# Permission application supplementary form

***Motor Car Traders Act 1986***

**Who must complete this form?**

The *Motor Car Traders Act 1986* provides that certain people must apply for permission to be eligible for a motor car trader’s licence or continue to hold a motor car trader’s licence.

You must apply for permission if:

* you have been found guilty or convicted of an offence involving fraud, dishonesty, violence or drug trafficking, punishable by imprisonment for three months or more (whether or not any penalty of imprisonment was imposed) within the last 10 years in Australia or elsewhere; or
* a claim has been admitted against the Motor Car Traders Guarantee Fund in relation to you, a company or partnership trading in motor cars while you or it held a motor car trader’s licence; or
* a claim has been admitted against the Motor Car Traders Guarantee Fund in relation to a motor car trading business while you were concerned in the management of that business.

**Spent Convictions**

As of 1 July 2022, the Business Licencing Authority is permitted to receive information from Law Enforcement Agencies about spent convictions. You are not required to disclose any information in relation to a spent conviction to the BLA. However, as we are permitted to consider spent convictions when granting and renewing licences or registrations, you may wish to provide us with further information to assist us in making our decision. As a matter of procedural fairness, we will provide you with this opportunity.

If you are unsure about providing spent convictions information, please seek independent legal advice prior to completing this form.

For more information on spent convictions please view the [Spent Convictions Act 2021 page](https://www.justice.vic.gov.au/spent-convictions) on the Department of Justice and Community Safety website for more information.

Who needs to complete this form?

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| **New applicants** |
| **Who has been found guilty or convicted of a serious offence or had a claim admitted against the Motor Car Traders Guarantee Fund** | **Who needs to apply**  |
| Sole trader  | The sole trader  |
| Company  | The company  |
| Company director  | The company director  |
| Person (besides a company director) who is concerned in the management of a company  | The person who is concerned  |
| Partnership  | The partnership  |
| Partner  | The partner  |
| Person (besides a partner) who is concerned In the management of a partnership  | The person who is concerned  |
| Customer service employee  | The employee  |
| **Existing licensees**  |
| **Who has been found guilty or convicted of a serious offence or had a claim admitted against the Motor Car Traders Fund** | **Who needs to apply** |
| Sole trader  | The sole trader  |
| Company or company director  | The company  |
| Partnership or partner  | The partnership  |

## How to complete this form

* **This form must be submitted with your permission application in myCAV. Do not submit this form by email or post**.
* Enter text in spaces provided only. The Business Licensing Authority (BLA) will not accept your form, nor consider it lodged, if you remove or change any questions or other text.
* It is recommended that you complete this form on your computer.
* If completing this form by hand, please complete details in block letters, using a black or blue pen. If you need additional space to answer the questions in this form, you can attach separate page(s) referencing your answer to the question number or photocopy the page as needed.
* It is mandatory to provide answers to all questions related to your circumstances in this form. If you do not provide a full description, it may delay your application. Failure to provide information requested by the BLA within a reasonable time of the request may result in your application being refused.
* For question(s) that are not applicable to the circumstances, mention ‘Not Applicable’ in the space provided only.
* Fees must be paid at the time of lodging the application in myCAV. There is no GST payable on this fee.

## Application Details

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| Applicant Name |  |
| Associate Role (if applicable) |  |

## Customer Service Capacity (if applicable)

|  |
| --- |
| Details of your proposed / current employer |
| Name of employer  |  |
| Trading name of employer |  |
| Motor Car Traders Licence number |  |
| Trading premises |  | Postcode |  |

## Permission Details

‘You’ in this section means:

* a sole trader
* a partner
* a company director
* a partnership
* a company
* any other person that is concerned in the management of a company or partnership
* a customer service employee seeking employment with a motor car trader.

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| 1. Within the last 10 years, have you been found guilty of an offence involving fraud, dishonesty, violence or drug trafficking, which was punishable by imprisonment of 3 months or more upon finding of guilt (regardless of whether a penalty of imprisonment was imposed) in Australia or elsewhere?
 |
| No |  | Go to **question 2** |
| Yes |  | Provide full details of the offence (if you need to provide details of more than one offence, photocopy this page as needed and attach the extra pages to this form) |
| Offence details |  |
| Date found guilty |  | State in which offence occurred (e.g. VIC, NSW etc.) |  |
| Name of court in which case heard |  |
| Penalty imposed |  |
| **Provide a description of the offence and the events that led up to you committing the offence. If you do not provide a full description here, your application will be delayed. Tell us everything that happened and why it happened.** |
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| 1. Have you, in Victoria or elsewhere, ever had disciplinary action taken against you as a licensed motor car trader?
 |
| No |  | Go to **question 3** |
| Yes |  | Provide full details of the disciplinary action (if you need to provide details of more than one disciplinary action, photocopy this page as needed and attach the extra pages) |
| Date of disciplinary actiondd/mm/yyyy |  | State |  |
| Summary of events leading up to the disciplinary proceedings and your understanding of why they were taken |
|  |
| 1. Have you ever been found guilty of any offence against legislation regulating motor car traders in Victoria or elsewhere in Australia?
 |
| No |  | Go to **question 4** |
| Yes |  | Provide full details of the offence(s)  |
| Date found guilty |  | State in which offence occurred (e.g. VIC, NSW etc.) |  |
| Name of court in which case heard |  |
| Penalty imposed |  |
| Provide a description of the offence and the events that led up to you committing the offence. |
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| 1. Does this application follow from a claim being admitted against the Motor Car Traders Guarantee Fund (the Fund)?
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| No |  | Go to **question 6** |
| Yes |  | Provide full details of the claim (if you need to provide details of more than one claim, photocopy this page as needed and attach the extra pages to this form) |
| Date claim admitteddd/mm/yyyy |  | Amount of claim | $ |
| Name of person(s) who made the claim against you |  |
| 1. To grant permission to a person following a claim being admitted against the Fund, the Business Licensing Authority must be satisfied that all claim amounts paid out of the Fund have been refunded or an agreement to refund all amounts paid out of the Fund has been made.
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| 1. **Have you repaid the Fund?**
 |
| No |  | Go to **question 5b** |
| Yes |  | Amount repaid |  | Date repaiddd/mm/yyyy |  |
| 1. **Describe how you propose to repay the total amount owing to the Fund.**
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| 1. Are you, or have you ever been, an insolvent under administration (bankrupt) or has any company of which you were a director ever gone into liquidation, become the subject of an insolvency administration under Corporations Law in Australia or elsewhere or been externally administered?
 |
| No |  | Go to **question 7** |
| Yes |  | Provide full details including date and type of insolvency. |
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| 1. The BLA must be satisfied that granting permission will not be contrary to the public interest. Please set out why you consider the BLA should be satisfied that:
* You will comply with the *Motor Car Traders Act 1986* and the Regulations in the future.
* Granting you permission will not reduce consumer confidence in the motor car trading industry.
* Granting you permission will contribute to the general maintenance of standards in the motor car trading industry.
* If you had a claim admitted against you, you will not repeat the conduct subject of that claim.
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## Certification

This section must be completed and signed by either:

* the individual applying for permission, or
* an authorised director of the company applying for permission, or
* an authorised partner of the partnership applying for permission

I certify that the information contained in this application is true and correct.

I understand that it is an offence under section 84A of the Motor Car Traders Act 1986, for a person to knowingly make an incorrect statement or omit any information in relation to a permission application and that significant penalties may apply for failure to comply with this section.

I understand if any change occurs in the information I have provided in this permission application, I must notify the Business Licensing Authority in writing as soon as I become aware of the change.

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |   | Name |  |
| Date |  |

## Attachments

You must attach the following documents for your application to be considered

Mark with X

|  |  |
| --- | --- |
| Completed [Consent to National criminal history and other records checks (Word, 836KB)](https://www.consumer.vic.gov.au/library/forms/businesses/consent-to-national-criminal-history-and-other-record-checks.doc?la=en) |  |
| Certified copies of the required identification documents. Details are on the Consent to National criminal history and other records check form. |  |
| Two written character references |  |
| If you are applying for permission to work in a customer service capacity of a motor car trader, you should provide a letter from your proposed employer confirming they:* are aware that you are making this permission application, and
* are prepared to employ you to work in a customer service capacity in their motor car trading business if you are granted permission by the Business Licensing Authority
 |  |
| If you are a company director, provide a letter signed by every director of the company confirming they are aware of your application for permission. |  |
| If you are a partner, provide a letter signed by every partner of the partnership confirming they are aware of you application for permission |  |
| If you are an existing licensed motor car trader, you must provide a profit & loss and balance sheet for:* the last full financial year (up to 30 June), and
* the current financial year (from 1 July to the date of this application)
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| If you are applying for permission due to a disqualifying criminal offence, you must provide::* A copy of the Summary of Charges for all offences (this may be obtained from your legal representative or the Police Informant).
* Court extracts relevant to the offences.
* Any other supporting documentation. This should include charge sheets, transcript of sentence, witness statements, evidence of completion of any community correction orders and payment of fines, costs and compensation orders, copies of any further orders arising from judicial monitoring etc.
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## How to submit this form

Attach all pages of this form and supporting documentation to your permission application in your myCAV account.

If the permission application is in relation to a company or partnership, a director or partner must lodge the application via their myCAV account.

To start using myCAV, you will need to create your own [myCAV](https://my.consumer.vic.gov.au/Account/Login) account, using a personal email address to verify your identity and sign in to your account. If you already have a [myCAV](https://my.consumer.vic.gov.au/Account/Login) account, sign in to your account and select ‘Apply for Permission’.

**Assistance**

Telephone: 1300 13 54 52

Web: consumer.vic.gov.au/bla

NRS: 133 677

ABN: 32 790 228 959