

DIRECTOR'S DECLARATION

PLEASE COMPLETE AND SUBMIT A DECLARATION FOR EACH DIRECTOR OF THE COMPANY SEEKING REGISTRATION.

✓ Checklist

Please tick once you have completed these sections of the Declaration:

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

Note: The information provided in an application 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 an application for registration, 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 your application.

How to submit your Director's Declaration Form

Please fill out your Director's Declaration Form electronically, then print and sign a hard copy.

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

Please attach the documents listed above to the **Application Form for Company Registration** and submit to the VBA.



Part A

WHAT WE NEED TO KNOW ABOUT YOU

- i** The VBA must be satisfied that:
- each director of a company applying to be registered as a building practitioner; and
 - the company, is a fit and proper 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 and C of this form.

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

Your details

Your first name

Your family name

Company name

Date of birth

ACN (Australian Company Number)

Email

Mobile phone number

Work phone number

Director's Identification Number (DIN)

For information regarding DIN's, please see the [Australian Business Registry Services website](#)

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

If you require more room, please attach an additional page.

Part B

DECLARATION

! You must answer yes or no to all of the following personal probity, financial probity and excluded person questions by ticking the appropriate box

Personal Probity

- (a) Have you, within the last 10 years, been convicted or found guilty (whether in Victoria or outside Victoria) of any offence involving fraud, dishonesty, drug trafficking or violence where that offence is punishable by imprisonment for 6 months or more? Yes ☐ No ☐
- (b) Have you, within the last 10 years, been convicted or found guilty (whether in Victoria or outside Victoria), of an offence under any law regulating building work or building practitioners? Yes ☐ No ☐
- (c) Have you, within the last 10 years, had any registration, licence, approval, certificate or other authorisation as a building practitioner suspended or cancelled (whether in Victoria or outside Victoria), for any reason other than a failure by the person to renew the registration, licence, approval, certificate or other authorisation? Yes ☐ No ☐
- (d) Have you, within the last 10 years, been convicted or found guilty of an offence (whether in Victoria or outside Victoria), against—
- (i) section 10, 11, 12, 17, 19 or 21 of the *Fair Trading Act 1999*? Yes ☐ No ☐
- (ii) section 53, 55, 55A, 56, 58 or 60 of the *Trade Practices Act 1974* (Cth)? Yes ☐ No ☐
- (iii) section 29, 33, 34, 35, 36, 50, 151, 157, 158 or 168 of the Australian Consumer Law (Victoria)? Yes ☐ No ☐
- (iv) section 29, 33, 34, 35, 36, 50, 151, 157, 158 or 168 of Schedule 2 to the *Competition and Consumer Act 2010* (Cth)? Yes ☐ No ☐
- (e) Have you, within the last 10 years, been subject to an order of a court or the Victorian Civil and Administrative Tribunal (VCAT) under the following enactments that have not been complied with within the period required by the court or VCAT—
- (i) the *Building Act 1993* or regulations under that Act? Yes ☐ No ☐
- (ii) the *Domestic Building Contracts Act 1995* or the regulations under that Act? Yes ☐ No ☐

Part B *Continued*

Financial Probity

- (a) Are you, or have you ever been an insolvent under administration? Yes ☐ No ☐
- (b) Are you currently, or have you ever been, disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*? Yes ☐ No ☐
- (c) Has an insurer ever declined, cancelled, or imposed special conditions in relation to, the provision of professional indemnity insurance, public liability insurance or any other indemnity insurance in relation to you in relation to your work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory? Yes ☐ No ☐
- (d) Do you have outstanding:
- (i) any judgment debt for an amount recoverable by an insurer under a policy of insurance for domestic building work referred to in section 137A or 137B of the *Building Act 1993* that has not been satisfied within the period required for satisfaction of that debt? Yes ☐ No ☐
- (ii) any judgment debt for an amount owed to the VBA as a debt due under this Act that has not been satisfied within the period required for satisfaction of that debt? Yes ☐ No ☐
- (iii) any judgment debt for an amount payable in relation to a domestic building dispute that has not been satisfied within the period required for satisfaction of that debt? Yes ☐ No ☐
- (iv) any amount payable under any dispute resolution order (within the meaning of the *Domestic Building Contracts Act 1995*) or a Victorian Civil and Administrative Tribunal (VCAT) order requiring the payment of an amount in relation to a domestic building dispute that has not been paid within the period required for compliance with that order? Yes ☐ No ☐
- (v) any unpaid adjudicated amount due to be paid under the *Building and Construction Industry Security of Payment Act 2002* if—
- (1) the period for making an adjudication review application under that Act in relation to that amount has expired; and Yes ☐ No ☐
- (2) the practitioner has not made an adjudication review application in relation to that amount within that period? Yes ☐ No ☐
- (vi) Are you a Director of a company that has outstanding any judgment debt or unpaid amount referred to in paragraph (d)? Yes ☐ No ☐
- (vii) Have you been a Director of a company that had outstanding any judgment debt or unpaid amount referred to in paragraph (d) above at the time you were a Director? Yes ☐ No ☐

Part B *Continued*

- ✔ If you answered **YES** to any of the questions listed in Part B 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?

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 need more room, attach an additional page to this form.

Part B Continued

FINANCIAL PROBITY continued

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

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|-----|----|
| YES | NO |
|-----|----|

(g) Have you performed any of the following roles for a company (or companies) within two years of that company (or companies) going into external administration?

- Director
- Secretary
- Influential person

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Definitions

'Influential person' means, in relation to a company, a natural person (other than a director or secretary of the company), who is in a position to control or substantially influence the company's conduct.

'External administration' occurs when (a) a liquidator or provisional liquidator has been appointed; (b) the company is under administration; or (c) a deed of company arrangement (DOCA) has been entered into. For the purposes of this form, a company is not under external administration merely because a receiver and manager or other controller has been appointed.

If you answered **Yes** to the declaration above, please complete the [External Administration Declaration form](#). If the declaration relates to multiple companies, please complete separate forms for each company.

If you answered **No** to the declaration above, continue to **Part C** of this application form.

Part C

EXCLUDED PERSONS

The VBA cannot grant an application for company registration if a director of the company is an 'excluded person' as defined in s171F of the *Building Act 1993*.

To assist the VBA in assessing the application for company registration, please answer all of the following questions. If you do not answer all of the questions, this will delay the determination of the application.

- (a) Are you currently disqualified by an order of a disciplinary body (meaning the Building Practitioner Board, the Building Appeals Board, Victorian Civil and Administrative Tribunal (VCAT) or the VBA) from applying for registration? Yes ☐ No ☐
- (b) Have you previously held a building practitioner registration in Victoria that was cancelled by a disciplinary body, or have you been disqualified from applying for a new registration, and the disqualification period has not ended? Yes ☐ No ☐
- (c) Have you previously held a similar registration¹ in another jurisdiction (for example a State or Territory) that was cancelled due to disciplinary action and either:
- (i) the disqualification period has not ended? Yes ☐ No ☐
- (ii) it is less than 2 years after the day the cancellation occurred if you were not disqualified? Yes ☐ No ☐
- (d) Have you applied for a building practitioner registration in Victoria, or a similar registration¹ in another jurisdiction, within the last 2 years and the application was refused because you provided false and misleading information? Yes ☐ No ☐
- (e) Has an associate² held a building practitioner registration in Victoria that was cancelled by a disciplinary body, or have they or you, been disqualified from applying for a new registration, and the period of disqualification has not ended? Yes ☐ No ☐
- (f) Has an associate² previously held a similar registration in another jurisdiction that was cancelled due to disciplinary action taken by a disciplinary body and either;
- (i) the disqualification period has not ended? Yes ☐ No ☐
- (ii) it is less than 2 years after the day the cancellation occurred if they were not disqualified? Yes ☐ No ☐
- (g) Are you a represented person under the *Guardianship and Administration Act 1986*? Yes ☐ No ☐

1. **Similar registration** means a registration, licence, approval, certificate or other form of authorisation under a corresponding Act that corresponds to a relevant registration.

2. **Associate** means someone who exercises significant influence over you or your business.

Part D

COMPLETE YOUR 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 a Cited police check, on date: / /

Please note: If you do not utilise the above link to complete your police check, you will be charged. If you do not complete your police check, your application will be returned to you.

Part E

YOUR SIGNATURE

☐ I declare that I am a director of the company 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 director

Signature of director

Date of signature

 / /

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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.