

Partner's Declaration

Form

Checklist

Please tick once you have completed these sections of the application form:

- Part A:** What we need to know about you
- Part B:** Declaration (Excluded Persons, Personal, and Financial Probity requirements)
- Part C:** National Police Check via online provider
- Part D:** Signature

How to submit your form:

Please fill out your form, sign and print a hard copy and submit your form.

Each partner of the partnership applying for registration must complete a separate Partner's Declaration Form. Additionally, each director will be required to complete a National Police Check.

Please attach the documents listed above to the 'Application for Registration' and submit to the VBA.

By mail:

Victorian Building Authority
GPO Box 536
Melbourne VIC 3001

By email:

buildingreg@vba.vic.gov.au

Or in person at the VBA:

Goods Shed North
733 Bourke Street
Docklands VIC 3008

Part A

WHAT WE NEED TO KNOW ABOUT YOU

The VBA must be satisfied that:

- each partner applying to be registered as a building practitioner; and
- the partnership,

is a fit and proper person having regard to the personal and financial probity requirements set out in sections 171D and section 171E of the *Building Act 1993*.

To assist the VBA in assessing whether you are a fit and proper person, you must answer all of the questions in Part B of this form.

If you do not answer all of the questions, the determination of the application will be delayed.

Your first name

Your family name

Partnership name

Date of birth

ABN (Australian Business Number)

Partnership trading name

Contact phone number

Email

Are you registered as a building practitioner in Victoria?

Yes No

If **Yes**, specify the categories/classes of registration, your registration number and expiry date of registration below:

Category/ Class

Registration number

Expiry date of registration

Category/ Class

Registration number

Expiry date of registration

Category/ Class

Registration number

Expiry date of registration

Part B

DECLARATION

You must truthfully answer all of the following questions by ticking the appropriate boxes.

EXCLUDED PERSONS

If a partner of a partnership is an 'excluded person' as defined in 171F of the Act, then the application for registration **cannot be granted**. To assist the VBA in assessing the application, please answer all of the following questions. If you do not answer all of the questions, this will delay the determination of the application.

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(a) Are you or an associate ¹ currently disqualified by an order of a disciplinary body ² from applying for registration?		
(b) Have you or an associate previously held a building practitioner registration within Victoria or outside Victoria that was cancelled due to disciplinary action, and you or your associate are:		
i. currently disqualified from applying for registration; or		
ii. less than two years after the day the cancellation occurred if you or your associate were not disqualified		
(c) Have you applied for a building practitioner registration in Victoria, or a similar registration ³ in another jurisdiction, within the last two years and the application was refused because you provided false and misleading information?		
(d) Are you a represented person under the <i>Guardianship and Administration Act 1986</i> ?		

PERSONAL PROBITY

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(a) Were you convicted or found guilty of any offence involving fraud, dishonesty, drug trafficking or violence?		
(b) Were you convicted or found guilty of an offence under any law regulating building work or building practitioners?		
(c) Do you have any registration, licence, approval, certificate or other type of authorisation as a building practitioner suspended or cancelled for any reason other than your failure to renew this authorisation?		
(d) Were you convicted or found guilty of an offence ⁴ involving:		
i. misleading conduct in relation to goods or services		
ii. false or misleading representation in relation to goods or services		
iii. bait advertising		
iv. accepting payment without intending or being able to provide services or goods		
v. harassment or coercion in connection to goods, services, payment of goods or services or the sale, grant (or possible sale or grant) of interest in land, or payment for interest in land.		
(e) Has a court or the Victorian Civil and Administrative Tribunal (VCAT) subjected you to an order that you failed to comply with within the period required by the court or VCAT, where the order was issued under:		
☒ the <i>Building Act 1993</i> or regulations under that Act?		
☒ the <i>Domestic Building Contracts Act 1995</i> or the regulations under that Act?		

¹ Associate means someone who exercises significant influence over you or your business
² Meaning the Building Practitioner Board, Building Appeals Board, Victorian Civil and Administrative Tribunal or the VBA
³ Similar registration means a registration, licence, approval, certificate or other form of authorisation under a corresponding Act that corresponds to a relevant registration
⁴ Offences as defined in the following legislation: section 10, 11, 12, 17, 19 or 21 of the *Fair Trading Act 1999*, section 53, 55, 55A, 56, 58 or 60 of the *Trade Practices Act 1974* (Cth), section 29, 33, 34, 35, 36, 50, 151, 157, 158 or 168 of the *Australian Consumer Law* (Victoria), section 29, 33, 34, 35, 36, 50, 151, 157, 158 or 168 of Schedule 2 to the *Competition and Consumer Act 2010* (Cth)

Part B Continued

FINANCIAL PROBITY

You must truthfully answer all of the following questions by ticking the appropriate box.

YES	NO
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(a) Are you or have you ever been an insolvent under administration?

<input type="checkbox"/>	<input type="checkbox"/>
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(b) Are you, or have you ever been, disqualified from managing corporations⁵?

<input type="checkbox"/>	<input type="checkbox"/>
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(c) Has an insurer ever declined, cancelled, or imposed special conditions on any indemnity insurer related to your work as a building practitioner in Victoria or in an equivalent building occupation in another State or Territory?

<input type="checkbox"/>	<input type="checkbox"/>
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(d) Do you (personally or as company director) have any outstanding judgment debt:

- i. for amounts recoverable by an insurer under a policy of insurance for domestic building work⁶ that has not been satisfied within the period required to do so?
- ii. owed to the VBA as a debt due under this Act that has not been satisfied within the period required to do so?
- iii. in relation to a domestic building dispute that has not been satisfied within the period required to do so?

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

(e) Do you (personally or as company director) have any outstanding amounts payable, either under a dispute resolution order⁷ or a Victorian Civil and Administrative Tribunal order in relation to a domestic building dispute, that has not been paid within the period required by the order?

<input type="checkbox"/>	<input type="checkbox"/>
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f) Do you (personally or as company director) have any outstanding unpaid adjudicated amount due to be paid under the *Building and Construction Industry Security of Payment Act 2002* if:

- i. the period for making an adjudication review application under that Act for that amount has expired, and if
- ii. an adjudication review application in relation to that amount was not lodged?

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

g) Have you ever been the director of a company when that company had any outstanding judgment debt or unpaid amount referred to in paragraph (d) and (e) and (f) above?

<input type="checkbox"/>	<input type="checkbox"/>
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If you answered **YES** to any of the questions relating to personal probity or financial probity, please provide details here:

What were the offences or breaches?

When did the event occur?

In which State or Territory did the event occur?

⁵ Under Part 2D.6 of the *Corporations Act 2001*

⁶ Referred to in section 137A or 137B of the *Building Act 1993*

⁷ Within the meaning of the *Domestic Building Contracts Act 1995*



Part B *Continued*

What were the circumstances of the event?

What penalty did you receive?

What have you done to prevent the event from occurring again?

If you require more room, please attach an additional page under the heading 'Personal/Financial Probity'



Part C

NATIONAL POLICE CHECK VIA ONLINE PROVIDER

To support your application, we require you to undertake a national police check. To apply, visit the [VBA police check portal](#) and follow the steps. Upon completion, fill out the declaration below.

I declare that I have completed an Australia Post police check, on date / /

Please note: You cannot provide a copy of your own criminal history check. If you do not complete the required police check, your application will be returned to you. Please use the above link to ensure you are not charged for this police check.

Part D

YOUR SIGNATURE

I declare that I am a partner of the partnership named in Part A of this form.

I declare that the information contained in this application, including attachments is true and correct

Full name of partner

Signature of partner

Date of signature

 / /

The information provided in a form must be true and correct. It is an offence under s246 of the *Building Act 1993* to give false or misleading information in relation to a form, and this offence carries a maximum penalty of 60 penalty units in the case of a natural person and 300 penalty units in the case of a body corporate. If you provide false or misleading information, we may refuse the form.

Privacy collection notice

How the VBA uses and discloses your personal information

The Victorian Building Authority (VBA) is collecting your personal information (including any images or photographs and any and all details provided in this form), to process your application. If you do not provide all or any part of the information requested in this form, the VBA may be unable to process and subsequently grant your application. The VBA may also use such information for the following purposes:

- (a) To enable the VBA to meet its statutory obligations, functions and perform its operational requirements.
- (b) Researching and assessing the merit and impact of proposed regulatory reforms and to assist in the development and delivery of services by the VBA (whether to you personally or a member of the public).
- (c) Law enforcement by the VBA or other regulatory bodies, including prosecutions or disciplinary action against you if required.
- (d) Maintaining disciplinary and licensing and registration registers for building and plumbing practitioners (published on the VBA's website).
- (e) Such other purposes as required by law or authorised under the privacy legislation.

The VBA may also share your personal information with third parties including, but not limited to, different business units within the VBA, the Building Appeals Board, Consumer Affairs Victoria, the Victorian Managed Insurance Authority, your insurer, other regulators (both in Victoria and interstate), your clients or customers and the VBA's staff and/or service providers who need to know such information to perform services for the VBA.

The VBA will only disclose your personal information to a third party claiming to act on your behalf (for example, an agent or interpreter) with your prior written consent, unless it is otherwise apparent that the third party has authority to act on your behalf.

You can request access to the personal information, the VBA holds about you. If you become aware that personal information the VBA holds about you is not accurate, complete or up to date, you can ask the VBA to correct it.

The VBA's full Privacy Policy and information about how to contact the VBA is available at www.vba.vic.gov.au/legal/privacy.