assistant real estate agent(s) proposing to obtain beneficial interest

Title	Given name of Licensee	Family/Surname of Licensee
<input type="text"/>	<input type="text"/>	<input type="text"/>
Licensee Signature		Date (DD/MM/YYYY)
<input type="text"/>		<input type="text"/> / <input type="text"/> / <input type="text"/>

AGENT TO OBTAIN CLIENT CONSENT BEFORE OBTAINING A BENEFICIAL INTEREST IN PROPERTY

This form must be given to you before the real estate agent/assistant real estate agent obtains a beneficial interest in the above property e.g. the agent or assistant agent purchases or obtains an option to purchase it. If this form is given to you afterwards you should not sign below.

A real estate agent retained by a client to sell property or an assistant real estate agent employed by that agent must not obtain an interest in that property or be remunerated in relation to the transaction by which the interest is obtained. However, the agent or assistant agent may do so, if the client consents in writing in this form.

Agents who have their client's consent in obtaining an interest in the property may not receive a commission or any other reward in relation to that transaction, unless the client consents in writing in this form.

CLIENT'S CONSENT

I/we* consent to:

[insert name(s) of real estate agent(s)/assistant real estate agent(s) seeking consent]

Real estate agent/assistant real estate agent 1

Title	Given name	Family/Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

Real estate agent/assistant real estate agent 2

Title	Given name	Family/Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

- you obtaining the beneficial interest in the above property;
- the payment of the commission or other reward payable to you in relation to the transaction by which the interest is obtained.

Client 1

Title	Given name	Family/Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

Client's Signature

Date (DD/MM/YYYY) / /

Client 2

Title	Given name	Family/Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

Client's Signature

Date (DD/MM/YYYY) / /