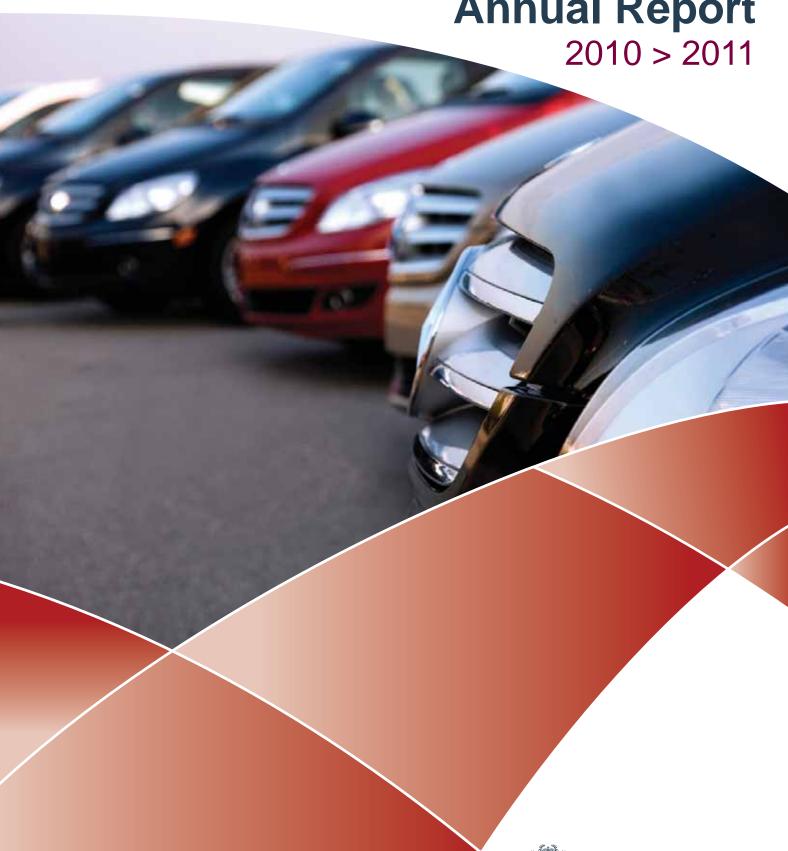


Motor Vehicle Industry Board

Annual Report



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Annual Report

2010-2011

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THE HONOURABLE SIMON O'BRIEN MLC MINISTER FOR FINANCE; COMMERCE; SMALL BUSINESS

In accordance with Section 64(1) of the *Motor Vehicle Dealers Act 1973* I submit for your information and presentation to Parliament the final Annual Report of the Motor Vehicle Industry Board for the year ending 30 June 2011.

Miriam Sauley Chairman

15 September 2011

Minauxaula

1. Compliance with reporting standards

The Motor Vehicle Industry Board (the Board) submits this Annual Report pursuant to the provisions of section 64(1) of the *Motor Vehicle Dealers Act 1973*.

The Board was a body corporate established under an Act of the Parliament of Western Australia.

The Board was not empowered to raise revenue and was not directly funded by the State of Western Australia but with resources provided by the Department of Commerce.

The Board did not have reporting obligations under the *Public Sector Management Act 1994* or the *Financial Management Act 2006*.

This Annual Report includes details of:

- a) the number, nature and outcomes of:
 - i. investigations and inquiries undertaken by, or at the direction of, the Board; and
 - ii. matters that have been brought before the State Administrative Tribunal by the Board:
- b) the number and nature of matters that are outstanding [from (a)]; and
- c) any trends or special problems that have emerged.

2. Executive summary

The Motor Vehicle Industry Board's mission was to administer licensing, registration and other functions in respect of businesses operating, and persons working, in motor vehicle dealing and motor vehicle repair industries.

A focus of the Board in this reporting year was the continuing implementation of the licensing system for motor vehicle repair businesses, under the *Motor Vehicle Repairers Act 2003* and in particular the implementation of compliance programs to follow up repair businesses which have failed to apply for a licence.

The Board was again disappointed with the poor response of industry to the new licensing system. As at 30 June 2011 the Board received 4,053 repair business licence applications but expected the final figure to exceed 4,500. The Board was pleased to note the strong commitment of individual tradespersons to the system having received 9,875 of an originally anticipated 10,000 individual certification applications.

The Board continued to work with the Department of Commerce towards the implementation of the new licensing regime under which, on 1 July 2011, the Board ceased to exist and the Commissioner for Consumer Protection assumed responsibility for all motor vehicle dealing and repair industry occupational licensing.

The Board acknowledged the efforts of the staff of the Motor Vehicles Branch whose hard work and professionalism has ensured the Board operated both efficiently and effectively.

3. About the Board

3.1 Legislative charter

The Board was established under the *Motor Vehicle Dealers Act 1973*. The Board's functions, powers and duties were conferred on it by both the *Motor Vehicle Dealers Act 1973* and the *Motor Vehicle Repairers Act 2003*.

3.2 Mission

The Board defined its mission as:

- To administer licensing, registration and other functions in respect of businesses operating in, and persons working in, motor vehicle dealing, selling, and the motor vehicle repair industries; and
- To regulate dealing in new and second hand motor vehicles.

3.3 Functions of the Board

Motor Vehicle Dealing Industry

The Board's key functions were to:

- licence appropriate entities to carry on business in the motor vehicle dealing industry;
- licence yard managers and salespersons to work in the motor vehicle dealing industry;
- deny unfit entities and persons access to the motor vehicle dealing industry;
- investigate the conduct of licensed entities and individuals within the motor vehicle dealing industry to determine if that conduct should be reviewed by the State Administrative Tribunal:
- investigate the conduct of unlicensed entities and individuals and, if necessary, recommend prosecution action;
- ensure the registration and maintenance of appropriate facilities by licensed entities;
- approve training courses for persons seeking entry to the motor vehicle dealing industry; and
- approve persons who provide those training courses.

Motor Vehicle Repair Industry

The Board's functions were to:

- licence appropriate entities to carry on business in the motor vehicle repair industry;
- certify persons to work in the motor vehicle repair industry;
- deny unfit entities and persons access to the motor vehicle repair industry;
- investigate the conduct of licensed entities and individuals within the motor vehicle repair industry to determine if that conduct should be the subject of inquiry by the Board;
- investigate the conduct of unlicensed entities and individuals and, where necessary, recommend prosecution action:
- ensure the registration and maintenance of appropriate facilities by licensed entities:
- make recommendations to the Director General of the Department of Commerce regarding claims against the Motor Vehicle Repair Industry Compensation Account;
- make recommendations to the Director General of the Department of Commerce regarding application of the Motor Vehicle Repair Industry Education and Research Account;
- approve training courses for persons seeking entry to the motor vehicle repair industry; and
- approve persons who provide those training courses.

3.4 Membership of the Board

The Board comprised members and deputy members appointed by the Governor in accordance with Section 8 of the *Motor Vehicle Dealers Act 1973*. The Governor made all appointments to the Board based on nominations made by the Minister for Commerce. In keeping with the State Government policy on gender equity, nominations were sought from industry and consumer bodies and wherever possible, included the nomination of female representatives.

The Motor Vehicle Industry Board comprised the following persons:

A person appointed as Chairperson:

Name: Occupation: Position: Appointment period: Deputy to Chairperson Length of service:	Ms Virginia SEYMOUR Lawyer Chairperson 4 November 2008 to 3 November 2011 Ms Miriam SAULEY 5.5 years First appointed as a member of the Motor Vehicle Industry Board 22 December 2004. Resigned as chairperson on 26 October 2010.
Name: Occupation: Position: Appointment period:	Ms Miriam SAULEY Lawyer Chairperson 9 March 2011 to 30 June 2011

Two persons nominated by the Minister who have knowledge and experience in the motor vehicle dealing industry:

Name: Mr Robert PEARCE

Occupation: Company Director and licensed motor vehicle dealer

Member

Position: 4 November 2008 to 3 November 2011

Appointment period: Mr Colin ROCKMAN

Deputy to member: 5.5 years

Length of service: First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

Name: Mr Lance Douglas KERR

Occupation: Company Director and licensed motor vehicle dealer.

Member

Position: 1 September 2007 to 31 August 2010

Appointment period: Mr Robert FOWLER

Deputy to member: 5.5 years

Length of service: First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

Two persons nominated by the Minister who have knowledge and experience in the motor vehicle repair industry:

Name: Mr Patrick BROWNE

Occupation: Company Director and certified repairer

Position: Member

Appointment period: 4 November 2008 to 3 November 2011

Deputy to member: 4 November 2008 to 3 November 2011

Mr Matt NEGUS from 4 November 2008

Length of service: 5.5 years

First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

Name: Mr Wayne PHIPPS

Occupation: Company Director and certified repairer

Position: Member

Appointment period: 1 September 2007 to 31 August 2010

Deputy to member: Mr Ray REICHARD

Length of service: 5.5 years

First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

Three persons nominated by the Minister who represent the interests of purchasers of motor vehicles or customers of licensed motor vehicle repairers.

Name: Ms Helen TAPLIN

Occupation: Member Financial Counsellors Resource Project

Member

Position: 4 November 2008 to 3 November 2011 **Appointment period:** Ms Diane HAYES (resigned 6 June 2010)

Deputy to member: 5.5 years

Length of service: First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

Name: Ms Miriam SAULEY

Occupation: Lawyer, Department of Planning

Position: Member

Appointment period: 4 November 2008 to 3 November 2011

Deputy to member: Ms Jo GHIRARDI

Length of service: 5.5 years

First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

Name: Dr Allan BARTON

Occupation: Member Policy Advisory Group, Australian Consumers

Association; Emeritus Professor in Chemistry at Murdoch

University

Position: Member

Appointment period: 1 September 2007 to 31 August 2010

Deputy to member: Ms Rhonda ALGABA

Length of service: 5.5 years

First appointed as a member of the Motor Vehicle Industry Board

22 December 2004.

A nominee of the Royal Automobile Club of WA (Inc.):

Name: Mr Adrian FIRTH

Occupation: Corporate Communications Manager

Position: Member

Appointment period: 11 August 2009 to 11 August 2012

Deputy to member: Mr Matthew BROWN

Length of service: 1.5 years

First appointed as a deputy member of the Motor Vehicle Industry

Board 1 November 2008.

3.5 Meetings

During this period under review the Board met on 20 occasions. At those meetings the Board considered new licence applications, renewal applications, and policy issues. The Board conducted 20 hearings into the fitness of licence applicants.

Deputy members normally attend meetings in a member's absence. However, a deputy member may sit on a Board licensing hearing on the same day that a licensing and policy meeting is held and attended by the member. Members and deputy members are unable to sit in deliberation on a matter at the same meeting.

3.6 Administrative support - Motor Vehicles Branch

The Department of Commerce, through the Motor Vehicles Branch, provided the Motor Vehicle Industry Board with administrative support and supported the Board's primary function of licensing motor vehicle dealers, yard managers, salespersons and repairers

In addition the Branch provided a secretariat to the Board comprising the Manager of the Branch who also undertook the role of Board Secretary, a Policy Officer, a Licensing Coordinator and a Board Minute Secretary to ensure that Board business was conducted in a planned and efficient manner.

3.7 Abolition of the Board

In January 2010 the Board was advised by the Minister for Commerce that the Board would be abolished and the licensing and regulatory functions would be vested in the Commissioner for Consumer Protection, with other responsibilities vesting in the Director General of the Department of Commerce. The Minister further advised that a Motor Vehicle Advisory Committee would be established, and the new structure would take effect from 1 July 2011.

As a consequence this is the final annual report of the Board.

4. Significant issues and trends

4.1 Focussing on the motor vehicle dealing industry

4.1.1 Dealer Trust Account Audit Program

Motor vehicle dealers who undertake consignment sales are required to hold the proceeds from the sale of those vehicles in consignment trust accounts and are required to have their trust accounts audited annually by an auditor approved by the Board. This audit report must be lodged with the Board within three months of the end of the audit period. If no transactions have been made in the trust account during the period a statutory declaration to this effect is to be submitted to the Board.

As a result of legal advice the Board resolved that the audit period of a relevant dealer should be changed to reflect the date on which the dealer opened its consignment trust account. This new approach was implemented during the financial year and resulted in fewer audit reports for the year. Full audit results will reflect the changes in the coming year.

Trust account audit results

Statutory Declarations (used where there have not been any transactions through the consignment trust account for the period)	10
Unqualified audits	16
Qualified audits	4
Total Audits	20

Note: Qualified audits refer to audit reports received which identify serious issues (e.g. misappropriation of trust monies). Audits that identified minor technical issues were not classified as qualified audits.

Of the four qualified audits three of the matters were rectified by the dealers concerned. The fourth matter is still under investigation with a view to disciplinary action.

4.1.2 Dealer inspection program

The Dealer Inspection Program is now in its fourth year of operation. In keeping with the priorities determined by the Board, the program has focused on visiting all new dealerships within the first three months of operation in order to provide introductory advice and assistance. In addition, the program has also focused on vehicle safety inspection at yards selling older, cheaper vehicles. These vehicles are not protected by the warranty provisions of the *Motor Vehicle Dealers Act 1973* and are therefore considered to be a higher risk to the purchaser in terms of vehicle roadworthiness.

Where an inspection of a vehicle reveals it to be unsafe or unroadworthy, officers issue an 'Order to Remedy Defects' and attach an 'Unfit for Sale' notice, commonly known as the 'green sticker'. These vehicles are subsequently subject to re-inspection at a Department of Transport licensing centre to have the notice removed.

If a defect is considered not to be of a serious nature, the officers may issue an administrative 'Minor Defect Advice Notice'.

The auditing of 'expired or surrendered' dealer's licences continues to form part of the program, with officers attending at the premises of dealers whose licenses had either expired or been surrendered. This verifies if the dealerships had in fact ceased trading. This has resulted in the identification of a number of dealers engaging unlicensed salespersons resulting in prosecution action, which is detailed below.

In the 12 months to 30 June 2011, a total of **631** dealers have been visited, with officers inspecting a total of **8,907** vehicles, issuing **115** Work Orders and **103** Minor Defect Notices.

4.1.3 Regional compliance activities

As part of the service delivery agreement with the Motor Vehicles Branch of the Department of Commerce, the Board requires that all licensed motor vehicle dealers throughout Western Australia be visited as part of the Dealer Inspection Program.

During 2010/2011 officers continued to visit licensed dealers in regional locations. Visits were made to Kununurra, Broome, Port Hedland, Karratha, Carnarvon, Geraldton, Dongara, Bunbury, Cunderdin, Northam, Merredin, Beverley, Toodyay and Kalgoorlie.

In total **158** regional dealers have been visited, with officers inspecting in excess of **1200** vehicles, issuing **19** Work Orders and **16** Minor Defect Notices.

4.1.4 Investigations and Proceedings

The Board was pleased to note the increased effectiveness of the investigation program, particularly in prosecuting unlicensed back yard dealers and licensed dealers who employ unlicensed sales staff.

Prosecution for unlicensed activities

Proceedings which had been commenced in the 2009/2010 financial year against alleged unlicensed dealing and which were brought to conclusion in 2010/11 are summarised as follows.

Janetto Holdings Pty Ltd t/as Subaru Osborne Park

It was alleged a salesperson employed by Subaru Osborne Park to sell vehicles was not the holder of a current Motor Vehicle Dealers Licence. The company was convicted and fined \$2,000 plus \$386 costs.

Prashant Ghumaria

Prashant Ghumaria was employed by Subaru Osborne Park to sell vehicles without being the holder of a current valid salesperson licence. Ghumaria was convicted and fined \$700 plus \$386 costs

Wildfox Holdings Pty Ltd t/as Toyotaways

Information received identified a person who had been working as an unlicensed salesperson for Toyotaways since February 2004. The company was convicted and fined \$2,000 plus \$775 costs

Bruce Symes

It was alleged that Bruce Symes had continued to engage in unlicensed dealing. Symes was the subject of a previous unlicensed dealing investigation which resulted in a warning being issued to him in September 2006. A three day trial in May 2011 resulted in a conviction and fine of \$3,000 plus \$2,500 costs.

Proceedings which have been commenced in the 2010/2011 financial year against alleged unlicensed dealing and which were brought to conclusion are detailed below:

Chad Andrew Miller

Chad Miller was alleged to have been working as an unlicensed salesperson since 31 May 2008. Miller was convicted and fined \$1,500 plus \$352 costs

Ross Ozanne

Ross Ozanne had been employed or engaged as a salesperson while unlicensed between March and August 2009. Ozanne was convicted and fined \$850 plus \$353 costs.

Melville Motors (2006) Pty Ltd

Chad Miller appeared to have been working as an unlicensed salesperson since 31 May 2008 and that Ross Ozanne had been employed or engaged (unlicensed) between March and August 2009. The company was convicted and fined \$750 plus \$352 costs.

National Fleet Services Pty Ltd

Chad Miller appeared to have been working as an unlicensed salesperson since 31 May 2008 and that Ross Ozanne had been employed or engaged (unlicensed) between March and August 2009. The company was convicted and fined \$500 plus \$350 costs.

Pearl Court Investments Pty Ltd t/as Action Hire Cars

Action Hire cars was trading without a hire car exemption. The company was convicted and fined \$15,000 plus \$638 costs.

Dameeka Riley

It was alleged that Dameeka Riley was selling vehicles from a premises in Ellenbrook without the appropriate licence. Riley was charged with unlicensed dealing and convicted and fined \$1,000 plus \$352 costs.

Allen Jones

It was alleged that Allen Jones was engaged in unlicensed dealing in motor vehicles. Jones was convicted and fined \$4,000 plus \$110 costs.

Jayde Grundy

It was alleged that Grundy engaged in unlicensed dealing in motor vehicles. Grundy was convicted and fined \$5,000 plus \$417 costs

Nevin Inni

It was alleged that Nevin Inni was buying damaged cars at auction dismantling them and selling vehicle parts. Inni held a Yard Manager's licence but not a licence to engage in vehicle wrecking. He was convicted and fined \$7,500 plus \$535 costs.

Nicholas Johnson

Nicholas Johnson had been acting as a Yard Manager and selling vehicles since 2006 without being the holder of a current valid licence. Johnson was convicted and fined \$500 plus \$290 costs.

Goldy Motors Pty Ltd t/as Goldy Holden

Goldy Holden had employed Nicholas Johnson as a Yard Manager since 2006 while he was not the holder of a valid licence. Goldy Holden was convicted and fined \$2,000 plus \$252 costs

Min Gao & Xiaoxia Cui

A complaint was received that there were a number of vehicles being repaired at a residential address in Beckenham and subsequently offered for sale. Both parties were involved in a business. Min Gao was convicted of unlicensed dealing and fined \$3,500 plus \$227 costs and Xiaoxia Cui was convicted of unlicensed dealing and fined \$7,500 plus \$227 costs.

Bin Huang

A complaint was received that there were a number of vehicles being repaired at a residential address in Beckenham. Subsequent enquiries revealed evidence of unlicensed vehicle dealing. Huang was convicted of unlicensed dealing and fined \$5,000 plus \$418 costs.

Other proceedings regarding allegations of unlicensed dealing, commenced during the 2010/2011 financial year but which are still before the Courts are:

Ghazy Fahd Majib Al Defeary

It is alleged the person of interest (POI) is acquiring and disposing vehicles as an unlicensed dealer. Enquiries reveal 23 vehicles registered in the name of the POI during the relevant period. 35 vehicles appear to have been purchased from auctions (incl. damaged vehicles). Trial allocation date is set for 19 July 2011.

Yasir Saddiq

Prosecution Notices were issued for unlicensed vehicle sales activity in Wilson.

General Breaches

The Motor Vehicles Branch also investigated a number of allegations relating to various breaches of other provisions of the *Motor Vehicle Dealers Act 1973* and associated Regulations. These include:

Countdown Autos (David Bradley)

It was alleged the dealership had falsely represented vehicles through internet advertising. Charges were brought under the *Fair Trading Act 1987*. David Bradley was convicted and fined \$2,250 plus costs of \$1,150. He was also ordered to pay \$6,060 compensation to a consumer.

Scott Rupell

It was alleged Countdown Autos had falsely represented vehicles through internet advertising. Rupell was convicted and fined \$4,500 plus \$1,150 costs. He was also ordered to pay \$6,060 compensation to a consumer. Rupell was the Yard Manager of Countdown Autos.

Aldo Gentile t/as Morley Mechanics

As a result of the Motor Vehicles Repairers compliance program it was identified that both the business and individual were not licensed or certified. Gentile was convicted and fined \$2,500 plus \$346 costs.

The Board was pleased to note that the Motor Vehicles Branch had initiated four other prosecution matters that are yet to be filed in Court.

- 1. A licensed vehicle repairer is alleged to have breached the Fair Trading Act by misrepresenting that a vehicle required repairs.
- 2. A licensed motor vehicle dealer is alleged to have breached the Fair Trading Act by misrepresenting the past history of a vehicle.
- 3. A previously licensed motor vehicle dealer is alleged to have breached the Fair Trading Act by making false representations in relation to the sale of customers' vehicles on consignment.
- 4. An unlicensed person is alleged to have repaired and sold motor vehicles from private premises in Beckenham.

In addition the Board commenced the following disciplinary proceedings before be the State Administrative Tribunal.

Pasquale Minniti

Pasquale Minniti has been convicted of corruption and certain other offences and served time in prison. The Board considered that this conduct rendered him unfit to be the holder of a Motor Vehicle Dealers Licence and disciplinary proceedings were commenced in the State Administrative Tribunal which found Minniti unfit and disqualified from being the holder of a motor vehicle dealers licence. Mr Minniti has appealed the decision to the Supreme Court.

4.2 Focussing on the motor vehicle repair industry

4.2.1 Motor vehicle repairer compliance program

The Board remained concerned about the level of "take-up" of business licences in the repair industry. During the year the number of repair business licensees increased by almost 1000 and the number of individual tradespersons certified reached 9875.

However, the Board noted that the number of repair businesses which had made application but had not provided all the prerequisite licensing information grew to 390 by June 2011.

In addition the Board received complaints about 45 unlicensed businesses during the course of the year.

As a result the Board was reliant on the effectiveness of the compliance program implemented to encourage the take up of licences.

The Board noted the extraordinary workload of the branch which visited in excess of 730 businesses to determine if a licence was required and to provide licensing advice and where necessary warnings about the need to become licensed.

Towards the end of the financial year the focus of the program shifted from an assistance role to a full compliance role under which evidence is being collected for prosecution and infringement actions against unlicensed entities.

4.3 Regulating for results - policy development

The Board maintained an extensive database of policy statements that provide transparency in the application of statute-based regulatory systems. These policies ensure the regulation of the industry is undertaken in a transparent and consistent manner and provides certainty and clarity for the staff charged with compliance obligations.

The key policies which have been developed or reviewed throughout the year are summarised in this section.

4.3.1 Motor vehicle repairer policies

Recognition of industry pre-apprenticeship training

The formal qualification for a Repairer's Certificate in the class of repair 'Light Vehicle Servicing' (LVS) is the *Certificate III in Automotive [Mechanical-Vehicle Servicing]*.

In response to requests from industry the Board resolved to recognise the *Certificate II in Automotive [Pre-Apprenticeship (Mechanical-Vehicle Servicing-Light)]* as progress towards qualification. However, the Board resolved that it would consider this qualification only in conjunction with the applicant having gained a minimum 12 months actual workshop experience as evidenced by a detailed statement of service from the applicant's employer.

A number of Registered Training Organisations offer a six month Pre-Apprentice training course, which is an abridged version of the standard twelve months Pre-Apprentice Certificate II training course. Upon successful completion of the twelve month course, which includes workshop placement, students are issued with a 'Certificate II in Automotive Vehicle Servicing'. This qualification would automatically qualify a person to be certified in the category of LVS under the provisions of the *Motor Vehicle Repairers Act 2003* (MVRA).

However, the Engineering and Automotive Trading Council [Inc.] is concerned that students undertaking the six month course have insufficient workshop experience, with little or no on the job training, to work in a workshop unsupervised.

However, under the MVRA, any person who holds a prescribed qualification for a class of repair is entitled to be granted a repairer's certificate for that class of repair work.

4.3.2 Motor vehicle dealer policies

Responding to a conflict of interest between categories of licence

For some time the Motor Vehicle Industry Board has been concerned about a potential conflict between the roles of dealers who hold multiple categories of licence including Category E – "Dealer Agent".

A dealer, in their commonly understood role, is a person who buys and sells vehicles from other persons. A dealer *agent* is a person who *facilitates* the buying or selling of a vehicle on behalf of another person (member of the public).

In one context the dealer acts legitimately in his own best interest; in the other the dealer should be acting in the best interest of the principal for whom he is buying or selling a vehicle. However, a dealer who is not an agent can sell a vehicle on behalf of another person in another manner, through a consignment arrangement.

The Board has recognised that confusion could arise with members of the public when working with dealers, as opposed to dealer agents, to dispose of their vehicle.

Further, the lack of clear definition between the role of dealer and dealer agent provides some difficulties ensuring dealer compliance when they hold both categories of licence.

To ensure that a dealer with multiple licence categories who holds either Category A, B or C together with Category E is not conflicted, the Board proposed to change these circumstances. A circular to industry was issued on 29 June 2010, pursuant to powers under Section 18A of the *Motor Vehicle Dealers Act 1973* to place the following conditions on the licences of affected dealers, to be effective from 1 August 2011.

- 1. Dealers who hold either category A, B or C, together with Category E, must not engage in consignment selling.
- 2. Dealers who hold licences in any category at the same time as holding a category E licence, that the dealer must operate a separate Register for the category E licence.

When the Board proposes to impose a condition on the licence, under section 18A, it must give an affected dealer notice of the proposed condition and reasonable opportunity to make submissions. As the period for this response overlapped the transfer of the licensing power to the Commissioner for Consumer Protection, the decision as to whether this condition is imposed will rest with the Commissioner.

5. Board statistical data

5.1 Formal hearings conducted by the Board

The Board conducted 21 hearings into the fitness of applicants or licensees to obtain or hold a licence under the *Motor Vehicle Dealers Act 1973* or *Motor Vehicle Repairers Act 2003*.

Hearing decisions

Type of Application	Approved	Refused
Dealer	-	-
Exemption	-	-
Yard Manager	4	-
Salesperson	4	1
Repair Certificate	7	1
Repair Business	3	1
Total	18	3

5.2 Licensing statistics

Licensing data for the financial year is shown in the table below.

Licence Type	Current as at 30 June 2008	Current as at 30 June 2009	Current as at 30 June 2010	Current as at 30 June 2011
Dealers	791	805	827	774
Car Market Operators	2	2	2	2
Yard Managers	1073	1065	1088	1105
Salespersons	2073	1953	1980	1930
Exemption from holding a dealer's licence for Auctioneers	7	2	3	4
Exemption from holding a dealer's licence for Financiers	33	12	19	14
Exemption from holding a dealer's licence for Hire Car Operators	56	52	70	91
Certified Motor Vehicle Repairers	2755	5125	8219	9877
Licensed Motor Vehicle Repair Businesses	n/a	669	2668	3663

6. Compliance with public sector standards and ethical codes

The Motor Vehicle Industry Board operated in accordance with a Code of Conduct.

The Code of Conduct is based on the 'Western Australian Public Sector Code of Ethics', which is applicable to most public sector bodies and their employees, including all boards and committees established for a public purpose under Western Australian legislation. Accordingly the Motor Vehicle Industry Board, must comply with the 'Western Australian Public Sector Code of Ethics'.

The most significant fiduciary obligation of Board members is broadly known as a duty to act in good faith. This means that Board members cannot use their position to their own advantage. The obligations to prevent a conflict of interest and to prevent the misuse of information obtained in confidence, are some of the most important fiduciary duties for Board members.

Board members were provided with the Board's 'Code of Conduct', the Public Sector Commission guide, and a publication entitled 'Good Governance for Western Australian Public Sector Boards and Committees'.

The Board held induction programs for new Board members and Deputy members, where conflict of interest and confidentiality issues were highlighted as particularly important to the role of Board members.

The Board also ensured consideration and declaration of potential conflicts of interest by means of a standing agenda item at the commencement of every meeting and conducted a conflict of interest check prior to every hearing.

7. Public Interest Disclosure

The Board has complied with its obligations under the *Public Interest Disclosure Act 2003*, section 23 (1)(f).

The Motor Vehicle Industry Board appointed the person holding the position of Chairperson of the Board as its Public Interest Disclosure Officer.

The Board has also published the *Motor Vehicle Industry Board Public Interest Disclosure Act 2003 Guidelines on Internal Procedures*.

The Board did not receive any public interest disclosures for the period 1 July 2010 to 30 June 2011.