# Permission application supplementary form

***Second-Hand Dealers and Pawnbrokers Act 1989***

**Who must complete this form?**

The *Second-Hand Dealers and Pawnbrokers Act* 1989 provides that certain people are ineligible to be registered as a second-hand dealer and endorsed as a pawnbroker, or to continue to be registered as a second-hand dealer and endorsed as a pawnbroker, unless they have obtained permission from the Business Licensing Authority (BLA).

**Permission for new registrations**

You must apply for permission to be registered as a second-hand dealer and endorsed as a pawnbroker if you are:

* an individual and you or any of your associates
* a company and you, any company director or any associates of the company or company director
* an individual and were, at the relevant time, a director of a company that has:
* within the last five years in Australia or elsewhere, been found guilty (whether or not a conviction was recorded) of a disqualifying offence, or
* within the last five years, had their licence, registration or permission to carry on any regulated occupation profession or business cancelled or been disqualified from carrying on, or
* their licence, registration or permission to carry on any regulated occupation, profession or business is currently suspended.

You must also apply for permission if any associate of:

* an individual;
* a company, or
* a company director

is insolvent under administration or an externally administered company.

**Permission for second-hand dealers who are already registered**

If you are a registered second-hand dealer and any of the following events occur, you must apply for permission **within 30 days** of the occurrence or your registration and, if relevant, your endorsement as a pawnbroker will be automatically cancelled under section 10(2) of the *Second-Hand Dealers and Pawnbrokers Act* 1989.

You must apply for permission to continue to be registered as a second-hand dealer if:

* you are an individual and you or any your associates
* is found guilty (whether or not a conviction was recorded) of a disqualifying offence, or
* has a licence, registration, or permission to carry on any regulated occupation profession or business cancelled or been disqualified from carrying on, or
* has registration or permission to carry on any regulated occupation, profession or business currently suspended.
* you are a company and you, any company director or any associates of the company or company director
* is found guilty (whether or not a conviction was recorded) of a disqualifying offence, or
* has a licence, registration, or permission to carry on any regulated occupation profession or business cancelled or been disqualified from carrying on, or
* has registration or permission to carry on any regulated occupation, profession or business currently suspended.
* you are notified by the BLA that a new associate would be ineligible to be registered in their own right as a second-hand dealer.

You must also apply for permission if any associate of:

* an individual;
* a company, or
* a company director

becomes insolvent under administration or an externally administered company.

If you apply for permission within 30 days, your registration and, if applicable, your endorsement will only be automatically cancelled if you withdraw your application or the BLA refuses to grant permission.

If you are applying for permission because of a finding of guilt for a disqualifying offence, the 30 day period starts from the conclusion of the criminal proceedings or at the end of any appeal period, whichever is later.

**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.

## 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) | |  | | |
| Disqualifying offence (if applicable)  1. Details of the disqualifying offence | | | | |
| Type of offence (e.g. theft, assault, drug trafficking) |  | | | |
| Date found guilty  dd/mm/yyyy |  | | Location of offence (e.g. VIC, NSW, New Zealand) |  |
| Name of court in which case heard |  | | | |
| Penalty imposed |  | | | |
| 1. Provide a description of the offence and the events that led up to the offence occurring. As well as your description, you may wish to attach a copy of documents which describe the offence (e.g. police summary of evidence, brief of evidence, police interview transcript, transcript of sentence) | | | | |
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| 1. To grant permission, the BLA must be satisfied that the offence was not related to conduct carried out by the person while engaging in the business of a second-hand dealer or pawnbroker (either as an individual, company or company director). Provide details whether the offence related to conduct as a second-hand dealer or pawnbroker. |
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| 1. The BLA must be satisfied that special circumstances led to the offence. Describe any special circumstances that led to the offence. As well as your description, you may wish to attach documents evidencing the special circumstances (e.g. a report from a medical practitioner, a statutory declaration made by a person who can confirm the special circumstances). |
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| 1. The BLA must also be satisfied that it is not contrary to the public interest. Give your reasons why you think it would not be contrary to the public interest to grant you permission |
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### What to do next

If a disqualifying offence is the only reason you are applying for permission – go to the **Certification section** of this form

## Suspension, cancellation, and disqualification (if applicable)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Details of suspension, cancellation or disqualification | | | | | | | | | | |
| Type of licence, registration or permission (e.g. estate agent, builder, medical practitioner, second-hand dealer) | | | | | | | | | | |
| Date granted | |  | | | State in which granted (e.g. VIC. NSW etc) | | |  | | |
| Was the licence, registration or permission – suspended, cancelled or disqualified?  tick all applicable boxes | | | | | | | | | | |
| Suspended |  | | Cancelled | | |  | Disqualified | | |  |
| Date suspended |  | | | Length of suspension or disqualification | |  | | | Go to question **5.** on the next page | |

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| 1. Provide a description of why the licence, registration or permission was suspended, cancelled or disqualified and the events that led up to the suspension, cancellation or disqualification. As well as your description, you may wish to attach documents describing the events leading up to the suspension, cancellation or disqualification (e.g. court/tribunal documents describing the conduct). |
|  |
| 1. To grant permission, the BLA must be satisfied that special circumstances led to the suspension, cancellation or disqualification. Describe any special circumstances. As well as your description, you may wish to attach documents which evidence the special circumstances (e.g. a report from a medical practitioner, a statutory declaration made by a person who can confirm the special circumstances). |
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| 1. The BLA must be satisfied that that it is not contrary to the public interest. Give your reasons why you think it would not be contrary to the public interest to grant you permission. |
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**What to do next**

If a suspension, cancellation or disqualification is the only reason you are applying for permission – go to the Certification section of this form.

## Insolvent under administration or an externally administered company (if applicable)

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| --- | --- | --- | --- |
| 1. Give details of the insolvency or external administration | | | |
| Date occurred  dd/mm/yyyy |  | State in which occurred (e.g. VIC. NSW etc) |  |
| Provide a description of the events that led up to the insolvency or external administration | | | |
|  | | | |
| 2. To grant permission, the BLA must be satisfied that it is not contrary to the public interest to do so. You are invited to give your reasons why you think it would not be contrary to the public interest to grant you permission. | | | |
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| **What to do next**  If insolvency or administration is the only reason you are applying for permission – go to **Certification.** | | | |

## 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.

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

I understand that it is an offence under section 16(1) of the *Second-Hand Dealers and Pawnbrokers Act* *1989* for a person to knowingly make a false or misleading statement 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 BLA in writing as soon as I become aware of the change.

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| Signature |  | Name |  |
| Date |  |

## Attachments

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

Mark with X

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| 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 typed character references |  |
| 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 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. |  |
| If you are applying for permission due to being insolvent under administration or externally administered, you must provide:   * A copy of your Statement of Affairs (this can be obtained from the Trustee) * A letter from your prospective or current employer confirming that they are aware of your insolvency and will employ you if you are granted permission. * Any other supporting documentation including a copy of any debt agreement, deed of arrangement or personal insolvency agreement entered into by you in relation to your insolvency. * A copy of your individual and company (where applicable) tax return and notice of assessment for the past 2 financial years. * Where applicable, a copy of the financial statements of the company for the past 2 financial years. |  |

## 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