

**For individuals only (Corporations and Partnerships are not eligible
to apply under Mutual Recognition Legislation)**

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

IMPORTANT INFORMATION FROM ROADS AND MARITIME SERVICES

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

Roads and Maritime Services (RMS) requires that personal information is provided as part of this application. The information is used solely by RMS to assess eligibility for a tow truck operators licence under the *Tow Truck Industry Act 1998*. The application will only be assessed if all the required information is provided, payment of the required fee has been made and the declaration on the final page is signed by all relevant persons. In the course of assessing the application RMS may need to consult/share information with other government or private sector organisations. The information provided will be retained at RMS and is available for inspection upon written request by the licence holder. Information may be placed on a register of licensed operators open to the public.

If you need help with any part of this application, please contact the Licensing Team on 1300 131 134.

Before your application can be processed you **MUST** supply all the requested documentation (see Section 6) and it must be current and in the name of the licensee.

Your application must be accompanied by payment of the correct application fee.

Please calculate your total fee payable, which is made up of an operators licence fee and a fee for each tow truck attached to the licence (Category A, B or C).

A full list of current fees and charges is available on the RMS website. The fee contains a non-refundable application fee which is retained by RMS if your application is refused.

Roads and Maritime Services accepts the following forms of payment:

- MasterCard, Visa, Amex, Diners Club International
- Money Order
- Bank Cheque
- Personal Cheque

ALL CHEQUES/ MONEY ORDERS MADE PAYABLE to: Roads and Maritime Services

Please return this form to:

Mail to: Tow Truck Licensing and Compliance, Locked Bag 5054, Parramatta NSW 2124

www.rms.nsw.gov.au | 13 22 13 | T 1300 131 134 | F 02 8849 2075 | E towtrucks@rms.nsw.gov.au

Section 1. Applicant Details

Note: Applications for registration under mutual recognition can only be made by individuals

a. Surname

b. Given names (*list all names*)

c. Trading name (1)

Trading name (2)

Trading name (3)

Trading name (4)

d. A.B.N.

e. Business Address

Postcode

f. Postal Address

Postcode

g. Phone

h. Fax

i. Mobile

j. Email

k. In NSW do you hold, or have you ever held a tow truck operators licence? ()

No

Yes, Give Details:

Licence number

Section 2. Close Associate's Details

Please give details for each person who is a close associate of your business. You must include your personal details. A close associate is defined in section 5 of the *Tow Truck Industry Act 1998* to mean a person who has a 'relevant interest' in your business. This could include a person who has a financial interest in your business (such as a person who has invested in your business and/or is entitled to receive an income from your business), or a person who makes decisions that can impact on your business (such as a person you employ in a managerial position).

If any person has ever used another name or identity please include these details as requested.

If insufficient space, please attach additional details.

Full name (1)

Residential Address

Postcode

Date of birth

Relationship to business

Previous name used (*if applicable*)

Full name (2)

Residential Address

Postcode

Date of birth

Relationship to business

Previous name used (*if applicable*)

Full name (3)

Residential Address

Postcode

Date of birth

Relationship to business

Previous name used (*if applicable*)

Section 3. Criminal History

RMS 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 or any of the persons listed in Section 2 have lived overseas within the past 10 years, the person(s) must provide the original of a criminal history record check from the relevant police 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.

Section 4. Holding Yard(s)

If you are applying for a licence that permits you to do accident towing work, you must have at least one council approved holding yard within 10 kms of your place of business that complies with the holding yard policy, for the secure storage of towed motor vehicles.

Please list the addresses of any holding yards that you operate as part of your business:

If insufficient space, please attach additional details.

Holding yard 1. Owned Leased

Address

Postcode

Holding yard 2. Owned Leased

Address

Postcode

Holding yard 3. Owned Leased

Address

Postcode

Holding yard 4. Owned Leased

Address

Postcode

Section 5. Vehicles

1. You must provide details of vehicles that you either (a) currently operate, or (b) intend to operate, under the authority of your licence. If insufficient space, please attach additional vehicle details.

Vehicle rego no. Make and type (eg Ford tilt tray)

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Owned Leased

If leased - name of lessor

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Vehicle rego no. Make and type (eg Ford tilt tray)

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Owned Leased

If leased - name of lessor

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Vehicle rego no. Make and type (eg Ford tilt tray)

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Owned Leased

If leased - name of lessor

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Vehicle rego no. Make and type (eg Ford tilt tray)

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Owned Leased

If leased - name of lessor

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Owned Leased

If leased - name of lessor

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Vehicle rego no. Make and type (eg Ford tilt tray)

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Owned Leased

If leased - name of lessor

--

Vehicle rego no. Make and type (eg Ford tilt tray)

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Owned Leased

If leased - name of lessor

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2. For all new tow truck vehicles please specify the type of towing work that the vehicle will undertake: ()

Category A (Accident and Trade Towing)

Category B (Trade Towing only)

NOTE: All Tow Trucks operated by the licensee must be registered and insured in the name of the licensee and have a minimum load capacity of 1200kg (load capacity = GVM - tare)

Section 6. Other state registration details

State the occupation for which you are CURRENTLY registered, the State or Territory that the registration is held, 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)

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 licence 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).**

Your licence will not be issued unless you supply the following with your application:

(all documents must be current and in the name of licensee)

Section 1.

- Certificate of Registration of Business Name (for Trading Name/s)*
- Certificate of Currency for public liability insurance policy for your place of business

Section 3.

- Original print-out of interstate/ overseas criminal record (s) if applicable and must be dated within 6 weeks of the date of the receipt of this application.

Section 4.

- Certificate of Currency for public liability insurance policy for your holding yard(s)
- Proof of ownership of holding yard/s (eg. current Rates Notice or valid lease agreement)

Section 5.

- Certificate of Currency for on hook insurance for each vehicle to be operated under licence
- Copy of current vehicle registration papers

* *This document only needs to be supplied if expired or amended since your last application for registration.*

Note the documents listed above are required to be provided by ALL tow truck operators when applying for a licence under the *Tow Truck Industry Act 1998*.

Section 7. Declaration - must be completed by the applicant and each person listed in Section 2.

Copy and complete this declaration for each additional person listed in Section 2 and attach.

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 Roads and Maritime Services (RMS) 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 it's own records or the relevant Australian and/or overseas agencies. I understand that RMS may legitimately use this information to determine the outcome of this application for a tow truck operators licence and in the administration of that licence. I acknowledge that information may be placed on a register open to the public.

I hereby do solemnly and sincerely declare and affirm that:

- All information contained in or attached to this notice is complete and true to the best of my knowledge; and
- Any accompanying document evidencing my existing registration is the original or complete and accurate copy of the original; and
- 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
- My registration in any State or Territory is not cancelled or currently suspended as a result of disciplinary action; and
- I am not otherwise prohibited from carrying out the occupation(s) for which registration is sought or otherwise regarding matters relevant to this notice.
- 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 the Roads and Maritime Services to obtain copies of my criminal and/or traffic records, and transcripts of proceedings against me, from the relevant agencies.

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.

(do not submit these notes with your application form, keep for your own records)

INTRODUCTION

It is important that all applicants read the following information carefully. This will assist in lodging notification to Roads and Maritime Services (RMS) for registration under the *Mutual Recognition (New South Wales) Act 1992* (**mutual recognition legislation**).

All New South Wales licences 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 licence 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 RMS has developed the attached application form to assist you in meeting all requirements.

WHO CAN APPLY FOR REGISTRATION

Mutual recognition legislation applies only to individuals, who hold a current registration in an equivalent occupation.

Applications cannot be made by an incorporated or unincorporated body or other association of persons. Such bodies should apply for an operators licence under the *Tow Truck Industry Act 1998* by completing the application form and paying the fee. Operators licence application forms are available on request from RMS or by download from the RMS website.

TYPES OF NEW SOUTH WALES REGISTRATION

There are two types of registration available for recognition within NSW, Drivers Certificates and Operators Licences.

An Operators Licence DOES NOT permit the holder to carry out work in its own right. In order to do so, a Drivers Certificate MUST also be held by the driver of the licensed tow truck.

Drivers Certificate and Operators Licence applications must be completed separately on the appropriate forms. Each licence operated MUST make separate application for registration.

ADDRESS

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

FEES

The required fee payable, which is made up of an operators licence fee and a fee for each tow truck attached to the licence (Category A, B or C) must accompany the notification for registration under the mutual recognition legislation. Cheques should be made payable to 'Roads and Maritime Services'.

A full list of current fees and charges is available on the website (the fee contains a non-refundable application fee which is retained by RMS 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 (Section 7 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 7.

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 available from RMS. 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 RMS may impose conditions on a registration. Your application for registration MUST include the prescribed fee and any applicable interstate and/or overseas criminal history documents required under Section 3 of the application form.

You MUST also include copies of all documentation applicable to your licence application listed in Section 6 of the application form.

Explanatory notes continued next page

(do not submit these notes with your application form, keep for your own records)

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 RMS 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 licensing legislation in NSW (eg. holding yards, advertising, maximum fees, insurance, 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 RMS.
- When granted, substantive registration takes effect as from the date the notice was lodged.
- However, RMS 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 RMS 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 RMS 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.
- RMS will give written notice of its decision to grant, postpone or refuse substantive registration. In the case of postponement or refusal RMS 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.

INSURANCE REQUIREMENTS

All licence applicants for mutual recognition are required to provide a certificate of currency for Public Liability insurance of their business and holding yard/s, and provide a certificate of currency for "On Hook" insurance for each vehicle to be operated under the licence.

TERM AND RENEWAL

The term for an operators licence under the *Tow Truck Industry Act 1998* is either one 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.

LOGGING COMPLETED NOTIFICATION

The completed application form and required fee should be forwarded to RMS, Tow Truck Licensing and Compliance at the address shown below.

Please return this form to:

Mail to: Tow Truck Licensing and Compliance, Locked Bag 5054, Parramatta NSW 2124

www.rms.nsw.gov.au | 13 22 13 | T 1300 131 134 | F 02 8849 2075 | E towtrucks@rms.nsw.gov.au