

Office of Fair Trading

Caravan dealer obligations used caravans

Motor Dealer

Caravan dealers who sell used caravans must be licensed as a motor dealer in Queensland.

In Queensland, motor dealers must comply with the *Motor Dealers and Chattel Auctioneers Act 2014* (MDCAA), the Motor Dealers and Chattel Auctioneers Regulation (MDCAR) and in certain circumstances, the *Agents Financial Administrations Act 2014* (AFAA).

The Office of Fair Trading (OFT) is responsible for regulating and enforcing these laws in Queensland.

This factsheet has been designed to help you understand and comply with your obligations under these laws. Note that it does not include all of your obligations. More information can be found on the OFT website www.qld.gov.au/fairtrading.

Licensing

You need to keep a copy of the current licence for each dealer or salesperson and be able to show all licences to inspectors or clients upon request.

Changes to particulars

All licensees must notify the OFT within 14 days about any changes to personal details or circumstances relating to a licence, including any changes to the principal or other places of business.

Registers

You must keep a transactions register at each place of business. All transactions must go into the register within 24 hours of the transaction occurring.

A transaction may include:

- buying or selling a caravan
- holding an auction (including unsuccessful auctions)
- accepting a deposit
- giving an option to buy
- accepting a trade-in
- taking a caravan for sale on consignment
- moving a caravan between places of business.

Information regarding the details you must record can be found on the [OFT website](http://www.qld.gov.au/fairtrading).

Clear title

You must guarantee to any buyer that a caravan has clear title. This must be included as a statement in the contract of sale.

Seller statements

You as the seller must give the buyer a signed statement advising them about the caravan's previous owner.

Selling on consignment

Trust Account

You must have a trust account if you intend to sell on consignment.

All payments received by you, must be deposited into your trust account and a trust account receipt provided to the buyer.

You must wait until the transaction is finalised before withdrawing any money. Once the transaction is finalised, you must withdraw and pay the client and any other relevant party their share of the proceeds before you can withdraw your commission.

Appointment to act

You must be appointed in writing to sell on consignment. You must complete an *Appointment of a motor dealer or chattel auctioneer (Form 9)* before you provide any service.

Failure to supply

It is illegal for a business to take money from a consumer and not supply the goods or services paid for by the date promised, or if no date was set, within a reasonable time. You should ensure your staff are aware of this rule to reduce the risk of your business being found to have breached the law.

Breaches and penalties

You will face penalties if you do not meet your legal obligations as a licensed dealer. Examples of the type of offences and penalties include:

Type of Offence	Maximum Penalty
Working unlicensed	\$66,760 or 2 years imprisonment
Employing an unlicensed person	\$33,380
Failing to keep a transaction register	\$33,380 or 1 year imprisonment
Trust monies not banked immediately to the trust account	\$33,380 or 2 years imprisonment
Failing to keep a copy of a statement	\$16,690



Additional information

- OFT website: www.qld.gov.au/fairtrading
- Phone: 13 QGOV (13 74 68)
- Licensing enquiries and updates to personal details: industrylicensing@justice.qld.gov.au
- Trust account enquiries: Oft.financial@justice.qld.gov.au
- Other enquiries relating to your responsibilities as a motor dealer:
Oft.compliance@justice.qld.gov.au

