



Company application form

Companies wishing to apply to be a registered auctioneer under the Auctioneers Act 2013 should use this form.

This form is in two parts:

- › Part One – company details
- › Part Two – details of people concerned in the management of the company

To register as a company auctioneer, follow the steps below.

Step 1 – Apply to the Ministry of Justice for a copy of your criminal record

Each director and chief executive (or person occupying the equivalent position) must provide us with a copy of their criminal record from the Ministry of Justice. Please note that the wait time for criminal record reports is around 20 working days. We accept criminal record reports that are less than six months' old.

See www.justice.govt.nz/criminal-records/get-your-own/ for more details.

Step 2 – Complete application form

Please fill out all the mandatory sections of the form as they are required under section 9 of Auctioneers Act 2013 and Regulation 4 of Auctioneer Regulations 2014. The mandatory items are marked with an *. If you cannot provide mandatory information, indicate this in the relevant field.

Send us your completed form and criminal record report by email to auctioneers@mbie.govt.nz, or by post to:

Postal Address:

Auctioneer Register
PO Box 1473
Wellington 6140
New Zealand

Courier Address:

Auctioneer Register
15 Stout Street
Wellington 6011
New Zealand

Only one person needs to complete the company declaration on page three. However, please note that person must be a director, chief executive, or person occupying the equivalent position of chief executive.

Each director and chief executive (or person occupying the equivalent position) must complete Part Two of this form.

Step 3 – Payment

The application fee is \$310.00 (GST inclusive). You will be invoiced after we receive your application. Payment of the fee is required before your application can be assessed.

Step 4 – Registration

If your application is successful, we will email you a certificate of registration and add your details to the online Auctioneer Register.

Part one

Company details

Where applicable, these details must match what is recorded on the Companies Office Register in regards to your company.

Company disqualification questions*

Please answer the questions below to the best of your knowledge and belief. All questions must be answered.

If you answer 'yes' to any of these questions, your company is disqualified from registration under the Auctioneers Act 2013. The Registrar must not grant registration.

1. Are any persons concerned in the management of the company disqualified from registration under section 6(1) of the Auctioneers Act 2013?
Yes ☐ No ☐
2. Has the company's registration under the Auctioneers Act 2013 been cancelled within the last 5 years?
Yes ☐ No ☐
3. Has the company been convicted, within the last five years, of an offence against section 40 of the Fair Trading Act 1986 for contravention of any provision of Part 1 or subpart 4 of Part 4A of that Act?
Yes ☐ No ☐
4. Has the company been convicted, within the last five years, of an offence against section 24 of the Fair Trading Act 1986?
Yes ☐ No ☐
5. Is the company subject to an order suspending or cancelling a licence under section 110 of the Real Estate Agents Act 2008?
Yes ☐ No ☐
6. Is the company banned, or subject to a banning order, under section 68 or 69 of the Motor Vehicle Sales Act 2003?
Yes ☐ No ☐
7. Is the company in liquidation, receivership, or voluntary administration?
Yes ☐ No ☐
8. Has the name of the company been removed from the register of companies kept under section 360(1)(a) of the Companies Act 1993?
Yes ☐ No ☐

Company name and number

Company name*

Trading name (or proposed trading name)*

NZBN (if any)*

Principal place of business

This must be in New Zealand *(This is the address where you will carry out business as an auctioneer).*

Street number and name*

Suburb*

City or town*

Post code*

Address for Service

In addition to your company names and principal place of business, the following details will be publicly available and displayed on the online auctioneers register. Please note the address for service cannot be a PO Box or document exchange address.

Street number and name*

Suburb*

City or town*

Post code*

Fax number (if available)*

Email address*

The publically available email address that will be displayed on your certificate of registration.

Contact details

These details must be of a director, chief executive or person occupying the equivalent position of chief executive.

These contact details will not be publicly available and will only be used to contact you in relation to registration matters.

Name

Phone*

Email address *(this may be the same as, or different to the email address you provide as an email address for service)**

Company declaration*

The declaration must be completed by a director or person concerned in the management of the company.

I (full legal name)

confirm that the company and each person concerned in the management of the company is not disqualified from registration.

Please list the full name of each person concerned in the management of the company

The information contained in this application is true and correct to the best of my knowledge.

Authorised person’s signature

Date signed

DD

/

MM

/

YYYY

Part two

People concerned in the management of the company

Every director (as defined in section 126 of the Companies Act 1993) and the chief executive of the company (or any person occupying the equivalent position) are the 'persons concerned in the management of the company'. Each person concerned in the management of the company must provide the Registrar with the details contained in this section.

Every person concerned in the management of the company must complete 'Part Two' of this application. Please make enough copies of part two for all people concerned in the management and submit these with your application.

Ministry of Justice Criminal Record(s) attached? Note this must be less than 6 months' old* ☐ Yes

Individual details

Where applicable, this must match what is recorded on the Companies Office Register.

As required by the Companies Act 1993, a director of a company must list their full name on the Companies Office Register. This is also a requirement of the Auctioneers Act 2013.

Note: your full name is your name as it appears on your birth certificate or passport and includes any middle names.

Position held

☐ Director ☐ Chief Executive ☐ Other – please specify

First name*

Middle name (if applicable)*

Last name*

Date of birth*

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
DD		MM		YYYY

Residential address

Street number and name*

Suburb*

City or town*

Postcode*

Country*

Information Sheet – do not send back

Auctioneers Act 2013

www.legislation.govt.nz/act/public/2013/0148/latest/whole.html

Section 6 – Disqualification from registration

1. A person who is an individual is disqualified from registration if he or she is –
 - a. under 18 years of age; or
 - b. an undischarged bankrupt; or
 - c. a person whose registration under this Act has been cancelled within the preceding 5 years; or
 - d. prohibited from being a director of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any enactment or order made under any enactment; or
 - e. a person who has been convicted of a crime involving dishonesty (as defined in section 2(1) of the Crimes Act 1961) within the preceding 5 years; or
 - f. a person who has been convicted, within the preceding 5 years, of –
 - i. an offence against section 40 of the Fair Trading Act 1986 for contravention of any provision of Part 1 or subpart 4 of Part 4A of that Act; or
 - ii. an offence against section 24 of this Act; or
 - g. subject to an order suspending or cancelling a licence under section 110 of the Real Estate Agents Act 2008; or
 - h. banned, or subject to a banning order, under section 68 or 69 of the Motor Vehicle Sales Act 2003; or
 - i. subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988.
2. A company is disqualified from registration if –
 - a. a person concerned in the management of the company is disqualified from registration under subsection (1); or
 - (aa.) the company is not registered under Companies Act 1993; or
 - b. the company's registration under this Act has been cancelled within the preceding 5 years; or
 - c. the company has been convicted, within the preceding 5 years, of –
 - i. an offence against section 40 of the Fair Trading Act 1986 for a contravention of any provision of Part 1 or subpart 4 of Part 4A of that Act; or
 - ii. an offence against section 24 of this Act; or
 - d. the company is subject to an order suspending or cancelling a licence under section 110 of the Real Estate Agents Act 2008; or
 - e. the company is banned, or subject to a banning order, under section 68 or 69 of the Motor Vehicle Sales Act 2003; or
 - f. the company is in liquidation, receivership, or voluntary administration; or
 - g. the name of the company has been removed from the register of companies kept under section 360(1)(a) of the Companies Act 1993.

Section 9 – Information and material to be included in application

1. Every application for registration by a company must set out or be accompanied by the following:
 - a. the name of the company; and
 - b. the trading name, or proposed trading name, of the applicant's auction business; and
 - c. the address of the principal place at which the applicant carries on, or proposes to carry on, business as an auctioneer; and
 - d. the full name, residential address, and date of birth of each person concerned in the management of the company; and
 - e. the applicant's address for service; and
 - f. a statement, made by a person concerned in the management of the company, that the company and each person (who must be individually named) concerned in the management of the company is not disqualified from registration; and
 - g. any other prescribed information or material.
2. The address for service of an applicant must –
 - a. identify the place by reference to its street address; and
 - b. include, if available, the applicant's fax number and email address; and
 - c. not be that of a PO Box number or a document exchange.

Auctioneers Regulations 2014

www.legislation.govt.nz/regulation/public/2014/0055/latest/whole.html

Regulation 4 – Additional information to be included in application

1. Every application for registration as a registered auctioneer must include the following:
 - a. a copy the applicant's criminal record and, if the applicant is a company, the criminal record of every person concerned in the management of the company;
 - b. an email address for general correspondence with the applicant about registration (which may, but need not, be the same as the email address required to be provided as part of the address for service);
 - c. a contact telephone number for the applicant;
 - d. the applicant's New Zealand Business Number (if any).
2. The criminal record required by subclause (1)(a) must be a record obtained from the Ministry of Justice that is dated not earlier than 6 months before the date of the application.