Notice for registrations under the Mutual Recognition (New South Wales) Act 1992

IMPORTANT INFORMATION FROM NSW FAIR TRADING

To avoid delays in processing your application, please read this form carefully, and fill it in completely.

NSW Fair Trading requires that personal information is provided as part of this application. The information is used solely by NSW Fair Trading to assess your eligibility for a tow truck driver certificate under the Tow Truck Industry Act 1998. Your application will only be assessed if you provide all the required information, payment of the required fee has been made and you sign the declaration on the final page. In the course of assessing your application, NSW Fair Trading may need to consult/share information with other government or private sector organisations. The information you provide will be retained at NSW Fair Trading and is available to you for inspection upon written request.

If you need help with any part of this application, please call the Tow Truck Licensing Team on 13 32 20.

YOU MUST SUPPLY THE FOLLOWING WITH YOUR APPLICATION:

- Evidence of your current registration in another state or territory (see Section 5);
- 2 photographs (passport-size, and quality) of your head and neck without headwear or sunglasses on a pale background that are not more than 6 months old;
- A photocopy of your current driver licence, (both sides). A provisional driver licence is not acceptable;
- Original interstate/overseas driver licence, traffic and criminal history (refer Section 4.)
- Correct payment.

A full list of current fees and charges is available on the NSW Fair Trading website www.fairtrading.nsw.gov.au. The fee contains a non-refundable application fee which is retained by NSW Fair Trading if your application is refused.

NSW Fair Trading accepts the following forms of payment:

- MasterCard, Visa - **Credit card slip can be found on page 4**
- Money Order
- Bank Cheque
- Personal Cheque

ALL CHEQUES/ MONEY ORDERS MADE PAYABLE TO: NSW Fair Trading

Please return this form to:
Mail to: Tow Truck Licensing, PO Box 972, Parramatta NSW 2124
www.fairtrading.nsw.gov.au  |  T 13 32 20
**Section 1. Personal details**

Surname

Given names *(list all names, if applicable)*

Date of birth

Residential address

Postal address *(if different to residential address)*

Phone

Mobile

**Section 2. Other identities and aliases**

Do you now, or have you ever, used a different name or identity? (✔)

- No
- Yes, give details below

**Name used (1)**

Date of birth

Residential address

**Name used (2)**

Date of birth

Residential address

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**Section 3. Licence details**

Driver licence number

State/Territory

In the past 10 years, have you ever held a driver licence in another Australian state or territory or overseas other than the driver licence you have included above? (✔)

- No
- Yes, give details:
  - State/Country
  - Interstate/Overseas licence no.

*(if yes, refer to Section 4)*

**Section 4. Interstate/Overseas criminal and traffic history** *(if you have ticked ‘Yes’ in Section 3 please note)*

1. NSW Fair Trading is required to check the criminal history of an applicant. As you are applying under mutual recognition it is likely that you live outside NSW. You must therefore provide a national police certificate from the police in your state. If you have lived overseas or in another state within the past 10 years, you must provide the original of a criminal history record check from the relevant police for that period in that jurisdiction.

   If you hold or have held a driver licence from another Australian state or territory other than NSW or from overseas within the past 3 years you must provide an original print-out of your driver licence history and traffic record for that period in that jurisdiction.

   **Note:** These documents must be dated within 6 (Six) weeks of the date of receipt of this application.

   **Note:** Criminal history checks must be issued by police.

2. Australian state or territory other than NSW or from overseas within the past 3 years you must provide an original print-out of your driver licence history and traffic record for that period in that jurisdiction.

**Section 5. Other state registration details**

State the occupation for which you are CURRENTLY registered, the state or territory that the registration is held, the name of the licensing authority and the registration number:

- a. Occupation(s)
- b. State/Territory
- c. Name of licensing authority
- d. Registration number
- e. List any other states/territories where you are CURRENTLY registered for the occupation(s)

*continued*
f. Specify any special conditions to which you are subject in carrying on this occupation(s) in any state/territory (eg: for trade towing only or conditional certificate only)


g. This notice must be accompanied by a document that is either the original or a clear copy of the instrument evidencing your existing registration (or, if there is no such instrument, by sufficient information to identify yourself and the registration held by you).

Section 6. Declaration

NB If the declaration below cannot be made in full (ie items i-vi) registration under the mutual recognition legislation CANNOT be granted and 'deemed' registration will NOT apply. In such instances an application should be made under the provisions of the Tow Truck Industry Act 1998 on the usual form.

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 for a tow truck driver certificate and in the administration of that certificate. I acknowledge that information may be placed on a register open to the public.

I hereby do solemnly and sincerely declare and affirm that:

i. All information contained in or attached to this notice is complete and true to the best of my knowledge; and

ii. Any accompanying document evidencing my existing registration is the original or complete and accurate copy of the original; and

iii. I am not the subject of disciplinary proceedings in any state or territory (including any preliminary investigations or actions that might lead to disciplinary proceedings); and

iv. My registration in any state or territory is not cancelled or currently suspended as a result of disciplinary action; and

v. I am not otherwise prohibited from carrying out the occupation(s) for which registration is sought or otherwise regarding matters relevant to this notice.

vi. I give consent to the making of enquires of and the exchange of information with the authorities of any state or territory regarding my activities in the occupations(s) for which registration is sought or otherwise regarding matters relevant to this notice and I authorise NSW Fair Trading to obtain copies of my criminal and/or traffic records, and transcripts of proceedings against me, from the relevant agencies.

I understand the conditions of the issue of a Tow Truck Driver Certificate as provided to me by NSW Fair Trading, and I acknowledge that NSW Fair Trading may impose additional conditions upon a certificate by notifying me of those conditions in writing. I am aware that I must comply with all conditions of the certificate, and that, if I contravene these conditions, I have committed an offence.

I declare that the information contained in this application is true and correct in every detail. I understand that NSW Fair Trading may legitimately use this information to determine the outcome of this application for a tow truck driver certificate.

Applicant name (please print)


Applicant signature


Taken and declared at


State/Territory


Declaration date


day / month / year


JP / Authorised officer name (please print)


JP / Authorised officer signature


JP registration number


This declaration must be witnessed by either a Justice of the Peace, Police Officer, legal or medical practitioner, dentist, pharmacist or Magistrate or any other person authorised to witness a Statutory Declaration in your state or territory.
CREDIT CARD PAYMENT VOUCHER:
 Please charge my credit card for enclosed application.
 Applicant name: ____________________________________________________________
 (if the same as card holder please leave blank)
 Address: __________________________________________________________________
 Please charge the full cost of $ ______________________ to my credit card.
 Card type (tick) □ Mastercard □ Visa

 Card number ___________________________ - ___________ - ___________ - ___________
 Expiry date ____________ / __________
 Name on card: ____________________________
 Address: __________________________________________________________________

 Signature of card holder ____________________________ Date ____________ / __________

 PLEASE ENSURE YOUR CARD NUMBER IS QUOTED CORRECTLY. FAILURE TO PROVIDE THE CORRECT
 DETAILS MAY RESULT IN YOUR APPLICATION BEING REFUSED.

 OFFICE USE ONLY:

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INTRODUCTION

It is important that all applicants read the following information carefully. This will assist in lodging an application to NSW Fair Trading for registration under the Mutual Recognition (New South Wales) Act 1992 (mutual recognition legislation).

All New South Wales driver certificates issued for towing motor vehicles are subject to the provisions of the Tow Truck Industry Act 1998 and, in the case of ‘Mutual Recognition Registration’ applications, subject also to the provisions of Mutual Recognition legislation. Once issued, even under Mutual Recognition legislation, a driver certificate becomes subject to the provisions of the Tow Truck Industry Act 1998.

WHAT IS MUTUAL RECOGNITION

In general terms, mutual recognition means that any individual person holding an occupational licence or registration in one state/territory is entitled to a comparable licence or registration in another state/territory, where available, on lodgement of the proper notification and payment of the required fee. To ensure that proper notification occurs NSW Fair Trading has developed the attached application form to assist you in meeting all requirements.

TYPES OF NEW SOUTH WALES REGISTRATION

There are two types of registration available for recognition within NSW, Driver certificates and Operator Licences.

A Driver Certificate DOES NOT permit the holder to contract, sub-contract, advertise or carry out work in their own right. In order to do so, an Operator Licence MUST be held by the owner of the tow truck.

Driver Certificate and Operator Licence applications must be completed separately on the appropriate forms.

ADDRESS

Your residential address must be provided. Post office box addresses may only be given as a postal address.

FEES

The prescribed fee must accompany the application for registration under the mutual recognition legislation. Cheques should be made payable to ‘NSW Fair Trading’.

A full list of current fees and charges is available on the website www.fairtrading.nsw.gov.au (the fee contains a non-refundable application fee which is retained by NSW Fair Trading if your application is refused).

CURRENT REGISTRATION DETAILS

The notification for registration under the mutual recognition legislation must be accompanied by a document that is either the original or a clear copy of the instrument evidencing your existing registration.

If there is no such instrument, sufficient information should be provided to identify yourself and the registration held by you.

The declaration (see Section 6 of the application) should be signed by the person seeking registration under the mutual recognition legislation and witnessed and signed by a Justice of the Peace, or other appropriately authorised person listed in Section 6.

If the declaration CANNOT be made in full then registration under the mutual recognition legislation CANNOT BE GRANTED and ‘deemed’ registration WILL NOT apply. In such instances application should be made on the usual application form for a full NSW driver certificate available from NSW Fair Trading.

Each application is treated on its individual merits.

Please note in particular that Item iii) of the declaration refers to disciplinary proceedings including any preliminary investigations or actions that might lead to disciplinary proceedings. This means that if you are the subject of a complaint investigation in any state/territory in respect of work contracted, supervised and/or carried out by you which has not been finalised then the declaration CANNOT be made and registration under mutual recognition CANNOT BE GRANTED.

CONDITIONS FOR REGISTRATION

Under Mutual Recognition Legislation NSW Fair Trading may impose conditions on registration. Your application for registration MUST include the prescribed fee and any applicable interstate and/or overseas criminal and traffic history documents required under Section 5 of the application form. You must also provide a copy of your current driver licence.

Explanatory notes continued next page
PROCESSING OF NOTIFICATION UNDER MUTUAL RECOGNITION

The following notes detail the procedures for the processing of a notification for registration under the mutual recognition legislation.

Deemed Registration

- A person who lodges a notice for registration under the mutual recognition legislation with the required fee is, pending the grant or refusal of 'substantive registration', taken to be registered. Such registration is called 'deemed registration'. Deemed registration in one state does not of itself provide a basis for registration in another state.
- A person's deemed registration continues until it is cancelled or suspended or otherwise ceases by way of NSW Fair Trading granting or refusing to grant substantive registration, subject to any final or interim determination as the result of an appeal. Deemed registration is not affected by any decision to postpone the granting of substantive registration.
- It is essential that persons deemed to be registered are familiar with the provisions of the NSW licensing legislation (eg. conditions of issue, towing authorities etc.) and local NSW regulations and codes as well as the requirements of Local Government Authorities, Water Boards etc.

Substantive Registration

- 'Substantive Registration' must, except in the situation of postponement or refusal, be granted within one month after the notice is lodged with NSW Fair Trading.
- When granted, substantive registration takes effect as from the date the notice was lodged.
- However, NSW Fair Trading may, within one month after the notice was lodged, postpone or refuse the granting of substantive registration. Grounds for refusal or postponement include:
  i. any of the statements in the notification lodged with NSW Fair Trading being materially false or misleading
  ii. any documentation or information evidencing the existing registration is not provided or is materially false or misleading
  iii. the circumstances of the person lodging the application have materially changed since the date of the notice or the date it was lodged (grounds for postponement only)
  iv. the occupation in which registration is sought is not an equivalent occupation.

- If NSW Fair Trading neither grants, postpones or refuses the substantive registration within the period of one month after the notice is lodged, the person is entitled to substantive registration immediately at the end of that period and no objection may be taken to the notice on any of the grounds on which refusal or postponement may be affected except where fraud is involved.
- NSW Fair Trading will give written notice of its decision to grant, postpone or refuse substantive registration. In the case of postponement or refusal NSW Fair Trading will advise of its findings on any material questions of fact, refer to the material on which the findings were based and state the reasons for its decisions.

TERM AND RENEWAL

The term for a driver certificate under the Tow Truck Industry Act 1998 is either one year or three years. A renewal notice will be sent to you offering you the opportunity to renew your licence for one year, or if certain criteria is met, for three years. You can apply by submitting a completed application, paying the prescribed fee and providing the supporting documents and information requested.

LODGING COMPLETED NOTIFICATION

The completed application form and required fee should be forwarded to, NSW Fair Trading, Tow Truck Licensing Team at the address shown below.

Tow Truck Licensing, PO Box 972, Parramatta NSW 2124
www.fairtrading.nsw.gov.au  |  T  13 32 20