Western Australia

Motor Vehicle Dealers Act 1973

Motor Vehicle Dealers (Licensing) Regulations 1974

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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 $100.00.

[Regulation 6B inserted: Gazette 29 Dec 1995 p. 6343; amended: SL 2026/95 r. 30.]

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) deleted]

[Regulation 7 inserted: SL 2021/86 r. 47; amended: SL 2024/96 r. 35; SL 2025/89 r. 27.]

*[**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;

(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.

(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 2026/95 r. 31.]

Item	Column 1 Matter	Column 2 Fee ($)
1.	Application for grant or renewal of dealer's licence (Act s. 15 and 19(3))	1 010.00 plus 1 230.00 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 s. 16(1) and 19(3))	662.00
3.	Application for grant or renewal of salesperson's licence (Act s. 17(1) and 19(3))	448.00
4.	Application for car market operator's registration or renewal of registration (Act s. 17B and 19(3))	1 010.00 plus 1 230.00 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	194.00 for each premises altered
	(b) to add to particulars of premises	194.00 for each premises added

Item	Column 1 Matter	Column 2 Fee ($)
6.	Application for a temporary permit (Act s. 20H(3))	234.00
7.	Application (Act s. 21B) —	
	(a) to alter particulars of premises	194.00 for each premises altered
	(b) to add to particulars of premises	194.00 for each premises added
8.	Application for exemption from the Act (Act s. 31(1)(a))	200.00
9.	Duplicate licence	38.00

[Schedule 3 inserted: SL 2026/95 r. 31.]

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
Motor Vehicle Dealers (Licensing) Regulations 1974	29 Mar 1974 p. 1103-21	5 Apr 1974 (see *Gazette* 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
Motor Vehicle Dealers (Licensing) Amendment Regulations 1981	28 Aug 1981 p. 3589	1 Sep 1981 (see r. 2)
Motor Vehicle Dealers (Licensing) Amendment Regulations 1983	21 Oct 1983 p. 4297	21 Oct 1983
Motor Vehicle Dealers (Licensing) Amendment Regulations 1985	21 Jun 1985 p. 2262	21 Jun 1985
Motor Vehicle Dealers (Licensing) Amendment Regulations 1986	30 May 1986 p. 1816	30 May 1986
Reprint of the *Motor Vehicle Dealers (Licensing) Regulations 1974* as at 8 Aug 1986 (see *Gazette* 8 Dec 1986 p. 4523-56) (includes amendments listed above)		
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 1986	24 Dec 1986 p. 4998-9	24 Dec 1986
Motor Vehicle Dealers (Licensing) Amendment Regulations 1987	6 Mar 1987 p. 573-4	6 Mar 1987
Motor Vehicle Dealers (Licensing) Amendment Regulations 1987	4 Sep 1987 p. 3518	4 Sep 1987
Motor Vehicle Dealers (Licensing) Amendment Regulations 1988	22 Jul 1988 p. 2520-1	22 Jul 1988
Motor Vehicle Dealers (Licensing) Amendment Regulations 1989	30 Jun 1989 p. 1975	1 Jul 1989 (see r. 2)

Citation	Published	Commencement
Motor Vehicle Dealers (Licensing) Amendment Regulations 1990	1 Aug 1990 p. 3652	1 Aug 1990
Motor Vehicle Dealers (Licensing) Amendment Regulations 1991	13 Dec 1991 p. 6159-60	13 Dec 1991
Motor Vehicle Dealers (Licensing) Amendment Regulations 1992	14 Aug 1992 p. 4017-18	14 Aug 1992
Motor Vehicle Dealers (Licensing) Amendment Regulations 1993	30 Nov 1993 p. 6406-7	30 Nov 1993
Motor Vehicle Dealers (Licensing) Amendment Regulations 1994	13 Sep 1994 p. 4659-61	13 Sep 1994
Motor Vehicle Dealers (Licensing) Amendment Regulations 1995	29 Dec 1995 p. 6343-6	29 Dec 1995
Motor Vehicle Dealers (Licensing) Amendment Regulations 1996	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)		
Motor Vehicle Dealers (Licensing) Amendment Regulations 2002	28 Jun 2002 p. 3057-8	1 Jul 2002 (see r. 2)
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2002	13 Aug 2002 p. 4155-8	1 Sep 2002 (see r. 2 and *Gazette* 13 Aug 2002 p. 4151)
Motor Vehicle Dealers (Licensing) Amendment Regulations 2003	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)		
Motor Vehicle Dealers (Licensing) Amendment Regulations 2004	29 Jun 2004 p. 2508-10	1 Jul 2004 (see r. 2)
Motor Vehicle Dealers (Licensing) Amendment Regulations 2005	28 Jun 2005 p. 2899-900	1 Jul 2005 (see r. 2)
Motor Vehicle Dealers (Licensing) Amendment Regulations 2006	27 Jun 2006 p. 2257-9	1 Jul 2006 (see r. 2)
Motor Vehicle Dealers (Licensing) Amendment Regulations 2007	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)		

Citation	Published	Commencement
Motor Vehicle Dealers (Licensing) Amendment Regulations 2008	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations 2009	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations 2010	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations 2011	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2011	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011	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)		
Motor Vehicle Dealers (Licensing) Amendment Regulations 2012	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations 2013	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2014	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
Motor Vehicle Dealers (Licensing) Amendment Regulations 2014	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))
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2014	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 *Gazette* 17 Apr 2015 p. 1371)
Motor Vehicle Dealers (Licensing) Amendment Regulations 2015	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)		
Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 12	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 14	23 Jun 2017 p. 3213-52	1 Jul 2017 (see r. 2(b))
Licensing Provisions Regulations Amendment Regulations 2017 Pt. 4	27 Jun 2017 p. 3408-16	1 Jul 2017 (see r. 2(b))
Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 14	25 Jun 2018 p. 2325-53	1 Jul 2018 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 13	18 Jun 2019 p. 2077-115	1 Jul 2019 (see r. 2(b))
Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 Pt. 13	SL 2020/196 27 Oct 2020	28 Oct 2020 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 15	SL 2021/86 21 Jun 2021	1 Jul 2021 (see r. 2(b))
Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021 Pt. 3	SL 2021/164 24 Sep 2021	25 Sep 2021 (see r. 2(c))
Commerce Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 13	SL 2022/59 20 May 2022	1 Jul 2022 (see r. 2(b))

Citation	Published	Commencement
Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022 Pt. 2	SL 2022/161 23 Sep 2022	1 Mar 2023 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 13	SL 2023/35 5 May 2023	1 Jul 2023 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 12	SL 2024/96 12 Jun 2024	1 Jul 2024 (see r. 2(c))
Commerce Regulations Amendment (Fees and Charges) Regulations 2025 Pt. 13	SL 2025/89 11 Jun 2025	1 Jul 2025 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 13	SL 2026/95 10 Jun 2026	1 Jul 2026 (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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