



# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

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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;
- the Australian police check/s for each relevant person from an approved provider is/are ready to attach; and
- a copy of the certificate issued to a partner/director upon their 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](http://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](http://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](mailto:cplicensing@dmirs.wa.gov.au)  
Web Site: [www.commerce.wa.gov.au/CP/licences](http://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

## 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, 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/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.**

## 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](http://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.

## 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 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 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](http://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.**

## 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.**

An Australian police check 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 via the Western Australian Police website [www.police.wa.gov.au](http://www.police.wa.gov.au) or refer [www.commerce.wa.gov.au/CP/policechecks](http://www.commerce.wa.gov.au/CP/policechecks) for further information on approved suppliers. If you reside outside of Western Australia you should contact your nearest local police station.

### Partner/Director's 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.

### 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 the applicant provides credit history report/s with the application, the Department 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.

#### c) 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.

### 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.

### 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.

### 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](mailto: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](http://www.smallbusiness.wa.gov.au).

Western Australian Legislation is available from the Department of Justice at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

## Details of applicant

Name of entity applying:

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

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

eg. Smith Motors

## Contact details

Telephone number:

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.

## 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.

# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

## Details of relevant partners/directors and their qualifications

### Person 1

Salutation:  Mr  Mrs  Ms  Other, please specify:

Family name:  First name:

Other name(s):  Date of birth:  /  /  Place of birth:

Phone (work):  Phone (mobile):  Email:

Residential Street address:

Suburb:  State:  Postcode:

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

Salutation:  Mr  Mrs  Ms  Other, please specify:

Family name:  First name:

Other name(s):  Date of birth:  /  /  Place of birth:

Phone (work):  Phone (mobile):  Email:

Residential Street address:

Suburb:  State:  Postcode:

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

# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

## Details of relevant partners/directors and their qualifications

### Person 3

Salutation:  Mr  Mrs  Ms  Other, please specify:

Family name:  First name:

Other name(s):  Date of birth:  /  /  Place of birth:

Phone (work):  Phone (mobile):  Email:

Residential Street address:

Suburb:  State:  Postcode:

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

Salutation:  Mr  Mrs  Ms  Other, please specify:

Family name:  First name:

Other name(s):  Date of birth:  /  /  Place of birth:

Phone (work):  Phone (mobile):  Email:

Residential Street address:

Suburb:  State:  Postcode:

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.

# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

## Qualifications

You must provide evidence that at least one partner/director has 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](http://www.commerce.wa.gov.au/CP/MVTraining).

Alternatively:

- if a partner/director is currently licensed as a motor vehicle yard manager, or has held a yard manager's licence within the last 5 years, they are required to provide a copy of their licence certificate; or
- if a partner/director was 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, they are required to provide a copy of that licence certificate.

## 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 two (2) premises please provide full details on a separate sheet.

### Principal Place of Business:

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)

### Postal Address:

Street address:

Suburb:

State:

Postcode:

### Name of person we can contact about this application

Family name:

First name:

Phone (work):

Phone (mobile):

Email:

### Address for the Register (refer Regulation 7A)

Street address:

Suburb:

State:

Postcode:

# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

## 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	\$
<b>Net Worth</b> (Assets minus Liabilities)	\$

Does the applicant believe that it has sufficient financial resources to enable it Yes or No 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

## Fitness and character of applicant

Each relevant person must provide an Australian police check in their 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](http://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.**

Has/is the entity, or **any** partner or director of the applicant:

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



# Application for Motor Vehicle Dealers Licence – Partnership (Firm) or Body Corporate (Company)

## 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 license:

Full Name:

Signature:

Date:

Full Name:

Signature:

Date:

Full Name:

Signature:

Date:

Full Name:

Signature:

Date: