



## 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/](http://www.justice.govt.nz/criminal-records/get-your-own/) for more details.

### Step 2 – complete this application form

Items marked with an \* on this form are mandatory as they are required under section 9 of the Auctioneers Act 2013 or regulation 4 of the Auctioneers Regulations 2014. If for some reason you cannot provide mandatory information, indicate this in the relevant field.

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, including the statutory declaration.

### Step 3 – send us the completed application form and criminal record(s)

Send us your completed form and criminal record report(s) by email to [auctioneers@mbie.govt.nz](mailto:auctioneers@mbie.govt.nz), or by post to:

Market Integrity Branch - Trading Standards  
Ministry of Business, Innovation and Employment  
PO Box 1473  
Wellington 6140

We will assess your application and let you know if we require further information.

### Step 4 – payment

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

### Step 5 – registration

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

---

**Privacy Notice:** Any personal information submitted on this application that the Registrar determines is not required for public inspection will be kept by the Market Integrity Branch (MI) in accordance with the New Zealand Privacy Act 1993. Personal information will be used by the MI for determining whether application for registration as a Register Auctioneer may be granted, and for the maintenance and administration of the Auctioneers Register. You may request access to see any information held about you and where that information is inaccurate, ask for it to be corrected.

---

# PART ONE

## Company details

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

### Company Name and Number

\*Company name: \_\_\_\_\_

\*Trading name: \_\_\_\_\_

\*Company number: \_\_\_\_\_ \*NZBN number (if any): \_\_\_\_\_

### Principal Place of Business

This must be in New Zealand.

\*Street number and name: \_\_\_\_\_

\*Suburb: \_\_\_\_\_ \*City or town: \_\_\_\_\_

### Postal Address

Tick this box if your postal address is the same as your principal place of business:

Street number and name  
(or PO Box / Private Bag): \_\_\_\_\_

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.

An address for service must be a New Zealand physical address where you can receive post. We cannot accept PO Boxes, Private Bags, Document Exchanges, or rural delivery addresses as an address for service.

\*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.

Part One continues on page three.

### Application Contact

Provide a contact person for this application.

Name: \_\_\_\_\_

\*Phone: \_\_\_\_\_

\*Email address: \_\_\_\_\_  
An email address for general correspondence about registration. This will not be publicly available.

### \*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.

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 preceding five years?  
yes            no
3. Has the company been convicted, within the preceding 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 preceding 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 Declaration

I (full legal name)

have company authority and declare that the information supplied above is true and correct.

Authorised person's signature: .....

Date signed:

/ /

# 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.

Each person concerned in the management of the company must *personally* complete the declaration.

**\*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: \_\_\_\_\_

### Residential Address

\*Street number and name: \_\_\_\_\_

\*Suburb: \_\_\_\_\_

\*City or town: \_\_\_\_\_

\*Country: \_\_\_\_\_

### **\*Individual 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, you are disqualified from registration under the Auctioneers Act 2013.

1. Are you under 18 years of age?

yes            no

2. Are you an undischarged bankrupt?

yes            no

3. Are you a person whose registration under the Auctioneers Act 2013 has been cancelled within the preceding 5 years?

yes            no

4. Are you prohibited from being a director, or being concerned or taking part in the management of, an incorporated or unincorporated body under any enactment or order made under any enactment?

yes            no

5. Have you been convicted of a crime involving dishonesty within the preceding 5 years?

yes            no

6. Have you been convicted in the preceding 5 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

7. Have you been convicted in the preceding 5 years of an offence against section 24 of the Fair Trading Act 1986?

yes            no

8. Are you subject to an order suspending or cancelling a licence under section 110 of the Real Estate Agents Act 2008?

yes            no

9. Are you banned, or subject to a banning order, under sections 68 or 69 of the Motor Vehicle Sales Act 2003?

yes            no

10. Are you subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988?

yes            no

The individual declaration confirming you as an individual are not disqualified from registration is on the following page.

**\*In support of an application for the following company:**

**\*Individual Declaration**

**I (full legal name)**

**of (the address where you live)**

**(your occupation)**

solemnly and sincerely declare that the statements contained in this form are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

*Do not complete the following section until you are with the person witnessing your declaration.*

**Signature of person making declaration:**

.....

**Declared at (place – for example, Wellington)**

**On (date – day/month/year)**

**Before me (full name of official witness)**

*for example – a Justice of the Peace,  
solicitor, or another person authorised to  
take a statutory declaration*

**Signature of official witness:**

.....

( )

## Auctioneers Act 2013

[www.legislation.govt.nz/act/public/2013/0148/latest/whole.html](http://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 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
  - (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

- (2) 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.
- (3) 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, a document exchange, or a rural delivery.

## Auctioneers Regulations 2014

[www.legislation.govt.nz/regulation/public/2014/0055/latest/whole.html](http://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.