

Partner's Declaration

Form

Checklist

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

Part A: About You (the partner)

Part B: Declaration

Part C: Criminal History Check via online provider

Part D: Your Signature

How to submit your application

Please fill out, attach appropriate requirements and submit:

By mail:

Building and Plumbing Commission
GPO Box 19, 242 Exhibition Street
Melbourne VIC 3000

By email:

buildingreg@bpc.vic.gov.au

Applications submitted via email should be in .pdf format (all pages in a single document), and not .jpeg, .png or individual pages.

Or in person at the BPC:

Building and Plumbing Commission
Level 19, 242 Exhibition Street
Melbourne VIC 3001



Part A - About You

The BPC must be satisfied:

- each partner applying to be registered, and
- the partnership

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

To assist BPC 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, your application will be delayed.

* Information you must supply

Your contact details

Title:*

Mr Mrs Ms Miss Other

First name*

Surname*

Partnership name*

Date of birth*

ABN (Australian Business Number)*

Partnership trading name*

Email*

Mobile number*

Any current registrations?

Are you currently registered or licensed as a building practitioner in Victoria in any category or class of building practitioner?

NO YES

If Yes, please enter your registration number/s



Part B - Declaration

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

Excluded persons

Yes

No

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

a) Are you or an associate¹ currently disqualified by an order of a disciplinary body² 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 registration³ 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 *Guardianship and Administration Act 1986*?

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 BPC.

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



Personal probity

Yes

No

Within the last 10 years (whether in Victoria or outside Victoria):

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) Did 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 offence⁴ 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

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:

i. the Building Act 1993 or regulations under that Act?

ii. the *Domestic Building Contracts Act 1995* of the regulations under the Act?

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)*.



Financial probity

Yes

No

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

a) Are you, or have you ever been, an insolvent under administration?

b) Are you, or have you ever been, disqualified from managing corporations⁵

c) Has an insurer ever declined, cancelled, or imposed special conditions on any indemnity insurance related to your work as a building practitioner in Victoria or in an equivalent building occupation in another State or Territory?

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 BPC as a debt due under this Act that has not been satisfied in 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?

iv. accepting payment without intending or being able to provide services or goods

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?

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

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*



Financial probity (continued)

Yes

No

ii. an adjudication review application in relation to that amount was not lodged?

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?

If you answered **Yes** to any of the questions relating to personal probity or financial probity, please provide details here:

1) What were the offences or breaches?

2) When did the event occur?

3) In which State or Territory did the event occur?

4) What were the circumstances of the event?



6) What penalty did you receive?

7) 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'.

Financial probity (continued)

Yes

No

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

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

• Director

• Secretary

• Influential person

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 the next section of this form.



Part C - Criminal History Check via Online Provider

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

I declare that I have completed a Cited criminal history check, on date:

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

Part D - Your Signature

Signature

Date of signature

The information provided in this 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 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.



Privacy Collection Notice

How the BPC uses and discloses your personal information.

The Building and Plumbing Commission (BPC) 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 BPC may be unable to process and subsequently grant your application. The BPC may also use such information for the following purposes:

- (a) to enable the BPC to meet its statutory obligations or functions;
- (b) monitoring compliance with the Act and associated regulations and standards;
- (c) research, planning, to meet the BPC's operational requirements, assessing the merit and impact of proposed regulatory reforms and to assist in the development and delivery of services by the BPC;
- (d) such other purposes as required by law or authorised under the privacy legislation.

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

The BPC will only disclose your personal information to a third party claiming to act on your behalf (for example, your solicitor 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 which the BPC holds about you. If you become aware that personal information the BPC holds about you is not accurate, complete or up to date, you can ask the BPC to correct it.

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