



Western Australia

Motor Vehicle Dealers Act 1973

**Motor Vehicle Dealers (Licensing)
Regulations 1974**

Motor Vehicle Dealers (Licensing) Regulations 1974

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Defined terms

Motor Vehicle Dealers (Licensing) Regulations 1974

1. Citation

These regulations may be cited as the *Motor Vehicle Dealers (Licensing) Regulations 1974* ¹.

[2. Deleted: SL 2021/86 r. 46.]

[3-5. Deleted: Gazette 27 Jun 2017 p. 3413.]

6. False information in applications etc., offence

A person who in any application or notice makes a false statement or misleading statement or representation commits an offence.

Penalty: \$2 000.

[Regulation 6 amended: Gazette 13 Aug 2002 p. 4156.]

6A. Period prescribed (Act s. 19(1))

For the purposes of section 19(1) of the Act, the prescribed period is 3 years.

[Regulation 6A inserted: Gazette 29 Dec 1995 p. 6343.]

6B. Penalty for late application prescribed (Act s. 19(3))

For the purposes of section 19(3) of the Act, the amount prescribed by way of a penalty for a late application is 25% of the appropriate licence fee.

[Regulation 6B inserted: Gazette 29 Dec 1995 p. 6343.]

7. Fees

- (1) The fees set out in Schedule 3 are the fees to be paid in respect of the matters to which they are applicable.
- (2) For the purposes of calculating the fee payable under Schedule 3 item 11, a certificate about 2 or more persons who constitute a firm is taken to be a certificate about 1 person.

[Regulation 7 inserted: SL 2021/86 r. 47; amended: SL 2024/96 r. 35.]

[7AA. Deleted: SL 2021/86 r. 47.]

7A. Prescribed particulars for register of authorisations

- (1) The particulars set out in subregulations (2) to (4) are prescribed for the purposes of the register of authorisations to be kept under section 24(1) of the Act.
- (2) For each holder of a vehicle dealer's licence, the particulars are —
 - (a) the name of the licensee;
 - (b) the registered office of the licensee;
 - (c) the licence number of the licensee;
 - (d) whether the licensee is a natural person, a firm or a body corporate;
 - (e) the date the application for the licence was lodged;
 - (f) the date any application for the renewal of the licence was lodged;
 - (g) the date on which the licence was granted;
 - (h) if applicable — the date on which the licence was renewed;
 - (i) the business names listed in the application for the licence or the application for the renewal of the licence;

- (j) if the licensee is a body corporate — the names of the directors and secretary of the licensee;
 - (k) the names of the managers of the licensee;
 - (l) the authorised premises of the licensee;
 - (m) the names of the yard manager for the authorised premises.
- (3) For each holder of a yard manager's licence, the particulars are —
- (a) the name of the licensee;
 - (b) the licence number of the licensee;
 - (c) the residential address of the licensee;
 - (d) the date the application for the licence was lodged;
 - (e) the date any application for the renewal of the licence was lodged;
 - (f) the date on which the licence was granted;
 - (g) if applicable — the date on which the licence was renewed;
 - (h) the name and address of the vehicle dealer that employs the licensee;
 - (i) the authorised premises at which the licensee is situated.
- (4) For each holder of a salespersons licence, the particulars are —
- (a) the name of the licensee;
 - (b) the licence number of the licensee;
 - (c) the residential address of the licensee;
 - (d) the date the application for the licence was lodged;
 - (e) the date any application for the renewal of the licence was lodged;
 - (f) the date on which the licence was granted;
 - (g) if applicable — the date on which the licence was renewed;

r. 7B

- (h) the name and address of the vehicle dealer that employs the licensee;
- (i) the authorised premises at which the licensee is situated.

[Regulation 7A inserted: Gazette 27 Jun 2017 p. 3413-14.]

7B. Changes in employment of yard managers and salespersons must be notified to Commissioner

- (1) A yard manager or salesperson must give a notice in the approved form to the Commissioner if there is a change in any of the information relating to the employment or place of employment of the yard manager or salesperson.
- (2) The notice must be given within 14 days after the change in the information relating to the yard manager or salesperson.

[Regulation 7B inserted: Gazette 27 Jun 2017 p. 3414.]

8. Descriptions of business and categories of licence prescribed (Act s. 5A)

- (1) A business described in Schedule 4 column 2 is prescribed for the purposes of section 5A.
- (2) A category of dealer's licence listed in Schedule 4 column 1 is prescribed for the description of business opposite that category in column 2.

[Regulation 8 inserted: Gazette 13 Aug 2002 p. 4156; amended: SL 2021/164 r. 8.]

9. Exempt sales and exempt exchanges prescribed (Act s. 5B(4))

- (1) In this regulation —
related company, in relation to a body corporate, means a body corporate that is a related body corporate (within the meaning of the *Corporations Act 2001* (Commonwealth)) of that body corporate.

- (2) For the purposes of section 5B(4) the following sales and exchanges are prescribed to be exempt sales and exchanges —
- (a) sale of a vehicle to —
 - (i) a licensed dealer; or
 - (ii) a financier or a company related to a financier; or
 - (iii) an employee, or (if the vendor is a company) an employee of a related company;
 - (b) sale of a vehicle, at public auction or by way of public tender, by a financier where the vehicle —
 - (i) has been returned to the financier by a person who is not a dealer, pursuant to a contract between the financier and that person; or
 - (ii) has been repossessed by the financier from a person who is not a dealer, pursuant to a contract between the financier and that person;
 - (c) sale of a vehicle by private treaty by a financier, to a person introduced to the financier by a person from whom the vehicle has been repossessed;
 - (d) sale of a vehicle at a public auction, when the vehicle —
 - (i) was last owned or used by an employee of a government department or a statutory authority, in his or her capacity as an employee; or
 - (ii) was last owned by a company, that was not a dealer, that has been wound up and when the sale —
 - (I) is by a liquidator under a power conferred by the *Corporations Act 2001* (Commonwealth); or
 - (II) is the result of an order of the Supreme Court.

r. 10

- (3) For the purposes of section 5B(4) the sale or exchange of a vehicle that has been licensed as of Class B under the *Road Traffic (Vehicles) Regulations 2014* regulation 35(1) or (2) —
- (a) subject to conditions of use based on car club membership; or
 - (b) despite certain non-compliant features, due to the vehicle being a unique or historic vehicle; or
 - (c) for a concessional charge, due to limited use conditions and club membership requirements imposed on the use of the vehicle,

is prescribed to be an exempt sale or exchange.

[Regulation 9 inserted: Gazette 10 Jan 2012 p. 409-11; amended: Gazette 8 Jan 2015 p. 86.]

10. Transitional provision for Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021

- (1) A dealer's licence that is in force immediately before the commencement of the *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021* regulation 10 continues to have effect, on and after that commencement, as if those regulations had not come into operation.
- (2) Subregulation (1) ceases to operate in relation to a dealer's licence on the day on which —
- (a) the licence expires; or
 - (b) if the licence is to be renewed — the licence would have expired.

[Regulation 10 inserted: SL 2021/164 r. 9.]

11. Transitional provision for *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022*

- (1) A dealer's licence that is in force immediately before 1 March 2023 continues to have effect, on and after that day, as if the *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022* regulation 6 had not come into operation.
- (2) Subregulation (1) ceases to operate in relation to a dealer's licence on the day on which —
 - (a) the licence expires; or
 - (b) if the licence is renewed — the licence would have expired had it not been renewed.

[Regulation 11 inserted: SL 2022/161 r. 4.]

[First and Second Schedule deleted: Gazette 27 Jun 2017 p. 3414.]

Schedule 3 — Fees

[r. 7]

[Heading inserted: SL 2024/96 r. 36.]

| Item | Column 1 Matter | Column 2 Fee (\$) |
|-------------|---|--|
| 1. | Application for grant or renewal of dealer's licence (Act ss. 15 and 19(3)) | 1 010.00 plus 1 100.00 for each premises to be authorised under section 20E(3) of the Act in relation to the licence |
| 2. | Application for grant or renewal of yard manager's licence (Act ss. 16(1) and 19(3)) | 588.00 |
| 3. | Application for grant or renewal of salesperson's licence (Act ss. 17(1) and 19(3)) | 399.00 |
| 4. | Application for car market operator's registration or renewal of registration (Act ss. 17B and 19(3)) | 1 000.00 plus 1 100.00 for each premises to be authorised under section 21A(3) of the Act in relation to the registration |
| 5. | Application (Act s. 20F) — | |
| | (a) to alter particulars of premises | 173.00 for each premises altered |
| | (b) to add to particulars of premises | 173.00 for each premises added |

| Item | Column 1 Matter | Column 2 Fee (\$) |
|-------------|--|---|
| 6. | Application for a temporary permit (Act s. 20H(3)) | 222.00 |
| 7. | Application (Act s. 21B) — | |
| | (a) to alter particulars of premises | 156.00 for each premises altered |
| | (b) to add to particulars of premises | 149.00 for each premises added |
| 8. | Application for exemption from the Act (Act s. 31(1)(a)) | 178.00 |
| 9. | Duplicate licence | 34.60 |
| 10. | Inspection of register (Act s. 24(5)) | 11.80 |
| 11. | Certificate showing whether or not a person was recorded in the register as the holder of an authorisation on a specified date or during a specific period (Act s. 24(6)(a)) — | |
| | (a) in relation to a record for 1 person | 14.70 |
| | (b) in relation to records for 2 or more persons but not all persons recorded in the register | 14.70 for first person plus 2.30 for each additional person |
| 12. | Certificate showing all persons recorded in the register as the holder of an authorisation on a specified date or during a specific period (Act s. 24(6)(a)) | 133.00 |

| Item | Column 1 Matter | Column 2 Fee (\$) |
|-------------|--|------------------------------|
| 13. | Certificate showing any other matter appearing in the register (Act s. 24(6)(b)) — | |
| | (a) first page | 12.20 |
| | (b) each subsequent page | 2.30 |

[Schedule 3 inserted: SL 2024/96 r. 36.]

Schedule 4 — Descriptions of business and categories of dealer's licence

[r. 8]

[Heading inserted: SL 2021/164 r. 10; amended: SL 2022/161 r. 5.]

| Column 1 | Column 2 |
|--|--|
| Category of licence | Description of business |
| A | Buying, selling and auctioning vehicles. |
| B | Buying any vehicles for the purpose of dismantling them and selling off the parts. |
| C | Acting as an agent to facilitate the sale or purchase of any vehicles on behalf of members of the public. |
| D | Hiring out vehicles, buying vehicles for hiring out, and selling and auctioning any vehicles that have been hired out by the dealer. |
| E | Selling (including by auction) vehicles under consignment agreements. |
| Any combination of A, B, C, D and E, as nominated by the dealer. | The businesses the subject of the nominated categories. |

[Schedule 4 inserted: SL 2021/164 r. 10; amended: SL 2022/161 r. 6.]

Notes

This is a compilation of the *Motor Vehicle Dealers (Licensing) Regulations 1974* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

| Citation | Published | Commencement |
|---|---------------------------|---|
| <i>Motor Vehicle Dealers (Licensing) Regulations 1974</i> | 29 Mar 1974 p. 1103-21 | 5 Apr 1974 (see <i>Gazette</i> 5 Apr 1974 p. 1180) |
| Untitled regulations | 10 May 1974 p. 1535 | 10 May 1974 |
| Untitled regulations | 11 Jun 1976 p. 1887-90 | 11 Jun 1976 |
| Untitled regulations | 22 Oct 1976 p. 3989-94 | 22 Oct 1976 |
| Untitled regulations | 12 Apr 1979 p. 1021 | 1 May 1979 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1981</i> | 28 Aug 1981 p. 3589 | 1 Sep 1981 (see r. 2) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1983</i> | 21 Oct 1983 p. 4297 | 21 Oct 1983 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1985</i> | 21 Jun 1985 p. 2262 | 21 Jun 1985 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1986</i> | 30 May 1986 p. 1816 | 30 May 1986 |
| Reprint of the <i>Motor Vehicle Dealers (Licensing) Regulations 1974</i> as at 8 Aug 1986 (see <i>Gazette</i> 8 Dec 1986 p. 4523-56) (includes amendments listed above) | | |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 1986</i> | 24 Dec 1986 p. 4998-9 | 24 Dec 1986 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1987</i> | 6 Mar 1987 p. 573-4 | 6 Mar 1987 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1987</i> | 4 Sep 1987 p. 3518 | 4 Sep 1987 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1988</i> | 22 Jul 1988 p. 2520-1 | 22 Jul 1988 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1989</i> | 30 Jun 1989 p. 1975 | 1 Jul 1989 (see r. 2) |

| Citation | Published | Commencement |
|--|----------------------------|--|
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1990</i> | 1 Aug 1990 p. 3652 | 1 Aug 1990 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1991</i> | 13 Dec 1991 p. 6159-60 | 13 Dec 1991 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1992</i> | 14 Aug 1992 p. 4017-18 | 14 Aug 1992 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1993</i> | 30 Nov 1993 p. 6406-7 | 30 Nov 1993 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1994</i> | 13 Sep 1994 p. 4659-61 | 13 Sep 1994 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1995</i> | 29 Dec 1995 p. 6343-6 | 29 Dec 1995 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1996</i> | 30 Apr 1996 p. 1862-3 | 30 Apr 1996 |
| Reprint of the Motor Vehicle Dealers (Licensing) Regulations 1974 as at 28 May 1996 (includes amendments listed above) | | |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2002</i> | 28 Jun 2002 p. 3057-8 | 1 Jul 2002 (see r. 2) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2002</i> | 13 Aug 2002 p. 4155-8 | 1 Sep 2002 (see r. 2 and <i>Gazette</i> 13 Aug 2002 p. 4151) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2003</i> | 27 Jun 2003 p. 2553-4 | 1 Jul 2003 (see r. 2) |
| Reprint 3: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 5 Mar 2004 (includes amendments listed above) | | |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2004</i> | 29 Jun 2004 p. 2508-10 | 1 Jul 2004 (see r. 2) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2005</i> | 28 Jun 2005 p. 2899-900 | 1 Jul 2005 (see r. 2) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2006</i> | 27 Jun 2006 p. 2257-9 | 1 Jul 2006 (see r. 2) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2007</i> | 15 Jun 2007 p. 2776-8 | r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)) |
| Reprint 4: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 3 Aug 2007 (includes amendments listed above) | | |

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Compilation table

| Citation | Published | Commencement |
|--|---------------------------|--|
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2008</i> | 17 Jun 2008 p. 2552-4 | r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2009</i> | 23 Jun 2009 p. 2444-6 | r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2010</i> | 25 Jun 2010 p. 2848-51 | r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2011</i> | 22 Jun 2011 p. 2357-60 | r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2011</i> | 30 Jun 2011 p. 2661-2 | r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011</i> | 10 Jan 2012 p. 409-11 | r. 1 and 2: 10 Jan 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Jan 2012 (see r. 2(b)) |
| Reprint 5: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 13 Apr 2012 (includes amendments listed above) | | |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2012</i> | 15 Jun 2012 p. 2591-4 | r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2013</i> | 27 Jun 2013 p. 2687-90 | r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2014</i> | 17 Jun 2014 p. 1968-70 | r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|----------------------------|--|
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2014</i> | 15 Jul 2014 p. 2461-2 | r. 1 and 2: 15 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2014 (see r. 2(b)) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2014</i> | 8 Jan 2015 p. 85-6 | r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371) |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2015</i> | 23 Jun 2015 p. 2178-9 | r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| Reprint 6: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 7 Aug 2015 (includes amendments listed above) | | |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 12</i> | 3 Jun 2016 p. 1745-73 | 1 Jul 2016 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 14</i> | 23 Jun 2017 p. 3213-52 | 1 Jul 2017 (see r. 2(b)) |
| <i>Licensing Provisions Regulations Amendment Regulations 2017 Pt. 4</i> | 27 Jun 2017 p. 3408-16 | 1 Jul 2017 (see r. 2(b)) |
| <i>Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 14</i> | 25 Jun 2018 p. 2325-53 | 1 Jul 2018 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 13</i> | 18 Jun 2019 p. 2077-115 | 1 Jul 2019 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 Pt. 13</i> | SL 2020/196 27 Oct 2020 | 28 Oct 2020 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 15</i> | SL 2021/86 21 Jun 2021 | 1 Jul 2021 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021 Pt. 3</i> | SL 2021/164 24 Sep 2021 | 25 Sep 2021 (see r. 2(c)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 13</i> | SL 2022/59 20 May 2022 | 1 Jul 2022 (see r. 2(b)) |

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| Citation | Published | Commencement |
|--|----------------------------|--------------------------|
| <i>Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022 Pt. 2</i> | SL 2022/161 23 Sep 2022 | 1 Mar 2023 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 13</i> | SL 2023/35 5 May 2023 | 1 Jul 2023 (see r. 2(b)) |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 12</i> | SL 2024/96 12 Jun 2024 | 1 Jul 2024 (see r. 2(c)) |

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|-----------------------|---------------------|
| related company | 9(1) |

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