



Section 23 – Ministerial Exemption

IMPORTANT INFORMATION

Applications will be returned if you do not provide the following:

- Original application form (please ensure application form is completed correctly)
- Copy of residential/commercial contract – (not applicable if sold by auction).
Note: the purchase **cannot include a nominee**
- Contract **must include** the condition:
*Subject to Ministerial Exemption pursuant to Section 23
of the Land and Business (Sale and Conveyancing) Act 1994.*
- **Independent** valuation certificate **obtained by the vendor**
- Copy of the Certificate of Title.

Unless otherwise stated, only original documents, or copies certified by a Justice of the Peace, will be accepted.

A completed copy of this application MUST be given to the vendor(s).

If you have difficulty completing this application please contact OCBA for assistance on 8204 9686.

Completed applications should be posted to:

**Office of Consumer and Business Affairs
Business and Occupations Services
Commercial
GPO Box 1719
Adelaide SA 5001**

Part 2A Property information

Notes

Agent commissioned to sell the land situated at

Postcode _____

as described in a whole/part of Certificate of Title Register

Book volume _____ Folio _____

OR

Business known as _____

Carried on at _____

Part 2B Purchasing details

It is proposed that the land or business be sold to

Title Mr Mrs Ms Miss

Surname _____

Full given names _____

Service address _____

Postcode _____

Contact number _____

Title Mr Mrs Ms Miss

Surname _____

Full given names _____

Service address _____

Postcode _____

Contact number _____

Listing date ____ / ____ / ____

Listed price \$ _____ Purchase price \$ _____

Property has been on market for _____ months

Highest prior offer \$ _____ Number of prior offers _____

The purchase **cannot** include a nominee.

Enter the name(s) of the purchaser(s).

The Minister requires evidence that the vendor is aware of the value of their property before exemption is granted.

Accordingly, the vendor must obtain an independent valuation before completing this application.

The vendor(s) have been advised that the agent/employee of the agent has an interest in the purchase and that an independent valuation has been obtained to confirm that the price is fair and reasonable. A copy of the valuation is attached to this application form.

Part 3A Employee seeking exemption

Notes

If the registered land agent is a company, then directors and/or nominated managers are considered officers/employees and should complete this section.

Title Mr Mrs Ms Miss

Surname _____

Full given names _____

Service address _____
_____ Postcode _____

Residential address _____
_____ Postcode _____

Part 3A is to be completed when an employee of a Registered Land Agent has direct or indirect interest in the property or business being purchased.

Being the employee of the Agent named in Part 1, apply for an exemption from the application of Section 23(1) of the *Land and Business (Sale and Conveyancing) Act 1994* in relation to the transaction overleaf.

I have a direct or indirect interest in the purchase as:

- Purchaser Spouse of purchaser
 Parent/guardian of purchaser Son/daughter of purchaser
 A director of the purchasing company Other (give details on separate page)

Please ✓ which applies to you.

Signature _____ Date _____

Contact number _____ Facsimile _____

Part 3B Agent seeking exemption

Title Mr Mrs Ms Miss

Surname _____

Full given names _____

Service address _____
_____ Postcode _____

Residential address _____
_____ Postcode _____

Part 3B is to be completed when the Registered Land Agent has a direct or indirect interest in the property or business being purchased.

Being the Agent named in Part 1, apply for an exemption from the application of Section 23(1) of the *Land and Business (Sale and Conveyancing) Act 1994* in relation to the transaction overleaf.

I have a direct or indirect interest in the purchase as:

- Purchaser Spouse of purchaser
 Parent/guardian of purchaser Son/daughter of purchaser
 A director of the purchasing company Other (give details on separate page)

Please ✓ which applies to you.

Signature _____ Date _____

Contact number _____ Facsimile _____

Part 4 Vendor(s) to complete

Notes

Important Information

It is illegal for an agent or one of their employees to purchase a property that is listed with the agent unless there is a Ministerial Exemption.

Agents have a duty to act in the vendor's best interests and must avoid any possible conflicts of interest. If the agent, or one of their employees, wishes to purchase your property, first you should ensure that they have actively tried to get you the best price. You can start by getting an independent valuation of the property from a valuer that *you* select.

There are some occasions where it may be in your best interest to sell your property to your agent or one of their employees and this exemption form, if approved, can allow this. But before any exemption is approved you must be aware of the potential conflict of interest for your agent.

If you are satisfied that it is in your best interest to sell the property to your agent, or one of their employees, then you can make application by completing this form. However, **if you have any doubts, do not sign this form**. Even if you have signed a separate contract, the sale cannot proceed without your signature on this form.

This section must be completed and signed by all vendors.

Please ensure that you (the vendor) have read and understood the purpose of this exemption before completing and signing this section.

Name of Vendor

Title Mr Mrs Ms Miss

Surname: _____

Full given names _____

Service address _____

_____ Postcode _____

Residential address _____

_____ Postcode _____

Name of second vendor

Title Mr Mrs Ms Miss

Surname _____

Full given names _____

Service address _____

_____ Postcode _____

Residential address _____

_____ Postcode _____

I/we **confirm** that I/we have no objection to the granting of the exemption to allow the transaction referred to in Parts 1 and 2 to proceed. I/we have read and understood the relationship between the Agent as described in Part 1 and the Agent/employee as described in Part 2.

I/we also **confirm** that the attached valuation has been obtained from an independent valuer that I/we selected (and was not selected or recommended by the Agent).

Please note that you are not obliged to sign this form and if you have any concerns regarding the price or details of the sale you should seek advice from a trusted advisor.

Signature of vendor *Date* *Contact number*

Signature of second vendor *Date* *Contact number*