



Application to Add a Close Associate to Tow Truck Operator Licence

Refer to page 2 for a definition of a "close associate" as described in Section 5 Tow Truck Industry Act 1998

Section 1. Licensee details

Name of licensee

Representative's name

Operator licence number

Business address of licensee

Postcode

NOTE: If you are adding a Director or Shareholder of the company that holds the operator licence you must provide proof that this change has been lodged with ASIC with this application.

Licensee declaration

I wish to add the close associate named in Section 2 to the tow truck operator licence shown above. I understand that by adding this person to the operator licence as a Partner, Director or Business Manager, NSW Fair Trading will then be authorised to take instructions from him/her in relation to this tow truck operator licence.

Signature of licensee / representative

Date

Section 2. Close associate details

Name of close associate

Residential address

Date of birth

Copy of Photo ID attached (both sides)

Yes (mandatory)

Has the person listed ever used a different name or identity? (✓)

No

Yes, give details below

Previous name used

Date of birth

Relationship of new close associate to business

Partner

Shareholder

Business Manager

Lessor of Vehicle

Director

Criminal History

NSW Fair Trading is required to check with police regarding any criminal history for an applicant. If the person listed in Section 2 has lived outside of NSW or overseas within the past 10 years, the person must provide the original of a national criminal history record check. Refer to note on acceptable criminal history checks. **Note:** If you currently reside in a state or territory other than NSW these documents must be dated within 6 weeks of the date of receipt of this application.

Note: Acceptable Criminal history checks must be issued by Police or an Australian Criminal Intelligence Commission accredited body. Failure to declare this information will delay your application.

Please return this form to:

Mail to: NSW Fair Trading, PO Box 972, Parramatta NSW 2124

www.fairtrading.nsw.gov.au T 13 32 20 E TowTrucks@customerservice.nsw.gov.au

Section 3 – Disclosure

If you answer Yes to any of the following questions, please provide full details on a separate sheet.

1.	Has the applicant or a close associate of the applicant within the period of 10 years before the application was made, been refused a licence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.	Has the applicant or a close associate of the applicant within the period of 10 years before the application was made, had his or her licence permanently revoked?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.	Has the applicant or a close associate of the applicant within the period of 10 years before the application was made, been the subject of disciplinary action under Division 4 of Part 3 of the <i>Tow Trucks Industry Act 1998</i> that resulted in the close associate being disqualified from holding a licence or having his or her licence suspended or permanently revoked?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.	Has the applicant or a close associate of the applicant subject to firearms prohibition order under the <i>Firearms Act 1996</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.	Has the applicant or a close associate of the applicant subject to a weapons prohibition order under the <i>Weapons Prohibition Act 1998</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.	Has the applicant or a close associate of the applicant subject to a serious crime prevention order under the <i>Crimes (Serious Crime Prevention Orders) Act 2016</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.	Has the applicant or a close associate of the applicant within the period of 10 years before the application was made, been convicted or been found guilty (but with no conviction being recorded) of the following offences (regardless of whether the offence was committed in New South Wales):		
	(i) an offence relating to the possession or use of a firearm or imitation firearm (within the meaning of the <i>Firearms Act 1996</i>) or other weapon?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(ii) an offence involving the supply or possession of a prohibited drug within the meaning of the <i>Drug Misuse and Trafficking Act 1985</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(iii) an offence involving the cultivation (for a commercial purpose), supply or possession of a prohibited plant within the meaning of the <i>Drug Misuse and Trafficking Act 1985</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(iv) an offence relating to organised car, boat or trailer rebirthing activities under section 154G of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(v) an offence of dealing with property suspected of being proceeds of crime under section 193C of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(vi) an offence involving the recruitment of another person to carry out or assist in carrying out a criminal activity within the meaning of section 351A of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(vii) an offence involving participation in a criminal group or participation in any criminal activity of a criminal group within the meaning of Division 5 of Part 3A of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(viii) the offence of contravening a serious crime prevention order under section 8 of the <i>Crimes (Serious Crime Prevention Orders) Act 2016</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(ix) an offence under section 74 of the <i>Firearms Act 1996</i> relating to a firearms prohibition order?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(x) an offence under section 34 of the <i>Weapons Prohibition Act 1998</i> relating to a weapons prohibition order?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xi) an offence involving an assault of any kind against a person?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xii) an offence involving fraud, dishonesty or stealing?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xiii) an offence involving robbery (whether armed or otherwise)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xiv) the offence of habitually consorting with convicted offenders under section 93X of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	(xv) the offence of contravening a public safety order under section 87ZA of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xvi) an offence of making, using or interfering with unique identifiers under section 154H of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xvii) the offence of having possession of a motor vehicle, vessel or trailer where the unique identifier has been interfered with under section 154I of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(xviii) the offence of having possession of an identification plate not attached to the motor vehicle or trailer to which it relates under section 154J of the <i>Crimes Act 1900</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8.	Does the applicant or any partner, Director or shareholder have proceedings for an offence pending against them?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Close associate declaration

NOTE: It is an offence under the Crimes Act 1900 to make a false or misleading statement in this document. The maximum penalty is imprisonment for two years or a fine of \$22,000 or both.

I authorise NSW Fair Trading to obtain information and/or records, including but not limited to, my driving licence records and the currency of my driver licence, criminal records, charges pending, events and transcripts of proceedings against me, from its own records or the relevant Australian and/or overseas agencies. I understand that NSW Fair Trading may legitimately use this information to determine the outcome of this application to be included as a close associate on the above listed tow truck operator licence and in the administration of that licence.

I acknowledge that information may be placed on an annual register open to the public.

I declare that the information contained in this application is true and correct in every detail. I consent to the disclosure of information needed to verify the contents of this application.

Signature of close associate

Date

/	/
day	month / year

"close associate" as described in Section 5 *Tow Truck Industry Act 1998*

Section 5 *Tow Truck Industry Act 1998*

Meaning of "close associate"

1. For the purposes of this Act, a person is a close associate of an applicant for a licence, or of a licensee (whether or not that applicant or licensee is a corporation), if the person:
 - (a) holds or will hold any relevant financial interest, or exercises any relevant power (whether in his or her own right, or through an agent or on behalf of any other person), in the business of the applicant or licensee, and by virtue of that interest or power is or will be able (in the opinion of NSW Fair Trading) to exercise a significant influence over or with respect to the conduct of that business, or
 - (b) holds or will hold any relevant position, whether in his or her own right, or through an agent or on behalf of any other person, in the business of the applicant or licensee.

2. In this section:

relevant financial interest in relation to a business means:

 - (a) any share in the capital of the business, or
 - (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise.

relevant position means the position of director, manager, and any other executive position and secretary, however those positions are designated, and such other positions as may be prescribed by the regulations for the purposes of this definition.

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

 - (a) to participate in the day to day management of the business concerned, or
 - (b) to participate in any directorial, managerial or executive decision, or
 - (c) to elect or appoint any person to any relevant position.