



Proactive compliance checklist – Motor Vehicle Dealers

The following checklist will help you prepare for a proactive compliance visit:

GENERAL

Is your licensed business name and dealer licence number displayed on a sign, of reasonable dimension, at all your dealership premises?

Are all of your dealership locations authorised?

LICENCES/ADMINISTRATION

Is your Certificate of Authorised Premises displayed in a clearly visible position inside the authorised premises?

Do all salespersons or yard managers hold current licences?

For a firm or body corporate:

Have any/all changes to the composition of the firm or body corporate been approved by the Commissioner 14 days prior to the change?

ADVERTISING

Does your dealer business name and licence number appear on all published advertisements?

Do all second-hand vehicle advertisements show the:

- registration number (a stock number may identify unlicensed vehicles);
- year of manufacture;
- cash price; and
- address of the registered dealer premises where the vehicle is offered for sale?

Check any advertisements do not have potential to mislead consumers?
You can access more information about the Australian Consumer Law at www.accc.gov.au
and see the *Fair Trading Act 2010* at www.legislation.wa.gov.au.

Generally speaking, it is an offence to publish or cause to be published, advertisements that may be false, misleading or deceptive, among other things.

SECOND HAND VEHICLES TRANSACTIONS

Do you have the appropriate licence for the class or description of dealership?*

Are your dealer registers completed using the correct form* for all second-hand vehicle transactions at the dealership?

Are all your second-hand vehicles, for which you are the 'trade owner', kept or parked at the dealership?

Do all your second-hand vehicles display the correct notice and information and do the notices meet dealer warranty obligations for used cars* or motorcycles?*

Are all vehicle particulars notices:

- fully complete with prescribed information; and
- kept for two years or more?

CONSIGNMENT SELLING (ignore if not applicable)

Are your consignment agreements between the dealer and consignor (excluding auctions) provided in writing and signed by all relevant parties; and

Do the agreements contain the prescribed particulars, terms and conditions?

LIQUIDATED DAMAGES

When applying liquidated damages:

Are you able to show/explain your process where an agreement for the sale of a motor vehicle is validly terminated by you (the dealer)?

Are you able to justify the amount being charged to the consumer?

NOTE: DMIRS compliance officers visit Motor Dealer premises and will issue vehicle defect notices, where applicable.

DMIRS OFFICE USE ONLY:

VEHICLE INSPECTIONS and DEFECT ORDERS

Number of vehicles inspected and number of defect notices issued

* For further information visit: www.dmirs.wa.gov.au/MVdealersproactive

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

Consumer Protection | Department of Mines, Industry Regulation and Safety

1300 304 054

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 9.00 am – 4.30 pm Thurs
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Regional Offices

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Great Southern	(08) 9842 8366
Kimberley	(08) 9191 8400
Mid-West	(08) 9920 9800
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National Relay Service: 13 36 77

Translating and Interpreting Service (TIS): 13 14 50

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