

Application to Add a Close Associate to Tow Truck Operators 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

Operators licence number

Business address of Licensee

Postcode

NOTE: If you are adding a Director or Shareholder of the company that holds the operators 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 operators licence shown above. I understand that by adding this person to the operators licence as a Partner, Director or Business Manager, Roads and Maritime Services (RMS) will then be authorised to take instructions from him/her in relation to this tow truck operators licence.

Signature of Licensee / Representative

Date

Section 2. Close Associate details

Name of Close Associate

Residential address

Date of birth

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

RMS 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 from the relevant police for that period in that jurisdiction.

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: Criminal history checks must be issued by police and failure to supply this information will delay your application

Close Associate declaration

WARNING: Please read carefully before you sign. If you do not tell the truth you could be fined. Maximum penalty \$5,500 or imprisonment for 6 months or both.

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 to be included as a close associate on the above listed tow truck operators 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

Please return this form 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

"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 RMS) 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.