



Fair
Trading

ABN 81 913 830 179

APPLICATION FOR A LICENCE

Motor Dealers and Repairers Act 2013

Apply using this application form OR apply online at www.onegov.nsw.gov.au

Obligations and responsibilities of licence holders

All applicants must ensure that they are aware of their obligations and responsibilities under the *Motor Dealers and Repairers Act 2013*, the *Motor Dealers and Repairers Regulations 2014* and any other relevant Acts and Regulations related to the conduct of the business that will be authorised to be conducted under the type of licence being applied for.

PART A – APPLICATION DETAILS

What type of licence are you applying for? (tick the appropriate box)

- Motor Dealer's Licence
- Motor Dealer's Licence – restricted to dealing in motor vehicles on a wholesale basis only
- Motor Vehicle Repairer's Licence
- Motor Vehicle Recycler's Licence

PART B – LICENCE DURATION

Select the licence duration you are applying for: 1 Year 3 Years 5 Years

PART C – FEES (GST exempt)

This application must be accompanied by the prescribed fee. For information on how much to pay, visit the fees section on the [NSW Fair Trading website](http://www.fairtrading.nsw.gov.au).

Further information concerning the prescribed fees is contained in Schedule 1 to the *Motor Dealers and Repairers Regulation 2014* available at www.legislation.nsw.gov.au.

How to lodge this application

 Online

www.onegov.nsw.gov.au
and receive a discount

OR

† In person at:

Service NSW Service Centre

For your nearest Service NSW Service Centre, go to: www.service.nsw.gov.au or telephone 13 77 88.

PART D - BUSINESS STRUCTURE

Under the *Motor Dealers and Repairers Act 2013* (the Act), a licence may be issued to an individual or to a corporation however a licence cannot be issued to a partnership.

In the case of a business operating as a partnership only one of the partners is required to hold a licence under the Act. Please give careful consideration as to which partner is to hold the licence. Once the licence is granted, it cannot be transferred to another partner.

Is the applicant for a licence an individual or a corporation? (tick the appropriate box):

- Individual Corporation (Company registered with ASIC e.g. (Pty Ltd))

PART E - EMAIL ADDRESS

Email Address (All correspondence, including renewal applications will be sent to this email address)

Postal address - Correspondence will only be sent to this address if an email address is not provided.

Postcode:

PART F - IDENTIFICATION

If any individual (including partner, director or manager) nominated on this application form resides outside of New South Wales, please provide a copy of a form of identification such as a current driver's licence, or current passport.

PART G - INDIVIDUAL APPLICANT DETAILS

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

PART H – CORPORATION APPLICANT DETAILS

Corporation Name:

ACN:

Date of Incorporation:

Postal Address:

Postcode:

ABN:

Email Address (if any):

Telephone No:

Mobile No:

Name of Directors

Please ensure that all the directors shown on this application form are the same as those registered with the Australian Securities and Investments Commission.

Director # 1

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

(Continued on next page)

PART H – CORPORATION APPLICANT DETAILS - *continued*

Director # 2

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

Director # 3

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

If there are more than three directors, you will need to attach additional sheets showing details of the fourth and any subsequent directors.

PART I – DETAILS OF PARTNERS

Provide details of individual partners other than the licence applicant.

Individual Partner # 1

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No.:

Telephone No:

Mobile No:

Individual Partner # 2

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

If there are more than two individual partners, you will need to attach additional sheets showing details of the other individual partners.

PART I – DETAILS OF PARTNERS (continued)

Provide details of corporate partners other than the licence applicant.

Corporate Partner

Corporation Name:

ACN:

Date of Incorporation:

Postal Address:

Postcode:

Telephone No:

Mobile No:

If there is more than one corporate partner, you will need to attach additional sheets showing details of the other partners.

Directors of Corporate Partner

Please ensure that all the directors shown on this application form are the same as those registered with the Australian Securities and Investments Commission.

Director # 1

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

(Continued on next page)

PART I – DETAILS OF PARTNERS (continued)

Directors of Corporate Partner

Director # 2

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

Director # 3

Surname:

Given Names:

Former Names (if any):

Date of Birth:

Place of Birth:

Postal Address:

Postcode:

Driver's Licence No:

Telephone No:

Mobile No:

If there are more than three directors, attach additional sheets showing details of the fourth and any subsequent directors.

PART J – PLACE OF BUSINESS

Business Address:

	Postcode:
--	-----------

Telephone No:

Mobile No:

Local Council Approval

You have an obligation to comply with local government requirements. Those obligations exist in addition to the requirement to hold a licence. Non-compliance may result in you being liable to prosecution. Contact your local council for any questions you may have relating to approvals.

Note: A motor dealer cannot operate from a residential address unless they have council approval to display and sell vehicles from the notified premises.

Questions Relating to the Place of Business

1. Do the premises have current local council approval that allows the conduct of the business to which this licence application relates?
 Yes No

2. Are the premises occupied by another licensee?
 Yes No

If you answered YES, provide the other licensee’s details here.

Name of other licensee: _____ Licence Number: _____

Will you be sharing the premises with the other licensee? Yes No

If the answer is “Yes” and this is an application for a motor dealers licence, and the premises will be shared with another motor dealer, the Undertaking Concerning the Sharing of Premises form, attached to this application form, must be completed.

You must also attach to this application a plan showing how the premises will be shared. A legible hand drawn sketch is sufficient for this purpose.

If you will not be sharing the premises, will the other licensee be vacating the premises? Yes No

Business Name

If you intend to carry on business under a Business Name at the proposed premises, provide details below.

Business Name:

ABN:

Attach to this application a copy of the current business name registration certificate issued by ASIC.

NOTE: If you do not provide a copy of the current business name registration certificate, the business name will not appear on the licence. If the applicant and any listed partners are not shown as the holder of the business name, the business name will not appear on the licence. Fair Trading will not contact you requesting a copy of the certificate for the purposes of assessing this application.

PART K - ADDITIONAL PLACE OF BUSINESS (if any)

Business Address:

Postcode:

Telephone No:

Mobile No:

Local Council Approval

You have an obligation to comply with local government requirements. Those obligations exist in addition to the requirement to hold a licence. Non-compliance may result in you being liable to prosecution. Contact your local council for any questions you may have relating to approvals.

Note: A motor dealer cannot operate from a residential address unless they have council approval to display and sell vehicles from the notified premises.

Questions Relating to the Place of Business

1. Do the premises have current local council approval that allows the conduct of the business to which this licence application relates? Yes No

2. Are the premises occupied by another licensee? Yes No

If you answered YES, provide the other licensee's details here.

Name of other licensee: _____ Licence Number: _____

Will you be sharing the premises with the other licensee? Yes No

If the answer is "Yes" and this is an application for a motor dealers licence, and the premises will be shared with another motor dealer, the Undertaking Concerning the Sharing of Premises form, attached to this application form, must be completed.

You must also attach to this application a plan showing how the premises will be shared. A legible hand drawn sketch is sufficient for this purpose.

If you will not be sharing the premises, will the other licensee be vacating the premises? Yes No

Business Name

If you intend to carry on business under a Business Name at the proposed premises, provide details below.

Business Name:

ABN:

Attach to this application a copy of the current business name registration certificate issued by ASIC.

NOTE: If you do not provide a copy of the current business name registration certificate, the business name will not appear on the licence. If the applicant and any listed partners are not shown as the holder of the business name, the business name will not appear on the licence. Fair Trading will not contact you requesting a copy of the certificate for the purposes of assessing this application.

PART L - MOBILE WORKSHOPS

If you are applying for a motor vehicle repairer's licence and you will be operating a mobile workshop from a motor vehicle, provide the particulars below in respect of each motor vehicle.

Each mobile workshop (motor vehicle) is counted as a place of business. The prescribed fee is payable for each place of business.

Motor Vehicle # 1
Registration Number:

Motor Vehicle # 2
Registration Number:

Motor Vehicle # 3
Registration Number:

Business Name:

ABN

Attach to this application a copy of the current business name registration certificate issued by ASIC.

NOTE: If you do not provide a copy of the current business name registration certificate, the business name will not appear on the licence. If the applicant and any listed partners are not shown as the holder of the business name, the business name will not appear on the licence. Fair Trading will not contact you requesting a copy of the certificate for the purposes of assessing this application.

PART M – MANAGER'S DETAILS

Corporation Applicant - An applicant that is a corporation **must** nominate an individual as a manager of the business.

Individual Applicant - An applicant that is an individual may manage their own business or employ a manager to manage their business.

To nominate a manager, use the "Managers Consent Form" attached to this application.

PART N - SALE OF MOTOR VEHICLES ON CONSIGNMENT

A motor dealer who proposes to commence to sell motor vehicles on consignment must give notice in writing of that intention. Note that the notice must be given before the dealer commences to sell motor vehicles on consignment.

If this application is for a motor dealers licence, does the applicant propose to sell motor vehicles on consignment?

Yes

No

PART O - CONTACT PERSON

If you want us to contact someone other than the applicant if any questions arise during the processing of this application, provide their details here.

Name:

Position:

Telephone:

Mobile:

E-mail Address:

PART P – FINANCIAL RESOURCES

An applicant must have sufficient financial resources to enable the person to carry on business pursuant to the authority that would be conferred by the licence if it were granted. If you do not have sufficient financial resources you are not qualified to be granted a licence.

Please note that Fair Trading may request documented evidence of your financial resources.

Does the applicant have sufficient financial resources to meet its liabilities?

Yes

No

PART Q – DISCLOSURE

If you answer Yes to any of the following questions please provide full details on a separate sheet.

1.	Is the applicant or any Partner, Director or Manager currently a controlled member of a declared organisation under the <i>Crimes (Criminal Organisation Control) Act 2012</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.	Is the applicant or any Partner, Director or Manager currently an undischarged bankrupt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.	Has the applicant or any Partner, Director or Manager been found guilty, within the preceding 10 years, of any offence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.	Does the applicant or any partner, Director or Manager have proceedings for an offence pending against them?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.	Has the applicant or any partner, Director or Manager been convicted of an offence against the <i>Motor Dealers and Repairers Act 2013</i> (or *prior Acts) or regulations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.	Has the applicant or any partner, Director or Manager been convicted of an offence against any Act administered by the Minister for Fair Trading?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.	Has the applicant or any partner, Director or Manager failed to pay any contribution or other payment required to be paid by them to the Compensation Fund under the <i>Motor Dealers and Repairers Act 2013</i> (or *prior Acts)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8.	Has the applicant or any partner, Director or Manager failed to comply with a rectification order made against them under the <i>Motor Dealers and Repairers Act 2013</i> (or *prior Acts)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9.	Has the applicant or any partner, Director or Manager had any application for a licence, certificate or other authorisation under any Act refused?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10.	Has the applicant or any partner, Director or Manager been subject to disciplinary action in the last ten (10) years relating to any licence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11.	Has the applicant or any partner, Director or Manager been investigated (or is/are being investigated) which may result in disciplinary action being taken?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12.	Is any partner that is a corporation in the course of being wound up?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
13.	Has a receiver or other controller been appointed in respect of any partner that is a corporation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
14.	Has any partner that is a corporation entered into a compromise or scheme of arrangement with its creditors?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
15.	Is the applicant a corporation that is in the course of being wound up?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
16.	Is the applicant a corporation for which a receiver or other controller has been appointed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
17.	Is the applicant a corporation that has entered into a compromise or scheme of arrangement with its creditors?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

* In this form, "prior Acts" means the *Motor Dealers Act 1974* and/or the *Motor Vehicle Repairs Act 1980*.

PART T - DECLARATION BY APPLICANT

INDIVIDUAL - declaration **MUST** be signed by the applicant.

CORPORATION - declaration **MUST** be signed by a Director of the corporation.

I certify that the particulars specified in this application and all attachments are, to the best of my knowledge, true and correct in every detail.

I have read and understand the information in the attached document "Information for Licence Applicants" and I am aware of my duties and obligations under the *Motor Dealers and repairers Act 2013* and of the *Motor Dealers and Repairers Regulation 2014* and other relevant Acts and Regulations related to the conduct of the business that will be authorised to be conducted under the type of licence being applied for.

Statement under the *Privacy and Personal Information Protection Act 1998*

The applicant for this licence:

1. authorises NSW Fair Trading to make any inquiries and to receive and disclose any information which is relevant to the applicant's initial and ongoing eligibility to hold this licence;
2. acknowledges that information will be placed on a register open to the public in accordance with the Motor Dealers and Repairers Act 2013;
3. accepts that failure to supply information required on this application form may delay the processing of the application; and
4. has a right to seek access to and correction of information supplied.

NOTE: Making a false or misleading statement, giving false or misleading information, or producing false or misleading documents is a serious offence which may render you liable to prosecution for offences including under the *Crimes Act* which may result in penalties including a fine or imprisonment.

Signature: _____ Date: _____

Full Name: _____

NSW Fair Trading will conduct a criminal history check in respect of the Applicant, all Directors, Partners and Managers.



UNDERTAKING CONCERNING THE SHARING OF PREMISES

Motor Dealers and Repairers Act 2013

Only complete this undertaking if this application is for a motor dealers licence and the applicant will be sharing a place of business with one or more other motor dealers.

The Secretary will not approve an application for a motor dealers licence in circumstances where the applicant intends to share the business premises with another motor dealer unless satisfied that the applicant will not commence to carry on business as a motor dealer from the shared premises until the application for a motor dealers licence has been granted AND the following requirements are in place:

- 1. There must be a physical barrier in place to clearly separate the applicant's place of business with the place of business of the other dealers sharing the same premises;
Note: A physical barrier can be a permanent fence (chain wire, brick, wood, metal etc) or a temporary fence (potted plants, or a chain link between posts etc). A painted line will not suffice.
2. There must be a separate office or desk not shared with any other motor dealer, within the boundaries, from which to conduct the applicant's business.
3. There must be signage on the portion of the premises and office to be occupied by the applicant. The signage must comply with the requirements of clause 7 of the Motor Dealers and Repairers Regulation 2014.
4. All motor vehicles displayed for sale by the applicant (once a licence is granted) will be displayed only on the applicant's portion of the premises and will not be displayed for sale on any portion of the premises occupied by any other dealer.
5. There must be sufficient room to manoeuvre motor vehicles for the purposes of test drives or yard changes without encroaching on the part of the premises occupied by any other motor dealer.
6. The layout of the office/desk and the display of motor vehicles must be of such designed so as to eliminate the likelihood of any confusion for any person entering the premises as to which office/desk belongs to the applicant and which motor vehicles are being offered for sale by the applicant.

I, the applicant / director of the applicant, undertake to comply with all of the above requirements prior to commencing business as a motor dealer and I certify that I am aware that if the applicant carries on business as a motor dealer prior to complying with all of the above requirements, disciplinary action may be taken against the applicant which may result in cancellation of the motor dealers licence.

Signature: _____ Date: _____
Signature of individual applicant or director of corporation applicant

Note: In this form, the term "applicant" means the applicant for a motor dealers licence or after a licence has been granted to the applicant, the licensee.



Information for Completing this Form

- A **corporation** must nominate an individual to be the manager of the day-to-day business of the licensee.
- An **individual** may manage the business themselves or nominate another individual to manage the day-to-day business of the licensee.
- One or more individuals may be nominated to manage the day-to-day business of the licensee.
- Where there is more than one manager, a separate Manager's Consent Form must be completed for each manager.
- The nominated manager(s) must give their consent to being nominated as a manager and must authorise NSW Fair Trading to conduct criminal record checks and to make any other inquiries and to receive and disclose any information which is relevant to their nomination as a manager.

Details of Licensee/ Applicant	
Name of Licensee/Applicant:	Licence No./Application No.
<input type="text"/>	<input type="text"/>
Details of Proposed Manager	
Surname:	Given Names:
<input type="text"/>	<input type="text"/>
Former Names (if any):	
<input type="text"/>	
Date of Birth:	Place of Birth:
<input type="text"/>	<input type="text"/>
Postal Address:	
<input type="text"/>	
Postcode:	
<input type="text"/>	<input type="text"/>
Driver Licence No:	Email Address:
<input type="text"/>	<input type="text"/>
Mobile No:	Telephone No:
<input type="text"/>	<input type="text"/>

Continued on next page.

Details of Managers to be removed (if any)

Provide below the names of any managers to be removed from a licence or pending application.

.....
.....

Certain persons not to be employed as manager

A licence holder must not employ any person as a manager of a place of business if the licence holder is notified by the Secretary, or if the licence holder is aware or ought reasonably to be aware, that:

- (a) within the last 10 years:
 - (i) a licence held by the person has been cancelled, or
 - (ii) the person has been convicted of, or has served any part of a term of imprisonment for, an offence in New South Wales or elsewhere involving fraud or dishonesty, or
 - (iii) the person, or a corporation of which the person was a director or officer, has been refused a licence on a ground or grounds related to the honesty of the person or on the ground of his or her status as a fit and proper person to be a licence holder, or
- (b) the person is subject to a good behaviour bond in relation to an offence in New South Wales or elsewhere involving fraud or dishonesty, or
- (c) proceedings have been commenced against the person in New South Wales or elsewhere in relation to an offence involving fraud or dishonesty, or
- (d) the person is the holder of a suspended licence, or
- (e) the person is disqualified from holding a licence or being concerned in the direction, management or conduct of a business for the carrying on of which a licence is required.

Consent of Nominated Manager

I agree to being nominated as a manager in respect of the business to which the licence/application relates and I authorise NSW Fair Trading to conduct criminal record checks and to make any other inquiries and to receive and disclose any information which is relevant to my nomination as a manager.

Manager’s Signature:..... **Date:**.....

Signature of Licensee/Applicant: **Date:**

How to lodge this document

 **Online**

www.onegov.nsw.gov.au
and receive a discount

OR

† In person at:

Service NSW Service Centre

For your nearest Service NSW Service Centre, go to: www.fairtrading.nsw.gov.au or telephone 13 77 88



INFORMATION FOR LICENCE APPLICANTS

The following information is provided for applicants for a motor dealer's licence, a motor vehicle repairer's licence or a motor vehicle recycler's licence under the *Motor Dealers and Repairers Act 2013* (the Act)

Obligations and responsibilities of licence holders

All applicants must ensure that they are aware of their obligations and responsibilities under the *Motor Dealers and Repairers Act 2013*, the *Motor Dealers and Repairers Regulation 2014* and any other relevant Acts and Regulations related to the conduct of the business that will be authorised to be conducted under the type of licence being applied for.

Licence Fees

For information on how much to pay, visit the fees section on the [NSW Fair Trading website](#). If you need to calculate the fees for more than 6 places of business or if you need further information on the fees payable including the various fee components, refer to the schedule of fees contained in the *Motor Dealers and Repairers Regulation 2014* available at www.legislation.nsw.gov.au. Alternatively, you may call NSW Fair Trading.

Licence Duration

The applicant may choose between a duration of 1 year, 3 years or 5 years. A licence will remain in force until it expires, is cancelled or is surrendered.

Licence Renewal

An application for renewal of a licence must be lodged with Fair Trading before the expiry date of the licence.

Transfer of licences

A licence cannot be transferred to another individual or organisation.

Licence Types

<p>Motor Dealer's Licence</p>	<p>A <i>motor dealer</i> is a person who carries on the business of dealing in motor vehicles as a retailer or on a wholesale basis.</p> <p>A person who carries on the business of assembling or manufacturing motor vehicles is not a motor dealer merely because the person sells any of those cars to a motor dealer or a financier.</p> <p>A financier is not a motor dealer and a motor vehicle broker is not a motor dealer.</p>
<p>Motor Vehicle Repairer's Licence</p>	<p>A <i>motor vehicle repairer</i> is a person who carries on the business of carrying out repair work on motor vehicles. Repair work means work of a class or classes prescribed by the regulations. The classes of repair work are listed later in this document.</p> <p>A person is not a motor vehicle repairer if the person carries out repair work only in the course of employment with another person or on the person's own motor vehicle.</p>
<p>Motor Vehicle Recycler's Licence</p>	<p>A <i>motor vehicle recycler</i> is a person who carries on one or more of the following businesses:</p> <p>a) buying or obtaining motor vehicles or parts or accessories of motor vehicles and demolishing or dismantling the motor vehicles or parts or accessories,</p> <p>b) buying and selling major body and mechanical components of motor vehicles, major car accessories and parts or accessories of motor vehicles prescribed by the Regulations. The following parts or accessories of motor vehicles are prescribed by clause 6A of the <i>Motor Dealers and Repairers Regulation 2014</i>:</p> <ul style="list-style-type: none"> • chassis • major body section • bonnet • right side door (front) • left side door (front) • right side door (back) • left side door (back) • hatchback door • boot lid • right front guard • left front guard • front bumper bar • rear bumper bar • engine or engine block • gearbox, transmission or transaxle (front wheel drive vehicles) • instrument cluster, odometer or hour gauge • car radio, tape or compact disc (CD) equipment • electronic navigation equipment • multimedia equipment • airbags and air curtains (side impact airbags) • alloy wheels • seats • finaldrive (differential for rear wheel drive vehicles) • headlights

Business Structure

A licence may be issued to an individual or a corporation however a licence cannot be issued to a partnership.

In the case of a business operating as a partnership only one of the partners is required to hold a licence. Please give careful consideration as to which partner is to hold the licence. Once the licence is granted, it cannot be transferred to another partner.

Business Names

If an applicant proposes to trade under a business name other than the applicant's own name, the business name must be registered with the Australian Securities and Investments Commission (ASIC). The applicant and all partners (if any) must be registered as the holder(s) of the business name.

The applicant must provide with the application a copy of a current certificate of registration of the business name issued by ASIC. If the certificate of registration is not provided or if the applicant and all partners (if any) are not shown on the certificate as the holders of the business name, the business name will not be included on the licence.

Managers

An applicant that is a corporation must nominate an individual as a manager of the business. An applicant that is an individual may manage their own business however if it is proposed to employ a manager, particulars of the manager must be provided.

For each manager nominated, a Manager's Consent Form must be completed and signed by both the applicant and nominated manager.

Certain persons not to be employed as manager

A licence holder must not employ any person as a manager of a place of business if the licence holder is notified by the Secretary, or if the licence holder is aware or ought reasonably to be aware, that:

- (a) within the last 10 years:
 - (i) a licence held by the person has been cancelled, or
 - (ii) the person has been convicted of, or has served any part of a term of imprisonment for, an offence in New South Wales or elsewhere involving fraud or dishonesty, or
 - (iii) the person, or a corporation of which the person was a director or officer, has been refused a licence on a ground or grounds related to the honesty of the person or on the ground of his or her status as a fit and proper person to be a licence holder, or
- (b) the person is subject to a good behaviour bond in relation to an offence in New South Wales or elsewhere involving fraud or dishonesty, or
- (c) proceedings have been commenced against the person in New South Wales or elsewhere in relation to an offence involving fraud or dishonesty, or
- (d) the person is the holder of a suspended licence, or
- (e) the person is disqualified from holding a licence or being concerned in the direction, management or conduct of a business for the carrying on of which a licence is required.

Definition of motor vehicle

motor vehicle means a vehicle of the following kind that is built to be propelled by a motor that forms part of the vehicle, and includes a trailer:

- (a) any description of vehicle on wheels, other than a vehicle used on a railway or tramway or an aircraft,
- (b) any description of tracked vehicle, or any description of vehicle that moves on revolving runners inside endless tracks, that is not used exclusively on a railway or tramway.

Motor vehicles exempted from the Act

The Act does not apply to the following motor vehicles:

- (a) a crane, hoist or conveyor,
- (b) an excavator, road grader, road roller, bulldozer or forklift truck or other machinery, that is not constructed on a chassis of a type normally used in the construction of a truck,
- (c) a motor vehicle that is constructed or adapted for road construction or maintenance (including cleaning, sweeping or watering),

- (d) a vehicle that is not acquired for use principally for the transport of passengers or goods on public roads (other than a trailer or towable recreation vehicle),
- (e) a heavy vehicle within the meaning of the *Heavy Vehicle National Law (NSW)* - Note: this exemption does not apply to Motor Vehicle Repairers. Motor Vehicle Repairers must be licenced to repair heavy vehicles,
- (f) a vehicle that is incapable of being registered by Roads and Maritime Services under the *Road Transport Act 2013* (other than a motorcycle that is an unregistrable new motor cycle*, or a defective registrable vehicle within the meaning of the *Road Transport Act 2013*)".

* An unregistrable new motor cycle is a motor cycle (not being a second-hand motor cycle) that is of a design that makes it incapable of being registered in NSW.

Grounds for refusal

Section 25 of the Act sets out the grounds for refusal of a licence and is reproduced below:

"25 Grounds for refusal—licences other than tradespersons' certificates

- (1) This section applies to motor dealers' licences, motor vehicle repairers' licences and motor vehicle recyclers' licences.
- (2) The Secretary must not grant a licence to an individual if the Secretary is satisfied of any of the following:
 - (a) that the applicant is not over the age of 18,
 - (b) that the applicant is not a fit and proper person to hold a licence,
 - (c) that the applicant is a controlled member of a declared organisation,

Note. Controlled members are prohibited from applying for licences—see section 27 of the [Crimes \(Criminal Organisations Control\) Act 2012](#).
 - (d) that the applicant is an undischarged bankrupt,
 - (e) that the applicant does not have the qualifications, if any, prescribed by the regulations for the purposes of the licence concerned,
 - (f) that the applicant has (as an adult) been found guilty, within the preceding 10 years, of a motor vehicle stealing offence.
- (3) The Secretary must not grant a licence to an applicant that is a corporation if the Secretary is satisfied of any of the following:
 - (a) a director or person involved in the management of the corporation, or any other person who appears to the Secretary to have control or substantial control of the corporation, would, if the director or person applied for the licence as an individual, be prohibited by this section from being granted the licence,
 - (b) the officers of the corporation do not have the qualifications, if any, prescribed by the regulations for the purposes of the licence concerned,
 - (c) the reputation of the corporation is such that it is not a fit and proper person to hold a licence.
- (4) The Secretary must not grant a licence to any applicant, if the Secretary is satisfied of any of the following:
 - (a) that the applicant is not likely to carry on the business for which the licence is sought honestly and fairly,
 - (b) that the carrying on of the business at any place to which the application for the licence relates is unlawful for any reason.

- (5) The Secretary may refuse to grant a licence to an applicant if the Secretary is satisfied of any of the following:
- (a) that a close associate of the applicant is not a fit and proper person to hold a licence,
 - (b) that there is another licence in force in relation to the whole or a part of a place of business to which the application for the licence relates.

(6) For the purposes of the Act:

motor vehicle stealing offence means an offence of, or relating to:

- (a) stealing a motor vehicle (within the meaning of Division 5A of Part 4 of the [Crimes Act 1900](#)), or
- (b) receiving, or unlawful possession of, a motor vehicle within the meaning of Division 5A of Part 4 of the [Crimes Act 1900](#) or a motor vehicle part”.

In addition, in order to be qualified to be granted a licence the applicant must:

- (a) not be disqualified from holding a licence as a result of a disciplinary outcome,
- (b) have sufficient financial resources to enable the person to carry on business pursuant to the authority that would be conferred by the licence if it were granted.

Criteria for being fit and proper person to hold a licence

- (1) In determining whether a person is a fit and proper person to hold a motor dealer’s licence, a motor vehicle repairer’s licence or a motor vehicle recycler’s licence, the Secretary may have regard to any of the following:
- (a) whether the applicant has, in the preceding 10 years, been found guilty of an offence involving fraud or dishonesty (whether in this State or elsewhere),
 - (b) whether proceedings for such an offence have been commenced against the applicant but have not been finally determined,
 - (c) whether the applicant has been convicted of an offence against the Act or the regulations or another Act administered by the Minister,
 - (d) whether the applicant has failed to pay any contribution or other payment required to be paid by the applicant to the Compensation Fund under the Act.
- (2) An applicant is not a fit and proper person to be the holder of any licence if the Secretary has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the applicant that:
- (a) the applicant is a member of, or regularly associates with one or more members of, a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#), and
 - (b) the nature and circumstances of the applicant’s relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the applicant is granted a licence.

Amendment of licence

A licensee must notify Fair Trading, within 14 days of any change that occurs in the licensee’s name, address or other registered particulars.

A licence may be amended to add or remove a place of business specified in a licence. An application to amend a licence is to be accompanied by the prescribed fee, where applicable.

The holder of a licence must notify Fair Trading in writing, within 14 days if the holder ceases to carry on a business at a place specified in the licence.

Licence holder to display signs

The holder of a dealer's licence, motor vehicle repairer's licence, or motor vehicle recycler's licence must include the licence holder's name and the words "licence number", "Lic. No." or a similar abbreviation followed by the licence holder's licence number:

- (a) on a sign at each place of business (other than a vehicle) for which the licence is granted that is readily visible to any persons approaching the place of business, and
- (b) in the case of a motor vehicle repairer, if the licence holder carries on business from a vehicle—on the outside of the vehicle, and
- (c) in any advertisement of any kind relating to the carrying on of the business of dealing in motor vehicles or carrying on repair work on motor vehicles or carrying on the work of a motor vehicle recycler at the place of business of a specified licence holder.

MOTOR DEALERS LICENCE

A person must not carry on, or advertise that the person carries on or is willing to carry on, the business of a motor dealer unless:

- (a) the person is the holder of a motor dealer's licence, and
- (b) the business is carried on or proposed to be carried on at a place for which the licence is granted, and
- (c) the business is carried on or proposed to be carried on in accordance with the licence.

A motor dealer's licence is not required by a person who carries on, or advertises that the person carries on or is willing to carry on, the business of dealing in motor vehicles only for the purpose of reclaiming scrap metal or scrap rubber.

Motor dealer must notify consignment sales

A motor dealer who proposes to commence to sell motor vehicles on consignment must give the Secretary notice in writing of that intention. Note that the notice must be given before the dealer commences to sell motor vehicles on consignment.

Licence fee for dealing in motor vehicles on wholesale basis only

Dealing in motor vehicles on a wholesale basis means buying motor vehicles and selling to, or exchanging those motor vehicles with motor dealers for the purposes of resale.

The Compensation Fund contribution payable for a fee in relation to a motor dealer's licence is not payable if the person carries on the business of dealing in motor vehicles on a wholesale basis only.

The licence of a person who does not pay the Compensation Fund contribution payable for a fee for a licence is subject to the condition that the person must not carry on the business of dealing in motor vehicles other than on a wholesale basis. If a licence is subject to such a condition, the licence holder may pay the Compensation Fund contribution component in order to remove the condition.

Important note for motor dealers and wholesalers

A licence does not entitle a person to avoid luxury car tax or other taxation/duty requirements in relation to vehicles acquired for personal use. A licensee who does not operate their business for bona fide purposes will be subject to disciplinary action under the Act and may be liable to prosecution under other State and Commonwealth laws.

MOTOR VEHICLE REPAIRERS LICENCE

A person must not carry on, or advertise that the person carries on or is willing to carry on, the business of a motor vehicle repairer unless:

- (a) the person is the holder of a motor vehicle repairer's licence, and
- (b) the business is carried on or proposed to be carried on at a place for which the licence is granted, and
- (c) the business is carried on or proposed to be carried on in accordance with the licence.

Important Information

For further information on Motor Vehicle Repairers, click here <https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/information-for-specific-industries/motor-vehicle-repairers>

Mobile workshop

In relation to a motor vehicle repairer, a place of business may include the registration of a motor vehicle specified in the repairer's licence as the holder's place of business. The prescribed fee is payable in respect of each vehicle used for the purposes of a mobile workshop.

Repair work must be done by holder of tradesperson's certificate

A motor vehicle repairer or, a motor dealer must not permit an employee to do any repair work unless the person doing the work:

- (a) holds a tradesperson's certificate for a class of repair work that includes that work, or
- (b) is doing the work in the course of an apprenticeship or traineeship under the supervision of a person who holds a tradesperson's certificate for a class of repair work that includes that work.

A motor vehicle repairer or a motor dealer must not personally do any repair work in the course of the repairer's or dealer's business unless the repairer or dealer holds a tradesperson's certificate for a class of repair work that includes that work.

MOTOR VEHICLE RECYCLER'S LICENCE

A person must not carry on, or advertise that the person carries on or is willing to carry on, the business of a motor vehicle recycler unless:

- (a) the person is the holder of a motor vehicle recycler's licence, and
- (b) the business is carried on or proposed to be carried on at a place for which the licence is granted, and
- (c) the business is carried on or proposed to be carried on in accordance with the licence.

A motor vehicle recycler's licence is not required to be held by a person who carries on, or advertises that the person carries on or is willing to carry on, the business of a motor vehicle recycler, if the person:

- (a) is a motor vehicle repairer, **and**
- (b) keeps the register and records that the holder of a motor vehicle recycler is required to keep under the Act in relation to the carrying on of the business of a motor vehicle recycler.