



Government of **Western Australia**
Department of **Commerce**
Consumer Protection

Application for a Motor Vehicle Dealer's Licence

Partnership (firm) or Body Corporate (company)

Please note that all supporting documents required to be lodged with this application can be copies certified as true copies of the original. If original documents are lodged they will not be returned.

A list of occupations that are authorised to witness and certify documents can be found at www.commerce.wa.gov.au/CP/authorisedwitness.

Department of Commerce
Consumer Protection

Licensing Advice Line
Telephone: 1300 30 40 64

Overseas callers: +61 (8) 9282 0459

Fax:
(08) 9282 0861

(8.30 – 5.00 Weekdays)
(Closed Public Holidays)

Licensing Branch

Ground Floor
Forrest Centre
219 St Georges Terrace
PERTH

Postal

Licensing Branch
Consumer Protection
Department of Commerce
Locked Bag 14
CLOISTERS SQUARE
PERTH WA 6850

Email

licensingenquiries@commerce.wa.gov.au

APPLICATION FEE
\$1624 plus \$812 for each
additional premises

Website:

www.commerce.wa.gov.au/CP/Licences

A2873570

GENERAL INFORMATION

PLEASE READ CAREFULLY BEFORE COMPLETING THE APPLICATION FORM.

1. WHO NEEDS TO APPLY FOR A LICENCE

Anyone who carries on any class or description of the business of buying or selling vehicles in Western Australia is required to be licensed as a dealer under the *Motor Vehicle Dealers Act 1973*. This includes a business consisting of buying vehicles for wrecking, financing, auctioning, hiring or acting as an agent.

The types of vehicles for which a person must hold a motor vehicle dealer's licence to buy or sell includes:

- passenger vehicles
- commercial vehicles
- motorcycles/scooters
- caravans
- trucks
- campervans
- four wheel drive vehicles

Please note that a licence can only be issued to legal 'persons' (individuals or bodies corporate) and cannot be issued to a business name and/or a trust.

2. REGISTRATION OF A COMPANY AND/OR BUSINESS NAME

If the application is in the name of a company you must ensure that the company (body corporate) is **registered** in accordance with the requirements of the Australian Securities and Investment Commission. Although you are not required to submit proof of the registration, a search of the Company Names Register will be carried out to verify the registration and the names of the office holders. A licence cannot be issued until the company's registration is confirmed.

Any business name(s) that the applicant entity intends to use when trading must also be **registered**. The National Business Names Register will be checked to verify registration and ownership. A licence may not be issued until registration of a business name in the name of the applicant is confirmed.

You do not need to register a business name if you intend to trade under the names of the members of the partnership only, or in the case of a company the name of the company only.

To register a company or business name you should contact the:

Australian Securities and Investment Commission
Level 3, 66 St Georges Terrace Perth. Telephone: 1300 300 630
Website: www.asic.gov.au

3. FALSE AND MISLEADING INFORMATION

All partners/directors **must** complete and sign the authorisation and declaration.

It is important to note that all the information and documents lodged in support of the application must be complete and accurate. Providing false or misleading information is an offence under the *Motor Vehicle Dealers Act 1973*.

By signing the declaration on the application form you are confirming that you understand you can be found guilty of a criminal offence if any information is false or misleading in a material particular.

4. BUSINESS PREMISES INFORMATION

To be granted a licence a dealer must have suitable premises for the intended type of business.

Each entity applying for a licence is required to **submit written approval and details of any special conditions or restrictions imposed by the local government authority** in respect of each of the premises specified in this application.

5. KNOWLEDGE OF THE *MOTOR VEHICLE DEALERS ACT 1973*

As one of the prerequisites to becoming a licensed dealer, the Commissioner must be satisfied that at least one partner or director understands fully the duties and obligations imposed by the Act on dealers, yard managers and salespersons.

To satisfy this requirement, generally at least one partner/director (qualifying person) must have successfully completed the **Dealer/Yard Manager Licence Requirements Course**. This requirement will depend on the qualifying person's previous experience or current licence status as detailed below.

- If a person has never been licensed under the *Motor Vehicle Dealers Act 1973*, or is currently licensed as a Salesperson, that person must complete the course.
- If the person is currently licensed as a Yard Manager, or has held a Yard Manager's Licence within the last 5 years, there is no requirement to complete the course again.
- If the person was the qualifying person of a licensed dealership within the last 5 years, there is no need to complete the course again.

For a list of course providers, please visit www.commerce.wa.gov.au/CP/MVtraining.

Each partner/director that has undertaken the training should provide a copy of their completion Certificate with this application. **If a partner/director (apart from the qualifying person) has not undertaken the required course, a condition will be imposed restricting that person from engaging in the buying or selling of vehicles without the prior approval of the Commissioner.**

6. 'FITNESS' TO HOLD A LICENCE – NATIONAL POLICE CERTIFICATES

The Commissioner for Consumer Protection must be satisfied that each person proposed to be involved in the management or control of a licensed dealership is of 'good character and repute' and a 'fit and proper person'.

All Australian citizens, permanent residents and anyone currently residing in Australia.

A National Police Certificate for each natural person (partner or director) that is an Australian citizen, permanent resident or currently residing in Australia is required to assist the Commissioner in determining the fitness of the applicant to hold a licence. The certificate/s must be no more than three (3) months old at the time of application.

Applications for National Police Certificates can be made in person at participating Australia Post outlets in Western Australia (please see www.police.wa.gov.au for further information), or online from the Australian Federal Police at www.afp.gov.au.

If a relevant partner/director resides outside of Western Australia they should contact their nearest local police station.

Individuals who have previously resided overseas and/or new residents to Australia.

In addition to the Australian National Police Certificate, if any partner or director has not resided in Australia continuously for the three (3) years immediately prior to this application, a police clearance from their last place of long-term residence is required (translated into English if required).

If a police clearance from the partner/director's previous country of residence was required to obtain a visa to enter Australia, a request for a certified copy of that clearance can be made to the Department of Immigration and Citizenship under the provisions of Freedom of Information (FOI) legislation. To lodge a FOI application to obtain a copy of the police certificate you should contact the

Department of Immigration and Citizenship.

Ground Floor, 836 Wellington Street, West Perth. Telephone: 131 881

Website: www.immi.gov.au.

Partner/Director's that are not Australian and living overseas.

A National Police Certificate is not required for a person that lives overseas and is not an Australian citizen or permanent resident.

7. FINANCIAL INFORMATION

The Commissioner must also be satisfied that an entity applying for a dealers licence has sufficient material and financial resources to enable it to comply with the requirements of the category of licence sought.

In order to assess this requirement, **the following information is required** to be provided

a) Credit history report

Rather than requiring that the applicant provides credit history report/s with the application, Consumer Protection will obtain the report/s on the applicant's behalf. The report/s assist in assessing whether the applicant has sufficient financial resources to enable it to meet its obligations under the Act. The report/s obtained will provide a 'snapshot' of the entity's credit history and other relevant matters and are equivalent to the report that is available to credit providers. You will be given the opportunity to provide additional information should a negative report be obtained. The report will be held by the Department as a confidential document and will only be released to third parties as required under law.

Where a company has been registered for less than 6 months, you must provide sufficient documentary evidence (for example: bank statements, loan documents, letter from Accountant etc) to satisfy the Commissioner that the new company has sufficient financial resources available to it.

b) Statement of Assets and Liabilities

A simple statement of assets, liabilities and net worth must be provided for the partnership or body corporate.

If the applicant is a **partnership** the combined assets and liabilities of the members of that partnership must be provided. If the applicant is a **company** only provide assets and liabilities owned by that entity, personal assets of company directors should not be included.

b) Sufficient resources declaration

The directors/partners must declare on behalf of the entity that they believe it has sufficient financial resources to comply with the requirements of the Act.

8. RELEVANT LEGISLATION

In addition to the *Motor Vehicle Dealers Act 1973* the following legislation administered by Consumer Protection also applies to your business.

Fair Trading Act 2010 (Australian Consumer Law) includes

- General protections against deceptive and unconscionable conduct, false or misleading representations and unfair contract terms;
- Guarantees for consumers as to acceptable quality of supplied goods, repairs and spare parts, remedies if goods are not acceptable, and a guarantee of a reasonable time for supply;
- Laws setting out rights relating to unsolicited consumer agreements;
- Product safety mandatory standards.

Retail Trading Hours Act 1987

- applies to retail shops in Western Australia south of the 26th parallel.
- sets the maximum hours a car yard is authorised to operate.

Further information:

For further information about general consumer protection legislation, please contact the Consumer Protection General Advice Line on 1300 30 40 64 or email consumer@commerce.wa.gov.au.

The Small Business Development Corporation is also available to assist small businesses through its Specialist Advice Service on 131 249 or by visiting www.smallbusiness.wa.gov.au.

Western Australian Legislation is available from the [State Law Publisher](#).

10 William Street, Perth, telephone: (08) 6552 6000
Website: www.slp.wa.gov.au.

INFORMATION REQUIRED

PLEASE COMPLETE APPLICATION FORM FULLY AND ACCURATELY.

1. NAME OF THE APPLICANT & TRADING NAME DETAILS, FOR THE LICENCE

a. Name of Entity applying

.....
eg. Fred & Mary Smith (firm or partnership) or Smith Pty Ltd (body corporate)

b. Business Name/s under which Entity intends to trade (if applicable)

.....
eg. Smith Motors

2. CATEGORY OF LICENCE

Please circle each category for which you are applying.	A	Buying, selling and auctioning vehicles other than motorcycles, caravans or campervans.
	B	Buying, selling and auctioning of motorcycles.
	C	Buying, selling and auctioning of caravans and campervans.
	D	Buying any vehicle for the purpose of dismantling them and selling off the parts.
	E	Acting as an agent to facilitate the selling and purchase of any vehicles on behalf of members of the public.
	F	Hiring out vehicles, buying vehicles for hiring out, and selling and auctioning any vehicles that have been hired out by the dealer.

Are you applying for a licence restricted to 'Wholesale Only'?

Yes or No

Wholesale dealing means selling vehicles only to persons or entities that are motor vehicle dealers or motor vehicle trade-owners, but may include the acquisition of vehicles from any source. The Commissioner will impose additional conditions on a licence where the business intends to wholesale motor vehicles and operates from a home-office.

3. CONSIGNMENT SALES

Will you be accepting vehicles for sale on consignment?

Yes or No

Selling vehicles on consignment means selling a vehicle (including by auction) for a person who is not a dealer or trade owner.

If **'yes'**, you will be required to inform the Commissioner about the details of the trust account as well as the name of your registered auditor, and you agree to be audited by Consumer Protection at any reasonable time. **The required forms will be sent to you to complete if the licence is granted.**

If you answer **'No'** to this question and the application is granted, a condition to prohibit the sale of vehicles on consignment will be imposed.

INFORMATION REQUIRED

4. DETAILS OF THE RELEVANT OFFICERS - (Partners and/or directors)

PERSON 1

Full Name	.....
Residential address	..... .....
Date of birth	.....
Place of Birth	.....
If born overseas, how long have you lived in Australia?	..... (years) <i>If you have not resided in Australia continuously for the last <u>three (3) years</u>, you are required to provide further information regarding any criminal history. Please see page 3.</i>	
Are you an Australian Citizen/permanent resident or do you have a visa that permits you to work in Australia?	Yes / No	If no, attach details of your residency status.
Contact telephone number	.....
Email Address	.....
Type of qualification (salesperson or yard manager/dealer)	.....
Course provider and date of course (If applicable, attach completion certificate)	.....
Current/previous licence number(s) held	.....
Role in business (director, partner)	.....
Will you be actively involved in running the dealership?	Yes / No	

PERSON 2

Full Name	.....
Residential address	..... .....
Date of birth	.....
Place of Birth	.....
If born overseas, how long have you lived in Australia?	..... (years) <i>If you have not resided in Australia continuously for the last <u>three (3) years</u>, you are required to provide further information regarding any criminal history. Please see page 3.</i>	
Are you an Australian Citizen/permanent resident or do you have a visa that permits you to work in Australia?	Yes / No	If no, attach details of your residency status.
Contact telephone number	.....
Email Address	.....
Type of qualification (salesperson or yard manager/dealer)	.....
Course provider and date of course (If applicable, attach completion certificate)	.....
Current/previous licence number(s) held	.....
Role in business (director, partner)	.....
Will you be actively involved in running the dealership?	Yes / No	

INFORMATION REQUIRED

PERSON 3

Full Name	.....
Residential address	..........
Date of birth	.....
Place of Birth	.....
If born overseas, how long have you lived in Australia?	..... (years) <i>If you have not resided in Australia continuously for the last <u>three (3) years</u>, you are required to provide further information regarding any criminal history. Please see page 3.</i>
Are you an Australian Citizen/permanent resident or do you have a visa that permits you to work in Australia?	Yes / No <i>If no, attach details of your residency status.</i>
Contact telephone number	.....
Email Address	.....
Type of qualification (salesperson or yard manager/dealer)	.....
Course provider and date of course (If applicable, attach completion certificate)	.....
Current/previous licence number(s) held	.....
Role in business (director, partner)	.....
Will you be actively involved in running the dealership?	Yes / No

PERSON 4

Full Name	.....
Residential address	..........
Date of birth	.....
Place of Birth	.....
If born overseas, how long have you lived in Australia?	..... (years) <i>If you have not resided in Australia continuously for the last <u>three (3) years</u>, you are required to provide further information regarding any criminal history. Please see page 3.</i>
Are you an Australian Citizen/permanent resident or do you have a visa that permits you to work in Australia?	Yes / No <i>If no, attach details of your residency status.</i>
Contact telephone number	.....
Email Address	.....
Type of qualification (salesperson or yard manager/dealer)	.....
Course provider and date of course (If applicable, attach completion certificate)	.....
Current/previous licence number(s) held	.....
Role in business (director, partner)	.....
Will you be actively involved in running the dealership?	Yes / No

Please add a sheet of paper with further details if there are more than four (4) partners or directors.

INFORMATION REQUIRED

5. PREMISES AND STAFF

You must provide local government approval for all premises from which you intend to operate. If you will be trading in second-hand vehicles any storage premises must also be included. If you wish to trade from more than three (3) premises please provide full details on a separate sheet.

Principal place of business	Address	
Yard Manager or (person in control of the day-to-day operation)	Name	
	Licence Number	MY
Additional premises	Address	
Yard Manager or (person in control of the day-to-day operation)	Name	
	Licence Number	MY
Additional premises	Address	
Yard Manager or (person in control of the day-to-day operation)	Name	
	Licence Number	MY

Postal address		
Name of person we can contact about this application	Name	
	Telephone number	
	Fax number	
	Email address	
Company applicants, please provide	Registered address	
	Secretary	

6. DETAILS OF APPLICANT'S FINANCIAL STANDING

To enable the financial viability assessment to be undertaken please complete the following. Only provide the assets and liabilities of the partnership or the company that is applying for the licence.

Assets	\$
Liabilities	\$
Net worth	\$

Does the applicant believe that it has sufficient financial resources to enable it to carry on the business as a motor vehicle dealer and to comply with the requirements of the *Motor Vehicle Dealers Act 1973*?

Yes or No

INFORMATION REQUIRED

7. 'FITNESS' AND 'CHARACTER' OF APPLICANT'

You must attach an original National Police Certificate that is less than three (3) months old for each director or partner.

Please answer either 'Yes' or 'No' to the following questions.

Has/is the <u>entity</u> , or any partner or director of the applicant:	Yes or No
(a) been convicted of, or found guilty of, any offences including convictions which resulted in a suspended sentence? <i>(Include all offences which went to Court, including traffic offences. Do not include spent convictions.)</i>	
(b) aware of any legal proceedings pending against you for an offence, including proceedings by way of appeal or review?	
(c) been the subject of any adverse finding by a Government Board, Tribunal or Agency, e.g. the Corruption and Crime Commission?	
(d) had any occupational licence or application refused, cancelled or suspended?	
(e) been disqualified from holding any occupational licence?	
(f) been subject to any disciplinary action by a licensing authority?	
(g) had any investigations or legal proceedings commenced against you or an associated entity, which may/did result in action being taken in relation to an occupational licence currently held?	
(h) been known by any other name?	
(i) in liquidation, under official management or an undischarged bankrupt?	
(j) having affairs administered under any bankruptcy laws?	
(k) a director of a corporation, which has been subject to any form of insolvency administration?	

If the answer to any of the above items was 'Yes', full details, including the circumstances surrounding the matter, must be provided in a separate attached document or letter.

8. AUTHORISATION AND DECLARATION

(All partners/directors must complete – if there are more than 4 partners/ directors please copy)

In order to assist with the determination of this application, I authorise the Commissioner, or persons so directed, to obtain on my behalf any document, record, file or information that may be necessary and relevant to consider my fitness and propriety to hold a licence, including but not limited to records relating to my criminal history, current/previous occupational licences and other relevant information.

Further, I declare that the information and documents given with or in support of this application, whether or not provided at the time of or subsequent to lodgement, are true and correct. I understand that providing a false or misleading statement in an application is an offence.

Entity applying for the licence:

Full Name: Full Name:

Signature: Signature:

Date: Date:

Full Name: Full Name:

Signature: Signature:

Date: Date:

CHECK COMPLETION AND PAYMENT DETAILS

An incomplete application cannot be processed. Have you:

X

<input type="checkbox"/> completed all of the relevant sections of the application form ?	
<input type="checkbox"/> attached the correct fee ?	
<input type="checkbox"/> provided the relevant Police Clearance/s , not more than 3 months old for all directors/partners?	
<input type="checkbox"/> attached the Dealer/Yard Manager Licence Requirements Course Certificate/s ?	
<input type="checkbox"/> attached the required supporting financial information (if a company is less than 6 months old)?	
<input type="checkbox"/> obtained written approval from the local government authority with regard to all premises and provided a copy with this application?	
<input type="checkbox"/> had all directors/partners sign the authority and declaration ?	
<input type="checkbox"/> checked to make sure that the application form is complete and that you have provided all relevant supporting documents ?	

PAYMENT

If granted, licences are issued for a period of up to three (3) years.

For applications lodged between 1 July 2014 and 30 June 2015 the relevant fee is **\$1,624**, plus **\$812** for each additional premises, which is payable at the time of lodging this form. Part payments cannot be accepted.

Fees are non-refundable, are exempt from the GST and are subject to change without notice.

Cheques should be made payable to the Commissioner for Consumer Protection. If paying by credit card, please complete the credit card payment details section below.

LODGING THE APPLICATION

You may lodge the application and pay the fee:

By post addressed to:

Licensing Branch
Consumer Protection
Department of Commerce
Locked Bag 14
Cloisters Square
PERTH WA 6850

In person at:

Department of Commerce
Consumer Protection
Ground Floor
219 St Georges Terrace
PERTH

Licensing staff are available at this office to check your application at lodgement.

In person at:

Department of Commerce
Consumer Protection
Unit 4, 321 Selby Street
OSBORNE PARK

Applications lodged at this office will not be checked at the counter.

CREDIT CARD PAYMENT DETAILS - Application for Motor Vehicle Dealer's Licence

Card Type Visa Mastercard (Only Visa and Mastercard accepted)

Card Number

Card Holder Please print

Expiry Date / Amount \$

Signature / Authorisation Date