



Government of **Western Australia**
Department of **Commerce**
Consumer Protection

Application for a Motor Vehicle Repair Business Licence

Partnership (firm) or

Body Corporate (Company)

Please note that all supporting documents required to be lodged with this application can be copies certified as true copies of the original. If original documents are lodged they will not be returned.

A list of occupations that are authorised to witness and certify documents can be found at www.commerce.wa.gov.au/CP/authorisedwitness.

Note: this application form expires on 30 June 2016.

Department of Commerce Consumer Protection

Level 2, Gordon Stephenson House
140 William Street
PERTH WA 6000

Licensing Advice Line

Telephone: 1300 30 40 64

Overseas callers: +61 (8) 6251 2931

(8.30 – 5.00 Weekdays)
(Closed Public Holidays)

Licensing Branch

Level 5, WestCentre
1260 Hay Street
WEST PERTH WA 6005

Postal

Licensing Branch
Consumer Protection
Department of Commerce
Locked Bag 14
CLOISTERS SQUARE WA 6850

Email

cplicensing@commerce.wa.gov.au

LICENSING FEES APPLY

See page 9

Website:

www.commerce.wa.gov.au/CP/Licences

A9580111

GENERAL INFORMATION

WHO NEEDS TO APPLY FOR A LICENCE

Anyone who operates a business that includes repairing or servicing motor vehicles is required to hold a Motor Vehicle Repair Business licence. However, each member of a partnership must also hold an individual Repairer's Certificate issued by the Commissioner for Consumer Protection in order to personally do repair work.

A business must ensure that it engages at least one certified repairer for each class of repair work, at each of the premises that the business intends to operate.

You are reminded that, as a member of a partnership, it is an offence under the *Motor Vehicle Repairers Act 2003* (the Act) for you to carry out work on motor vehicles unless you are also the holder of a Repairer's Certificate. This offence does not apply to directors of a body corporate.

A licence cannot be granted to a Business Name and/or a Trust. Under the Act only a Sole Trader (Individual), Partnership (firm) or Company (body corporate) can be granted a licence.

REGISTRATION OF A COMPANY AND/OR BUSINESS NAME

If the application is in the name of a company you must ensure that the company (body corporate) is registered in accordance with the requirements of the Australian Securities and Investment Commission. Although you are not required to submit proof of the registration, a search of the Company Names Register will be carried out to verify the registration and the names of the office holders. A licence cannot be issued until the company's registration is confirmed.

Any business name(s) that the applicant entity intends to use when trading must also be **registered**. The National Business Names Register will be checked to verify registration and ownership. A licence may not be issued until registration of a business name in the name of the applicant is confirmed.

You do not need to register a business name if you intend to trade under the names of the members of the partnership only, or in the case of a company the name of the company only.

To register a company or business name you should contact the:

Australian Securities and Investment Commission
Level 3, 66 St Georges Terrace Perth. Telephone: 1300 300 630
Website: www.asic.gov.au

FITNESS TO HOLD A MOTOR VEHICLE REPAIR BUSINESS LICENCE

The *Motor Vehicle Repairers Act 2003* requires that you are of 'good character and repute' and 'a fit and proper person' to hold a licence.

National Police Certificate

All Australian citizens and permanent residents must submit an Australian police check.

To assist the Commissioner in determining your fitness to hold a licence an original National Police Certificate must be lodged in support of your application for each partner or director. The certificate must be no more than three (3) months old at the time of application.

Applications for a National Police Certificate can be made at participating Australia Post outlets in Western Australia on provision of identification and payment of a fee. Further information is available from the WA Police by visiting www.police.wa.gov.au or www.commerce.wa.gov.au/CP/policechecks.

If a relevant partner/director resides outside of Western Australia they should contact their nearest local police station.

Applicants that are not Australian and living overseas

A National Police Certificate is not required for a person that lives overseas and is not an Australian Citizen or Permanent Resident.

DURATION OF LICENCE

If the application is approved the licence will be issued for a period of three (3) years from the date it was granted.

RELEVANT LEGISLATION

In addition to the *Motor Vehicle Repairers Act 2003* and Regulations, the following legislation administered by Consumer Protection also applies to your business.

Fair Trading Act 2010 (Australian Consumer Law) includes

- General protections against deceptive and unconscionable conduct, false or misleading representations and unfair contract terms;
- Guarantees for consumers as to acceptable quality of supplied goods, repairs and spare parts, remedies if goods are not acceptable, and a guarantee of a reasonable time for supply;
- Laws setting out rights relating to unsolicited consumer agreements;
- Product safety mandatory standards.

Retail Trading Hours Act 1987

- applies to retail shops in Western Australia south of the 26th parallel.
- sets the maximum hours a retail store is authorised to carry on business.

Further information:

For further information about general consumer protection legislation, please contact the Consumer Protection General Advice Line on 1300 30 40 54 or email consumer@commerce.wa.gov.au.

The Small Business Development Corporation is also available to assist small businesses through its Specialist Advice Service on 131 249 or by visiting www.smallbusiness.wa.gov.au.

Western Australian Legislation is available from the [State Law Publisher](#).

Telephone: (08) 6552 6000

Website: www.slp.wa.gov.au.

INFORMATION REQUIRED

1. NAME OF THE ENTITY APPLYING, & TRADING NAME DETAILS, FOR THE LICENCE

a. Name of Entity applying

.....
eg. Fred & Mary Smith (firm or partnership) or Smith Pty Ltd (body corporate)

b. Business Name/s under which Entity intends to trade (if applicable)

.....
.....
eg. Smith Smash Repairs

2. CONTACT DETAILS FOR THE ENTITY

Postal Address for the business

.....

Email address for the business

.....

Telephone Number Facsimile Number

3. DETAILS OF THE RELEVANT PEOPLE IN MANAGEMENT

(Only partners and/or directors need to complete this section)

PERSON 1

| |
|---|
| Full Name |
| Residential address |
| |
| Date of birth Place of Birth |
| Contact number Email |
| MV Repairer Certificate Number (if applicable) |

PERSON 2

| |
|---|
| Full Name |
| Residential address |
| |
| Date of birth Place of Birth |
| Contact number Email |
| MV Repairer Certificate Number (if applicable) |

INFORMATION REQUIRED

PERSON 3

| |
|---|
| Full Name |
| Residential address |
| |
| Date of birth Place of Birth |
| Contact number Email |
| MV Repairer Certificate Number (if applicable) |

PERSON 4

| |
|---|
| Full Name |
| Residential address |
| |
| Date of birth Place of Birth |
| Contact number Email |
| MV Repairer Certificate Number (if applicable) |

Please add a sheet of paper with further details if there are more than 4 partners or directors. Where a partnership includes a company all directors of the partner company must be included.

INFORMATION REQUIRED

4. BANKRUPTCY, RECEIVERSHIP, ADMINISTRATION, LIQUIDATION AND CHARACTER

YOU MUST ATTACH AN ORIGINAL OR CERTIFIED COPY OF AN AUSTRALIAN POLICE CHECK THAT IS LESS THAN THREE (3) MONTHS OLD FOR EACH DIRECTOR OR PARTNER.

Please answer either 'Yes' or 'No' to each of the following items.

| Has/is the entity, any partner or any director: | Yes or No |
|--|-----------|
| (a) ever been convicted of, or found guilty of, ANY offences including convictions which resulted in a suspended sentence? <i>(Include all offences which went to Court, including traffic offences. Do not include spent convictions.)</i> | |
| (b) aware of any legal proceedings pending against you for an offence, including proceedings by way of appeal or review? | |
| (c) ever been the subject of an adverse finding by a Government Board, Tribunal or Agency, e.g. the Corruption and Crime Commission? | |
| (d) had any application for an occupational licence refused, cancelled or suspended? | |
| (e) been disqualified from holding an occupational licence? | |
| (f) been subject to disciplinary action by a licensing authority? | |
| (g) had any investigations or legal proceedings commenced against you or an associated entity, which may/did result in action being taken in relation to an occupational licence currently held? | |
| (h) been known by another name? | |
| (i) in liquidation, under official management or an undischarged bankrupt? | |
| (j) having affairs administered under bankruptcy laws? | |
| (k) been a director of a corporation, which within that period has been subject to any form of insolvency administration? | |

If the answer to any of the above items was 'Yes', full details must be provided on a separate attached sheet of paper.

| | |
|--|--|
| Does the applicant referred to in this application have sufficient resources to enable it to carry on the business to which this application relates? | |
|--|--|

5. CREDIT HISTORY REPORTS

Rather than requiring that the applicant provides credit history report/s with the application, Consumer Protection will obtain the report/s on the applicant's behalf. The report/s assist in assessing whether the applicant has sufficient resources (including material, human resources and financial resources) to enable it to meet its obligations under the Act. The report/s obtained will provide a 'snapshot' of the entity's credit history and other relevant matters and are equivalent to the report that is available to credit providers. You will be given the opportunity to provide additional information should a negative report be obtained. The report will be held by the Department as a confidential document and will only be released to third parties as required under law.

- If an applicant is a company that is less than 6 months old at the time of application, please complete the following confidential statement of assets and liabilities:

| | |
|------------------|----|
| Assets | \$ |
| Liabilities | \$ |
| Net worth | \$ |

INFORMATION REQUIRED

6. PREMISES INFORMATION

If you intend to operate a mobile business only, go to Part B

A) Fixed Premises

Please submit the following information about each premise from which you intend to carry out repairs to motor vehicles:

| | | |
|--|-----------------|-------------------|
| Principal place of business address: | | |
| ----- Number and Street | ----- Suburb | ----- Postcode |
| Each additional address at which the business operates: (if you have more than 5 premises, please add a separate sheet of paper with the details of the additional premises) | | |
| ----- Number and Street | ----- Suburb | ----- Postcode |
| ----- Number and Street | ----- Suburb | ----- Postcode |
| ----- Number and Street | ----- Suburb | ----- Postcode |
| ----- Number and Street | ----- Suburb | ----- Postcode |

B) Mobile Premises (vehicles used for mobile repairs)

If you intend to trade using mobile premises, please provide the following information for each motor vehicle (including trailers, campervans or caravans) involved in the business of repairing vehicles:

| Make of vehicle | Model of vehicle | Vehicle colour | Year of manufacture | Registration number |
|-----------------|------------------|----------------|---------------------|---------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

INFORMATION REQUIRED

7. STAFFING

If you are a member of a partnership that repairs motor vehicles, you **cannot** do repair work unless you hold a Motor Vehicle Repairer's Certificate. If a director of a company is not a certified repairer they can undertake repair work only if they are supervised by the holder of a Motor Vehicle Repairer's Certificate.

A '**certified repairer**' means a person who has been issued with a **Motor Vehicle Repairer's Certificate** by Consumer Protection. It does **not** mean someone who has a 'Trade Certificate' or other qualification relating to the repairing of motor vehicles.

The supervision ratio of certified repairers to uncertified repairers is one as to three. Therefore you will require at least one certified repairer (for each class of repair work) for every three uncertified repairers that you employ at each of the premises from which you operate, including mobile premises. (I.e. if you employ six uncertified repairers, you will require at least two certified repairers to supervise them).

The following information will be used for **calculating your licence fee**.

| Please answer | Number |
|--|--------|
| <p>How many staff (certified and uncertified) are engaged in repair work including the owner/s of the business, if those people do repair work?</p> <p><u>DO NOT COUNT</u> apprentices, trainees and administrative staff.</p> | |

8. AUTHORISATION AND DECLARATION

(All partners/directors must complete – if there are more than 4 partners/ directors please copy)

In order to assist with the determination of this application, I authorise the Commissioner, or persons so directed, to obtain on my behalf any document, record, file or information that may be necessary and relevant to consider my fitness and propriety to hold a licence, including but not limited to records relating to my criminal history, current/previous occupational licences and other relevant information.

Further, I declare that the information and documents given with or in support of this application, whether or not provided at the time of or subsequent to lodgement, are true and correct. **I understand that providing a false or misleading statement in an application is an offence.**

Entity applying for the licence

Full Name: Full Name:

Signature: Signature:

Date: Date:

Full Name: Full Name:

Signature: Signature:

Date: Date:

FALSE OR MISLEADING INFORMATION

It is important to note that all the information and documents lodged in support of the application must be accurate. Providing false or misleading information is an offence under the *Motor Vehicle Repairers Act 2003*. By signing the declaration on the application form you are confirming that you understand you can be found guilty of a criminal offence if any information is false or misleading in a material particular.

