
CONSUMER PROTECTION

CP301

Auction Sales Act 1973
Debt Collectors Licensing Act 1964
Motor Vehicle Dealers Act 1973

**Licensing Provisions Regulations Amendment
Regulations 2017**

Made by the deputy of the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Licensing Provisions Regulations Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 2 — on the day on which the *Licensing Provisions Amendment Act 2016* section 8 comes into operation;
- (c) Part 3 — on the day on which the *Licensing Provisions Amendment Act 2016* section 13 comes into operation;
- (d) Parts 4 and 5 — on the day on which the *Licensing Provisions Amendment Act 2016* section 28 comes into operation.

Part 2 — Auction Sales Regulations 1974 amended**3. Regulations amended**

This Part amends the *Auction Sales Regulations 1974*.

4. Regulation 3 amended

In regulation 3(1) in the Table delete the rows relating to Forms No. 1 and 2 and insert:

1	General licence for a period of — <ul style="list-style-type: none">• 1 year• 2 years• 3 years	<ul style="list-style-type: none">• \$179.00• \$358.00• \$537.00
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2	Restricted licence for a period of —	
	• 1 year	• \$179.00
	• 2 years	• \$358.00
	• 3 years	• \$537.00

5. Regulation 4 amended

(1) After regulation 4(1) insert:

(1A) In addition to the fee payable under subregulation (1) on the renewal of a licence, the fee payable for an application for the renewal made after, but within 3 months of, the date on which the licence expires is 25% of the appropriate licence fee.

(2) In regulation 4(3) delete “to comply with section 11(5) of the Act or”.

6. Regulation 5 amended

Delete regulation 5(1).

7. Regulations 6 and 7 deleted

Delete regulations 6 and 7.

8. Regulations 8A to 8C inserted

After regulation 8 insert:

8A. Prescribed period for general or restricted licence

For the purposes of section 19(2A)(b) of the Act, the prescribed period for a general or restricted licence is 3 years.

8B. Prescribed period for renewed general or restricted licence

(1) In this regulation —

transition period means the period commencing on the day on which the *Licensing Provisions Amendment Act 2016* section 8 comes into operation and ending 12 months after that day.

(2) For the purposes of section 19(2B) of the Act, the prescribed period for a general or restricted licence that is renewed is 3 years.

- (3) However, if an application for renewal of a general licence or a restricted licence is made during the transition period, the prescribed period for the renewed licence is as follows —
- (a) for a licence that expires between 1 January and 30 April — a period of 3 years;
 - (b) for a licence that expires between 1 May and 31 August — a period of 2 years;
 - (c) for a licence that expires between 1 September and 31 December — a period of 1 year.

8C. Refund of prescribed fee if licence surrendered

- (1) In this regulation —
surrendered licence means a general licence or a restricted licence that is surrendered under section 21(1) of the Act.
- (2) The registrar of the Magistrates Court must, on application by a person who was the holder of a surrendered licensee, refund to the person an amount of the prescribed fee paid for the licence that, in the registrar's opinion, relates to the period between the day the licence is surrendered and the day the licence would have expired.

**Part 3 — Debt Collectors Licensing
Regulations 1964 amended**

9. Regulations amended

This Part amends the *Debt Collectors Licensing Regulations 1964*.

10. Regulation 4 amended

In regulation 4 in the Table delete item 1 and insert:

1.	Issue or renewal of licence for a period of —	
	• 1 year	• \$801.70
	• 2 years	• \$1 603.40
	• 3 years	• \$2 405.10

11. Regulation 5 amended

In regulation 5(2) delete “duplicate in the prescribed form” and insert:

the approved form

12. Regulation 6 replaced

Delete regulation 6 and insert:

6. Prescribed period for issue of licence

For the purposes of section 10A(1) of the Act, the prescribed period for a licence that is issued is 3 years.

6A. Prescribed period for renewal of licence

(1) In this regulation —

transition period means the period commencing on the day on which the *Licensing Provisions Amendment Act 2016* section 13 comes into operation and ending 12 months after that day.

(2) For the purposes of section 10A(1) of the Act, the prescribed period for a licence that is renewed is 3 years.

(3) However, if an application for renewal of a licence is made during the transition period, the prescribed period for the renewed licence is as follows —

- (a) for a licence that expires between 1 January and 30 April — a period of 3 years;
- (b) for a licence that expires between 1 May and 31 August — a period of 2 years;
- (c) for a licence that expires between 1 September and 31 December — a period of 1 year.

13. Regulation 7 amended

In regulation 7(1) delete “duplicate in the prescribed form” and insert:

the approved form

14. Regulation 9A inserted

After regulation 9 insert:

9A. Refund of prescribed fee if licence surrendered

- (1) In this regulation —
surrendered licence means a licence that is surrendered under regulation 9.
- (2) The Commissioner must, on application by a person who was the holder of a surrendered licence, refund to the person an amount of the prescribed fee paid for the licence that, in the Commissioner's opinion, relates to the period between the day the licence is surrendered and the day the licence would have expired.

15. Regulation 12 replaced

Delete regulation 12 and insert:

12. Notification of changes in information relating to licensee

- (1) A licensee must give a notice in writing to the Commissioner if there is a change in any of the following information relating to the licensee —
 - (a) the name of the licensee;
 - (b) the address of the place of business of the licensee;
 - (c) if the licensee is a natural person — the residential address of the licensee;
 - (d) if the licensee is a corporation — the directors of the licensee.
- (2) Notice must be given within 14 days after the change in the information relating to the licensee.
- (3) On receipt of a notice, the Commissioner must update the information in the register relating to the licensee accordingly.

16. First Schedule amended

In the First Schedule delete Forms 1, 2, 5 and 6.

**Part 4 — *Motor Vehicle Dealers (Licensing)*
Regulations 1974 amended**

17. Regulations amended

This Part amends the *Motor Vehicle Dealers (Licensing) Regulations 1974*.

18. Regulations 2 to 5 deleted

Delete regulations 2 to 5.

19. Regulations 7A and 7B inserted

After regulation 7 insert:

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.

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.

20. First and Second Schedules deleted

Delete the First and Second Schedules.

**Part 5 — *Motor Vehicle Dealers (Sales)*
Regulations 1974 amended**

21. Regulations amended

This Part amends the *Motor Vehicle Dealers (Sales) Regulations 1974*.

22. Regulation 10F replaced

Delete regulation 10F and insert:

10F. Prescribed period for giving of statutory declaration

For the purposes of section 32I(2)(c) of the Act, the period for giving a statutory declaration in respect of a year is the period of 3 months commencing at the end of the year.

23. Regulation 10N amended

- (1) Delete regulation 10N(1).
- (2) In regulation 10N(2) delete “that period —” and insert:

each year —

24. Regulation 10NA inserted

After regulation 10N insert:

10NA. Transitional audit arrangements

- (1) In this regulation —
existing trust account means a trust account that was open immediately before the day on which the *Licensing Provisions Regulations Amendment Regulations 2017* regulation 23 comes into operation;
previous audit period, in relation to an existing trust account, means the audit period for the trust account that ends on a day in the period between 1 July 2016 and 30 June 2017.
- (2) This regulation applies to a report of the result of an audit of an existing trust account if —
 - (a) an audit of the account was conducted for the previous audit period for the account; and

- (b) a report of the result of the audit, verified by a statutory declaration of the auditor, has been delivered to the Commissioner.
- (3) If this regulation applies —
 - (a) an auditor is not required to deliver a report of the result of the audit of the existing trust account for the part of the year between the end of the previous audit period and 30 June 2017 until 3 months after the end of the year ending 30 June 2018; and
 - (b) the report on the result of the audit for the period between the end of the previous audit period and 30 June 2017 may be included as part of the report for the year ending 30 June 2018.

R. NEILSON, Clerk of the Executive Council.