



Western Australia

Motor Vehicle Dealers Act 1973

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

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As at 08 Jan 2015

Version 05-g0-01

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



Western Australia

# Motor Vehicle Dealers (Licensing) Regulations 1974

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Western Australia

Motor Vehicle Dealers Act 1973

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

### **1. Citation**

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

### **2. Terms used**

In these regulations, unless the contrary intention appears —  
*form* means a form in the Second Schedule;  
*section* means a section of the Act.

*[Regulation 2 amended in Gazette 13 Aug 2002 p. 4155.]*

### **3. Forms prescribed (First and Second Sch.)**

Where a provision in the Act is specified in the first column of the First Schedule, the form set out in the Second Schedule, of which the number is specified in the third column of the First Schedule opposite that provision, is prescribed as the form to be used for the purposes of that provision in relation to the matter or thing described in the second column of the First Schedule opposite that provision.

### **4. Particulars prescribed by forms**

Where a form prescribed by these regulations requires completion by the insertion of particulars or other matters referred to in the form, those particulars or other matters are

prescribed as the particulars or other matters required under the provisions of the Act for the purposes for which the form is prescribed.

**5. Forms to be completed as directed**

A form prescribed by these regulations and containing any directions for its completion shall be completed in accordance with those directions.

**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 in 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 in 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 in Gazette 29 Dec 1995 p. 6343.]*

**7. Fees (Third Sch.)**

The fees set out in the Third Schedule are the fees to be paid in respect of the matters to which they are applicable.

*[Regulation 7 inserted in Gazette 29 Dec 1995 p. 6343.]*

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

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

*[Regulation 8 inserted in Gazette 13 Aug 2002 p. 4156.]*

**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 by the Director General (as defined in the *Road Traffic Act 1974* section 5(1)) under the *Road Traffic (Licensing) Regulations 1975* regulation 9(3) —
- (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 by the Director General on the vehicle's owner,

is prescribed to be an exempt sale or exchange.

*[Regulation 9 inserted in Gazette 10 Jan 2012 p. 409-11.]*



**First Schedule**

**List of forms**

<b>First Column</b>	<b>Second Column</b>	<b>Third Column</b>
<b>Provision of the Act for which Form prescribed</b>	<b>Description of Form</b>	<b>Number of Form in Second Schedule</b>
Section		
56(2)(g) .....	Notice of Change of Employment or Place of Employment	14
24(1) .....	Form of Register of Vehicle Dealers and authorised premises	17
24(1) .....	Form of Register of Yard Managers	18
24(1) .....	Form of Register of Salespersons	19

*[First Schedule inserted in Gazette 29 Dec 1995 p. 6343-4; amended in Gazette 13 Aug 2002 p. 4156.]*

**Form 14**

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**Second Schedule**

*[Forms 1-13 deleted in Gazette 29 Dec 1995 p. 6344.]*

Form 14

Western Australia  
*Motor Vehicle Dealers Act 1973*  
(Section 56(2)(g))

**NOTICE OF CHANGE OF EMPLOYMENT  
OR PLACE OF EMPLOYMENT**

To: The Commissioner  
Department of Commerce — Consumer Protection:

This is to notify you that I, .....  
(Name)

of .....  
(Address)

being a licensed .....  
(Yard Manager/Salesperson)

holding licence No. .... employed by .....  
(Name of Licensed Vehicle Dealer)

hereby notify you that I have changed my employment or place of employment  
as follows: —

Name of previous employer .....

Address of previous employer .....

Name of present employer .....

Address of present employer .....

as from the ..... day of ..... 20.....

Dated this ..... day of ..... 20.....

†Witness: .....  
(Signature of Yard Manager or Salesperson)

This notice shall be given within 14 days of the change notified occurring.

† A person over the age of 18 years.

*[Form 14 amended in Gazette 13 Aug 2002 p. 4156; 30 Jun 2011  
p. 2661-2.]*

*[Forms 15 and 16 deleted in Gazette 29 Dec 1995 p. 6344.]*

Form 17

Western Australia  
*Motor Vehicle Dealers Act 1973*  
(Section 24(1))

**REGISTER OF VEHICLE DEALERS**

Licence-holder ..... Licence No. ....  
 Registered Office .....  
 Personal/Firm/Body Corporate .....

Application for Date Lodged	Application for Renewal Date Lodged	LICENCE		Business Names Listed in Application or Renewal	Names of Directors and Secretary	Names of Managers	Authorised Premises at	Names of Yard Manager for Premises
		Granted Date	Renewal Date					

*[Form 17 amended in Gazette 13 Aug 2002 p. 4156.]*

Form 18

Western Australia  
*Motor Vehicle Dealers Act 1973*  
 (Section 24(1))

**REGISTER OF YARD MANAGERS**

Licence No.

Name of Licence-holder .....  
 Residential Address .....

LICENCE		LICENCE		Name and Address of Vehicle Dealer Employed by	Yard Manager of Authorised Premises Situate at
Date of Application for Issue Lodged	Date of Application for Renewal Lodged	Date Granted	Date Renewal		

*[Form 18 amended in Gazette 13 Aug 2002 p. 4156.]*

Form 19

Western Australia  
*Motor Vehicle Dealers Act 1973*  
 (Section 24(1))

**REGISTER OF SALESPERSONS**

Licence No.

Name of Licence-holder .....  
 Residential Address .....

LICENCE		LICENCE		Name and Address of Vehicle Dealer Employed by	Salesperson of Authorised Premises Situate at
Date of Application for Issue for Lodged	Date of Application for Renewal Lodged	Date Granted	Date Renewal		

*[Form 19 amended in Gazette 13 Aug 2002 p. 4156.]*

**Third Schedule — Fees**

[r. 7]

*[Heading inserted in Gazette 17 Jun 2014 p. 1969.]*

<b>Item</b>	<b>Description</b>	<b>\$</b>
1.	Application for a dealer's licence or renewal of a dealer's licence for the period prescribed by regulation 6A .....	816.00
	plus, in respect of each premises to be authorised under section 20E(5) in relation to the licence, a further .....	812.00
2.	Application under section 20F in respect of alteration of premises .....	133.50
3.	Application under section 20F in respect of each added premises .....	812.00
4.	Application for a temporary permit under section 20H .....	53.80
5.	Application for yard manager's licence or renewal of yard manager's licence for the period prescribed by regulation 6A .....	412.00
6.	Application for salesperson's licence or renewal of salesperson's licence for the period prescribed by regulation 6A .....	280.00
7.	Application for car market operator's registration or renewal of car market operator's registration .....	812.00
	plus, in respect of each premises to be authorised under section 21A(5) in relation to the registration, a further .....	812.00

<b>Item</b>	<b>Description</b>	<b>\$</b>
8.	Application under section 21B in respect of alteration of premises .....	133.50
9.	Application under section 21B in respect of each added premises .....	812.00
10.	Application for exemption from the Act under section 31(1) .....	133.50
<i>[11-15. deleted]</i>		
16.	Duplicate licence .....	43.30
17.	Certificate showing whether or not a person was recorded in the register kept under section 24 as the holder of an authorisation on a specified date or during a specific period —	
	first page .....	19.50
	each subsequent page .....	3.80
18.	Certificate showing all persons recorded in the register kept under section 24 as the holders of an authorisation on a specified date or during a specific period .....	248.00
19.	Inspection of register kept under section 24 .....	19.50

*[Third Schedule inserted in Gazette 17 Jun 2014 p. 1969-70; amended in Gazette 15 Jul 2014 p. 2461-2.]*

**Fourth Schedule**

[r. 8]

**Classes and descriptions of business and categories of dealer's licence**

<b>Column 1</b> <b>Category of licence</b>	<b>Column 2</b> <b>Description of business</b>
A	Buying, selling and auctioning vehicles other than motor cycles, caravans or campervans.
B	Buying, selling and auctioning motor cycles.
C	Buying, selling and auctioning caravans and campervans.
D	Buying any vehicles for the purpose of dismantling them and selling off the parts.
E	Acting as an agent to facilitate the selling or 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.
Any combination of A, B, C, D, E and F, as nominated by the dealer.	The businesses subject of the nominated categories.

*[Fourth Schedule inserted in Gazette 13 Aug 2002 p. 4158.]*

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### Notes

- <sup>1</sup> This is a compilation of the *Motor Vehicle Dealers (Licensing) Regulations 1974* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	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
<b>Reprint of the <i>Motor Vehicle Dealers (Licensing) Regulations 1974</i> as at 8 Aug 1986</b> (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)
<i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1990</i>	1 Aug 1990 p. 3652	1 Aug 1990

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Citation	Gazettal	Commencement
<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
<b>Reprint of the Motor Vehicle Dealers (Licensing) Regulations 1974 as at 28 May 1996</b> (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)
<b>Reprint 3: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 5 Mar 2004</b> (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))
<b>Reprint 4: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 3 Aug 2007</b> (includes amendments listed above)		
<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))

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

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</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))
<b>Reprint 5: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 13 Apr 2012</b> (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))
<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))

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included

in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2014</i> r. 3 and 4 <sup>2</sup>	8 Jan 2015 p. 85-6	Operative on the day fixed under the <i>Road Traffic (Administration) Act 2008</i> section 2(b) (see r. 2(b))

<sup>2</sup> On the date as at which this compilation was prepared, the *Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2014* r. 3 and 4 had not come into operation. They read as follows:

**3. Regulations amended**

These regulations amend the *Motor Vehicle Dealers (Licensing) Regulations 1974*.

**4. Regulation 9 amended**

In regulation 9(3):

- (a) delete “by the Director General (as defined in the *Road Traffic Act 1974* section 5(1)) under the *Road Traffic (Licensing) Regulations 1975* regulation 9(3) —” and insert:

as of Class B under the *Road Traffic (Vehicles) Regulations 2014* regulation 35(1) or (2) —

- (b) in paragraph (c) delete “by the Director General on the vehicle’s owner,” and insert:

on the use of the vehicle,

## Defined terms

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

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
form .....	2
related company .....	9(1)
section .....	2