

# Application to Remove a Close Associate from Tow Truck Operator

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 removing 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 remove the close associate named in Section 2 from the tow truck operator licence shown above. I understand that by removing this person from the operator licence as a Partner, Director or Business Manager, NSW Fair Trading will no longer 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

  
 Postcode

Date of birth

## Relationship of close associate to business

- Partner  Shareholder  
 Business Manager  Lessor of Vehicle  
 Director

## Close associate acknowledgement

I acknowledge that I will no longer be listed as a close associate of the tow truck operator named in Section 1 and that NSW Fair Trading will no longer take instructions from me as a partner, business manager or director in relation to this licence.

Signature of close associate

Date

## Please return this form 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

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

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## *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.