



New South Wales

# Motor Dealers Amendment Regulation 2002

under the

Motor Dealers Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers Act 1974*.

JOHN AQLINA, M.P.,  
Minister for Fair Trading

## Explanatory note

The objects of this Regulation are:

- (a) to reduce the minimum height for signs displaying licence details that are required to be displayed at premises of motor dealers, and
- (b) to enable claims to be made from the Motor Dealers Compensation Fund relating to consigned goods damaged while in a dealer's possession, failure to pay for a trade-in vehicle and failure to supply a motor vehicle that has been fully paid for, and
- (c) to increase certain fees for licences under the *Motor Dealers Act 1974*, and
- (d) to enable inspection reports issued within the preceding 90 days, rather than 30 days, to be attached to motor vehicles for sale, and
- (e) to increase penalties that may be imposed by way of penalty notices for offences under the *Motor Dealers Regulation 1999* and the *Motor Dealers Act 1974*, and
- (f) to prescribe additional offences that may be dealt with by way of penalty notices, and
- (g) to omit provisions relating to short descriptions of offences, as a consequence of the repeal of the provision requiring them to be prescribed.

**2002 No 428**

Motor Dealers Amendment Regulation 2002

Explanatory note

---

This Regulation is made under the *Motor Dealers Act 1974*, including sections 28, 39, 40, 46, 53E and 57 (the general regulation-making power).

## **Motor Dealers Amendment Regulation 2002**

### **1 Name of Regulation**

This Regulation is the *Motor Dealers Amendment Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 July 2002.

### **3 Amendment of Motor Dealers Regulation 1999**

The *Motor Dealers Regulation 1999* is amended as set out in Schedule 1.

## 2002 No 428

Motor Dealers Amendment Regulation 2002

Schedule 1 Amendments

---

### Schedule 1 Amendments

(Clause 3)

**[1] Clause 10 Licensees to display licence numbers**

Omit “75” from clause 10 (2) (c). Insert instead “50”.

**[2] Clause 21 Notices produced from books**

Omit “three” from clause 21 (a). Insert instead “2”.

**[3] Clause 47 Certain persons not to be employed as manager**

Omit “the place” from clause 47 (1). Insert instead “a place”.

**[4] Clause 65A**

Insert after clause 65:

**65A Claims against Motor Dealers Compensation Fund**

For the purposes of section 40 (2) (d) of the Act, the following breaches are prescribed:

- (a) damage to goods consigned to a dealer while in the possession of the dealer,
- (b) failure by a dealer or car market operator to pay for a trade-in vehicle,
- (c) failure by a dealer or car market operator to supply a vehicle to a purchaser after payment in full for the vehicle has been made.

**[5] Clause 66 Certificate of inspection: section 46**

Insert after section 66 (2):

- (3) For the purposes of section 46 (2) and (2A) of the Act, the period of 90 days is prescribed as the period within which an inspection report must have been issued.

**[6] Clause 67 Prescribed offences and penalties: section 53E**

Omit “Column 3” from clause 67 (b). Insert instead “Column 2”.

**[7] Clause 68 Short descriptions of offences**

Omit the clause.

**[8] Schedule 1 Fees**

Omit the Schedule. Insert instead:

**Schedule 1 Fees**

(Clause 60)

<b>Item</b>	<b>Provision</b>	<b>Matter for which fee payable</b>	<b>Fee</b>
1	Section 10 (2)	Application fee for licence made by sole trader	\$100
2	Section 10 (2)	Application fee for licence made otherwise than by sole trader	\$100
3	Section 10 (3), 12 (7) and 12 (8)	Initial licence fee for unrestricted dealer's licence per place of business	\$926
4	Section 10 (3), 12 (7) and 12 (8)	Initial licence fee for dealer's licence for motor cycles per place of business	\$926
5	Section 10 (3), 12 (7) and 12 (8)	Initial licence fee for car market operator's licence per place of business	\$926
6	Section 10 (3), 12 (7) and 12 (8)	Initial fee for licence per place of business (other than licence referred to in item 3, 4 or 5)	\$277

## 2002 No 428

### Motor Dealers Amendment Regulation 2002

Schedule 1 Amendments

---

<b>Item</b>	<b>Provision</b>	<b>Matter for which fee payable</b>	<b>Fee</b>
7	Section 20 (1)	Annual licence fee for unrestricted dealer's licence per place of business	\$371
8	Section 20 (1)	Annual licence fee for dealer's licence for motor cycles per place of business	\$371
9	Section 20 (1)	Annual licence fee for car market operator's licence per place of business	\$371
10	Section 20 (1)	Annual fee for licence (other than licence referred to in item 7, 8 or 9) per place of business	\$277
11	Section 20C	Fee for duplicate licence	\$23

---

**[9] Schedule 2 Penalty notices**

Omit the Schedule. Insert instead:

### **Schedule 2 Penalty notices**

(Clause 67)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under Motor Dealers Act 1974</b>	
Section 9 (1)	\$5,500

---

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 9 (2)	\$5,500
Section 9 (3)	\$5,500
Section 9 (4)	\$5,500
Section 9 (5)	\$5,500
Section 9 (6)	\$5,500
Section 9 (7)	\$5,500
Section 21 (1)	\$330
Section 21 (2)	\$330
Section 21 (3)	\$330
Section 21 (4)	\$330
Section 21 (5)	\$330
Section 21 (6)	\$330
Section 21 (7)	\$330
Section 21 (8)	\$330
Section 23A (1)	\$550
Section 24 (2)	\$330
Section 24 (3)	\$330
Section 26A (5)	\$330
Section 47 (1)	\$330
<b>Offences under Motor Dealers Regulation 1999</b>	
Clause 10 (1)	\$330
Clause 35 (2)	\$330
Clause 50 (1)	\$330

---

**2002 No 428**

Motor Dealers Amendment Regulation 2002

Schedule 1 Amendments

---

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Clause 54	\$330
Clause 55	\$330

BY AUTHORITY