



Application for Motor Vehicle Dealers Licence – Individual (Sole Trader)

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Checklist

Your application can only be processed if **ALL** of the relevant information and supporting documentation is provided. Use this checklist to ensure that you complete all parts of your application and have all necessary supporting documents ready to attach. Please check that:

- all sections of this form are complete;
- your Australian police check from an approved provider is ready to attach;
- a copy of the certificate issued upon your successful completion of the Dealer/Yard Manager Licence Requirements Course is ready to attach; and
- payment of the prescribed fee is ready to be made.

Duration of licence

If granted, your Motor Vehicle Dealer's Licence will be issued for a period of up to three (3) years.

Application fee

A fee is payable at the time of lodging the application and depends on the number of premises from which you intend to operate. Please refer to our website at www.commerce.wa.gov.au/CP/licensingfees for the current prescribed fees. The fee is non-refundable, exempt from the GST and subject to change without notice. Part payment cannot be accepted. Cheques should be made payable to the Commissioner for Consumer Protection.

If you are submitting this form online, you will be able to make payment using the Department's secure payment gateway.

If you are submitting this form by post and are making payment by credit card, you must also complete the Application Payment Form available at www.commerce.wa.gov.au/publications/licensing-application-payment-form and attach it to your application.

Lodgement options

You may lodge your completed application **ONLINE** or:

In person

Customer Service
Level 1, Mason Bird Building, 303 Sevenoaks Street
CANNINGTON
Hours: 8:30am to 4:30pm, Monday to Friday

By post

Licensing Services
Department of Mines, Industry Regulation and Safety
Locked Bag 100
EAST PERTH WA 6892

Enquiries

Licensing Advice Line: 1300 304 064
Overseas Callers: +61 8 6251 2931
General Enquiries: 1300 304 054
Email: cplicensing@dmirs.wa.gov.au
Web Site: www.commerce.wa.gov.au/CP/licences

Office use only

Total fee	Department code	Chart description
\$	MD	<input type="checkbox"/> Dealer New Application 1 or first premise (Additional Premises) – Total: <input type="text"/> <input type="checkbox"/> Dealer each subsequent premises new

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General information - 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 or hiring. 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/camper trailers
- trucks/utes
- 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.

Fitness to hold a motor vehicle dealer's licence

The Commissioner for Consumer Protection must be satisfied that you are of 'good character and repute' and a 'fit and proper person' to hold a licence.

National Police Certificate

All Australian citizens and permanent residents must submit an Australian police check.

To assist the Commissioner in determining your fitness to hold a licence an original or certified copy of an Australian police check must be lodged in support of your application. The certificate must be no more than three (3) months old at the time of application.

An application for a National Police Certificate is available from the WA Police by visiting www.police.wa.gov.au or approved police check providers are listed at www.commerce.wa.gov.au/CP/policechecks. If you reside outside of Western Australia please contact your nearest local police station.

Applicants that are not Australian and living overseas

An Australian police check is not required for a person that lives overseas and is not an Australian Citizen or Permanent Resident.

Registration of business name

Any business name(s) that you intend to use when trading must be **registered**. Although you do not need to submit proof, 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 only your own first name and surname.

To register a 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.

False and misleading information

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.

Return of original documents

The Department does not return documents submitted with applications. If you need a copy of your application or attached documents, please make a copy before you submit your application.

Knowledge of the *Motor Vehicle Dealers Act 1973*

As one of the prerequisites to becoming a licensed dealer, the Commissioner must be satisfied that you understand fully the duties and obligations imposed by the Act on dealers, yard managers and salespersons.

To satisfy this requirement, generally a person must have successfully completed the **Dealer/Yard Manager Licence Requirements Course**. A copy of your completion Certificate must be lodged with this application. This requirement will depend on the applicant's previous experience or current licence status as detailed below.

- If you have never been previously licensed under the *Motor Vehicle Dealers Act 1973* or are currently licensed as a Salesperson, you must complete the course.
- If you are currently licensed as a Yard Manager, or have held a Yard Manager's Licence within the last 5 years, you do not need to complete the course again.
- If you were the qualifying partner/director (the person that had knowledge of the Act to enable a dealer's licence to be issued) 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.

Financial information

The Commissioner must also be satisfied that an entity applying for a dealer's licence has sufficient material and financial resources to enable it to comply with the requirements of the category of licence being sought. In order to assess this requirement, **the following information is required** to be provided.

a) Credit history report

Rather than requiring that you provide a credit history report with your application, Consumer Protection will obtain one on your behalf. The report assists in assessing whether you have sufficient financial resources to enable you to meet your obligations under the Act. The report obtained will provide a 'snapshot' of your credit history and other relevant matters and is 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.

b) Statement of Assets and Liabilities and supporting document/s

A simple statement of your assets, liabilities and net worth must be provided.

c) Sufficient resources declaration

You must declare that you believe you have sufficient financial resources to comply with the requirements of the Act.

Relevant legislation

In addition to the *Motor Vehicle Dealers Act 1973* and Regulations, 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 304 054 or email consumer@dmirs.wa.gov.au

The Small Business Development Corporation is also available to assist small businesses through its Specialist Advice Service on 133 140 or by visiting www.smallbusiness.wa.gov.au.

Western Australian Legislation is available from the Department of Justice at www.legislation.wa.gov.au.

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Details of applicant

Salutation: Mr Mrs Ms Other, please specify:

Family name: First name:

Other name(s): Date of birth: / / You must have reached the age of 18 years of age to be eligible for this licence.

Place of birth (town/city): Place of birth (country):

Contact details

Phone (mobile): Email address:

We use email and SMS for contact purposes and to send courtesy renewal reminders, so it is important that you notify the Commissioner should your electronic contact details change.

Residential Street address:

Suburb: State: Postcode:

Business Names/s under which you intend to trade (if applicable):

Qualifications

You must provide evidence that you have completed and passed the **Dealer/Yard Manager's Licence Requirements Course**. For the list of course providers, please visit www.commerce.wa.gov.au/CP/MVTraining. Alternatively:

- if you are currently licensed as a motor vehicle yard manager, or have held a yard manager's licence within the last 5 years, please attach a copy of your licence certificate; or
- if you were the qualifying director/partner (the person that had knowledge of the Act to enable the dealer's licence to be issued) of a licensed dealership within the last 5 years, please attach a copy of that licence certificate.

Category of licence

Please tick each category for which you are applying.

- Category A: Buying, selling and auctioning vehicles
- Category B: Buying any vehicle for the purpose of dismantling them and selling off the parts
- Category C: Acting as an agent to facilitate the selling or purchase of any vehicles on behalf of members of the public
- Category D: Hiring out vehicles, buying vehicles for hiring out, and selling and auctioning any vehicles that have been hired out by the dealer
- Category E: Selling (including by auction) vehicles under consignment agreements

What is consignment selling?

Selling vehicles on consignment means selling a vehicle (including by auction) for a person who is not a dealer or trade owner. If you select Category E, 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.**

Wholesale dealing

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

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Premises and staff

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:

Street address:

Suburb:

State:

Postcode:

Will you be in control of the day-to-day operation of the business at these premises?

Yes No

Postal address:

As above Street address or PO Box:

Suburb:

State:

Postcode:

Additional premises

Street address:

Suburb:

State:

Postcode:

Yard Manager or (person in control of the day-to-day operation)

Name:

License Number (MY)

Additional premises

Street address:

Suburb:

State:

Postcode:

Yard Manager or (person in control of the day-to-day operation)

Name:

License Number (MY)

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 person applying for the licence.

Assets	\$
Liabilities	\$
Net Worth (Assets minus Liabilities)	\$

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

Yes No

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Fitness and character of applicant

You must provide an Australian police check in your full legal name that is less than three (3) months old. Further information about accepted police checks is available on our website: www.commerce.wa.gov.au/CP/policechecks.

Please answer either 'Yes' or 'No' to the following questions. If the answer to any of the questions is 'Yes', you may be contacted to provide additional information as part of the application process.

Have/are you:

1. been convicted, or found guilty of **any** offences, including convictions which resulted in a suspended sentence? Yes No
(Include all offences which went to Court, including traffic offences. Do not include spent convictions.)
2. aware of **any** legal proceedings currently pending against you for an offence, including proceedings by way of appeal or review? Yes No
3. been the subject of **any** adverse finding by a Government Board, Tribunal or Agency, e.g. the Corruption and Crime Commission? Yes No
4. had **any** occupational licence or application refused, cancelled or suspended? Yes No
5. been disqualified from holding **any** occupational licence? Yes No
6. been subject to **any** disciplinary action by a licensing authority? Yes No
7. had **any** investigations or legal proceedings commenced against you or an associated entity, which may result in action being taken in relation to an occupational licence currently held? Yes No
8. been known by **any** other name? Yes No
9. in liquidation, under official management or an undischarged bankrupt? Yes No
10. having affairs administered under **any** bankruptcy laws? Yes No
11. a director of a corporation, which has been subject to **any** form of insolvency administration? Yes No

Authorisation and Declaration

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 or current/previous occupational licences or 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.

Applicants full name:

Signature:

Date: