



# Motor Vehicle Standards (Registered Automotive Workshops — Fit and Proper Persons) Determination 2002

---

I, RON BOSWELL, Parliamentary Secretary to the Minister for Transport and Regional Services, make this Determination under subsection 21B (2) of the *Motor Vehicle Standards Act 1989*.

Dated 31 January 2002

RON BOSWELL

Parliamentary Secretary to the Minister for Transport and Regional Services

---

## Contents

	Page
1 Name of Determination	2
2 Commencement	2
3 Definitions	2
4 Guidelines for Minister — application for approval as registered automotive workshop	2
<b>Schedule 1</b> <b>Guidelines for Minister</b>	<b>3</b>

---

**1 Name of Determination**

This Determination is the *Motor Vehicle Standards (Registered Automotive Workshops — Fit and Proper Persons) Determination 2002*.

**2 Commencement**

This Determination commences on the commencement of the *Motor Vehicle Standards Amendment Act 2001*.

**3 Definitions**

(1) In this Determination:

*Act* means the *Motor Vehicle Standards Act 1989*.

*applicant corporation* means a corporation that is applying for approval as a registered automotive workshop.

(2) Unless the contrary intention appears, a word or expression that is used in this Determination and in the *Motor Vehicle Standards Regulations 1989* has the same meaning in this Determination as it has in those Regulations.

*Note* The following term is defined in the Act:

- registered automotive workshop.

**4 Guidelines for Minister — application for approval as registered automotive workshop**

For subsection 21B (2) of the Act, the Minister may have regard to the guidelines set out in Schedule 1 when deciding, for paragraphs 21B (1) (a) and (b) of the Act, whether:

- (a) the applicant corporation is a fit and proper person; and
- (b) each of the directors and each officer or shareholder who is in a position to influence the management of the applicant corporation, is a fit and proper person.

---

## Schedule 1 Guidelines for Minister

(section 4)

### 1 Criteria Minister may consider

- (1) Without limiting the matters to which the Minister may have regard, the Minister may consider any 1 or more of the following criteria:
  - (a) whether a director or officer of the applicant corporation meets the statutory and other obligations of directors and office holders under the *Corporations Act 2001*;
  - (b) whether, in the 10 years immediately preceding the application, the applicant corporation, or a director, officer or shareholder of the applicant corporation has been convicted of an offence, or served part of a term of imprisonment (including a suspended sentence), for an offence against the Commonwealth, a State or Territory, or another country, involving fraud or dishonesty;
  - (c) whether the applicant corporation, director, officer or shareholder has a charge pending for an offence involving fraud or dishonesty at the time the application for approval as a registered automotive workshop is made;
  - (d) whether the applicant corporation, director, officer or shareholder has been convicted of an offence under the Act, Australian customs law, corporations law, trade practices legislation, or the fair trading legislation of a State or Territory;
  - (e) whether the applicant corporation, director, officer or shareholder has technical and management experience in the motor vehicle industry;
  - (f) whether the applicant corporation, director, officer or shareholder has been barred from, or refused membership to, the Institution of Engineers Australia, the Society of Automotive Engineers, or any other similar body;
  - (g) the reputation of key personnel engaged by the applicant corporation.
- (2) A reference in subclause (1) to an officer or shareholder of an applicant corporation is a reference to an officer or shareholder who is in a position to influence the management of the applicant corporation.

## **2 Further information**

For the purposes of clause 1, the Minister may, at the time of application for approval as a registered automotive workshop, or at any other time after approval is granted, request from the applicant corporation, a director, or an officer or shareholder who is in a position to influence the management of the corporation, one or more of the following:

- (a) records from the Australian Securities and Investment Commission in respect of the corporation;
- (b) the results of a criminal history character check from the Australian Federal Police in respect of the director, officer or shareholder;
- (c) evidence about the technical and management experience of the corporation, director, officer or shareholder, and reputation in the motor vehicle industry.

## **3 Influence of shareholders**

For the purposes of paragraph 21B(1)(b) of the Act and this Determination, a shareholder who owns 20% or more of the shares of the applicant corporation is taken to be a shareholder who is in a position to influence the management of the applicant corporation.