



# Motor Dealers Regulation 2004

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*.

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Minister for Fair Trading

## Explanatory note

The object of this Regulation is to repeal and remake, with minor amendments, the provisions of the *Motor Dealers Regulation 1999*. The new Regulation deals with the following matters:

- (a) the licensing of motor dealers, including provisions requiring advertising signs to indicate that the dealer is licensed and the dealer's licence number (Part 2),
- (b) the registers that a licensed motor dealer is required to keep (Part 3), including:
  - (i) the means by which such registers are to be kept and the period for which they are to be retained (Division 1 of Part 3), and
  - (ii) the form in which such registers are to be kept (Division 2 of Part 3),
- (c) the notices that a licensed motor dealer is required to display with vehicles offered for sale (Part 4), including:
  - (i) the means by which such notices are to be produced and the period for which copies of them are to be retained (Division 1 of Part 4), and
  - (ii) the form in which such notices are to be produced (Division 2 of Part 4),
- (d) the sale on consignment of motor vehicles by licensed dealers (Part 5),
- (e) miscellaneous matters in relation to the way in which a licensed motor dealer must carry on business (Part 6),
- (f) the fees payable by licensed motor dealers (Part 7),
- (g) other matters of a minor, consequential or ancillary nature (Parts 1 and 8).

## **2004 No 599**

Motor Dealers Regulation 2004

Explanatory note

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This Regulation is made under the *Motor Dealers Act 1974*, including sections 4 (1), 12 (8), 13 (3), 18 (4), 20 (1), (3) and (6), 20K (2), 21 (1), (3), (4), (5), (6) and (8), 21C (c), 23B (1) and (2) (a), 23C (1) (b), 24 (2), (4) (a), (5), (6) and (7), 25 (2), 26A (4) and (5), 28 (3) (f), (5), (6) and (7), 29 (1) and (3), 29B, 29CA (6) and (7) (a), 29F (1) (c), 39 (3), 40 (2) (d), 46 (1) (c), (2), (2A) and (3A) (b), 53E, 55 and 57 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of Regulation	6
2 Commencement	6
3 Definitions	6
4 Definition of "auto-dismantler": section 4	8
5 Definition of "commercial vehicle": section 4	8
6 Definition of "financier": section 4	8
7 Definition of "motor vehicle parts reconstructor": section 4	8
<b>Part 2 Licensing</b>	
8 Duration of approval preceding grant of licence: section 13	9
9 Licensees to display licence numbers	9
10 Register of Undertakings: section 20K	9
<b>Part 3 Motor vehicle registers</b>	
<b>Division 1 General</b>	
11 Form of register	10
12 Registers kept in writing	10
13 Registers kept by means of data processing equipment	10
14 Completion of registers	11
15 Retention of registers	12
16 Car market operator's licence: section 21	12
17 Parts and accessories subject to sections 21–21B: sections 21 and 21C	12
<b>Division 2 Prescribed forms</b>	
18 Prescribed form of register: section 21	13
<b>Part 4 Motor vehicle notices</b>	
<b>Division 1 General</b>	
19 Production of notices generally	15
20 Notices produced from books	15
21 Notices produced by means of data processing equipment	15
22 General form of notices	15
23 Completion of notices	16
24 Retention of notices	17
25 Prescribed manner for affixing reports or notices	17

		Page
<hr/>		
<b>Division 2</b>	<b>Prescribed forms</b>	
26	Sale notice for motor vehicle sold at auction without roadworthy certificate: section 23B (2)	17
27	Sale notice for motor vehicle sold without number plates: section 23C	18
28	Sale notice for second-hand motor vehicle (other than motor cycle): section 24 (2)	18
29	Notice that motor vehicle is not for sale: section 24 (4)	19
30	Sale notice for second-hand motor cycle: section 24 (5)	19
31	Sale notice for demonstrator motor vehicle: section 24 (6)	19
32	Sale notice for damaged motor vehicle: section 24 (7)	20
33	Disposal notice for second-hand motor vehicle sold to trade owner: section 25 (2)	21
34	Identification of parts by auto-dismantlers: section 26A	21
35	Sale notice for exempted motor vehicle (other than motor cycle) sold without statutory warranty: section 28 (5)	22
36	Sale notice for exempted second-hand motor cycle sold without statutory warranty: section 28 (6)	22
37	Sale notice for motor vehicle at auction without statutory warranty: section 28 (7)	22
38	Sale notice for defective second-hand motor vehicle (other than motor cycle): section 29 (1)	22
39	Sale notice for defective second-hand motor cycle or demonstrator motor vehicle: section 29 (3)	23
40	Sale notice for motor vehicle sold at car market: section 29B	23
41	Cooling off periods	23
<b>Part 5</b>	<b>Sales on consignment</b>	
42	Recording of consignment	24
43	Audit of trust accounts	24
44	Disbursements from trust account: section 29F	25
45	Consignment of motor vehicle from one dealer to another	25
<b>Part 6</b>	<b>Conduct of business</b>	
46	Particulars of managers to be provided	26
47	Certain persons not to be employed as manager	26
48	Applications for approval to employ disqualified persons	27
49	Price-related advertising	27
50	Advertising of charges	28
51	Advertising sale of motor vehicle that is damaged or defective: section 24 (7)	29
52	Representations as to availability of motor vehicle or finance	30

## Motor Dealers Regulation 2004

## Contents

		Page
	53 Odometer readings	31
	54 Disclosures required in certain advertisements	31
	55 Certain advertisements to include registration numbers	31
	56 Examination of motor vehicle	32
	57 Protection of interest of third party	32
	58 Parts to be identified by motor vehicle parts reconstructors	32
	59 Receipts for engines disposed of by motor vehicle parts reconstructors	32
<b>Part 7</b>	<b>Fees</b>	
	60 Fees	34
	61 Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002	34
<b>Part 8</b>	<b>Miscellaneous</b>	
	62 General provisions concerning the recording of information	35
	63 Destruction of records	35
	64 Prescribed amount above which motor vehicle ceases to be subject to statutory warranty: section 28	36
	65 Enforcement of order rescinding sale: section 38	36
	66 Claims against Motor Dealers Compensation Fund	37
	67 Certificate of inspection: section 46	37
	68 Prescribed offences and penalties: section 53E	37
	69 Prescribed officers for certain proceedings: section 55	38
	70 Savings	38
<b>Schedule 1</b>	<b>Fees</b>	39
<b>Schedule 2</b>	<b>Penalty notices</b>	44
<b>Schedule 3</b>	<b>Forms</b>	46

## 2004 No 599

Clause 1 Motor Dealers Regulation 2004

Part 1 Preliminary

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## Motor Dealers Regulation 2004

under the

Motor Dealers Act 1974

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Motor Dealers Regulation 2004*.

#### 2 Commencement

This Regulation commences on 1 September 2004.

**Note.** This Regulation replaces the *Motor Dealers Regulation 1999* which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

***authorised officer***, in relation to a provision of this Regulation, means any officer who is authorised in relation to that provision as referred to in section 6 of the Act.

***business day***, in relation to a licensee, means a day on which the licensee carries on business under the licence.

***disqualified person*** means a person whom a licensee is prohibited from employing or continuing to employ by virtue of clause 47 (1).

***licensed premises***, in relation to a licence, means a place of business in respect of which the licence is granted.

***licensee*** means the holder of a licence, and includes any person who is deemed by section 20G of the Act to be the holder of a licence.

***major body components*** means any of the following:

- (a) chassis and major body sections,
- (b) bonnets,
- (c) boot lids,

- (d) right and left front doors,
- (e) right and left back doors,
- (f) hatchback doors,
- (g) right and left front mudguards,
- (h) front and rear bumper bars,
- (i) front apron panels.

**major car accessories** means any of the following:

- (a) alloy “mag” wheels,
- (b) electronic navigation equipment,
- (c) car radio, tape, television, digital video disc (DVD) or compact disc (CD) equipment.

**major mechanical components** means any of the following:

- (a) engines and engine blocks,
- (b) gearboxes and transmissions,
- (c) instrument clusters,
- (d) airbags.

**register** means a register referred to in section 21 (1) of the Act.

**registered company auditor** means a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.

**statutory warranty**, in relation to a motor vehicle, means a statement that acknowledges the obligation imposed on a dealer in respect of the vehicle by section 27 of the Act.

**the Act** means the *Motor Dealers Act 1974*.

**vehicle identification number** or **VIN**, in relation to a motor vehicle, means the number allocated to the vehicle in accordance with the requirements of the Australian Design Rules under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 3.
- (3) Notes in this Regulation do not form part of this Regulation.

## 2004 No 599

Clause 4 Motor Dealers Regulation 2004

Part 1 Preliminary

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### 4 Definition of “auto-dismantler”: section 4

Major body components, major car accessories and major mechanical components are prescribed for the purposes of paragraph (c) of the definition of *auto-dismantler* in section 4 (1) of the Act.

### 5 Definition of “commercial vehicle”: section 4

For the purposes of the definition of *commercial vehicle* in section 4 (1) of the Act:

- (a) a motor vehicle of the kind known as a “dual-cab” or a “crew-cab” is prescribed as a commercial vehicle, and
- (b) a four-wheel drive motor vehicle with at least 1 forward-facing rear passenger seat (not being a motor vehicle referred to in paragraph (a)) is prescribed not to be a commercial vehicle.

### 6 Definition of “financier”: section 4

The letting of motor vehicles for periods exceeding 3 months without an option of purchase is a prescribed purpose for the purposes of paragraph (d) of the definition of *financier* in section 4 (1) of the Act.

### 7 Definition of “motor vehicle parts reconstructor”: section 4

Major mechanical components are prescribed for the purposes of the definition of *motor vehicle parts reconstructor* in section 4 (1) of the Act.



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## Part 2 Licensing

### 8 Duration of approval preceding grant of licence: section 13

For the purposes of section 13 (3) of the Act, the period for which an approval for a licence remains in force is such period (not exceeding 12 months) as is specified in the approval.

### 9 Licensees to display licence numbers

- (1) At all times while a licensee carries on, or advertises that the licensee carries on or is willing to carry on, business under the licence, the licensee must display signs, at each place of business for which the licence is granted, that comply with the requirements of this clause.

Maximum penalty: 20 penalty units.

- (2) The requirements of this clause are as follows:
- (a) each sign must contain the words “licensed motor dealer”, “licensed auto-dismantler”, “licensed wholesaler”, “licensed motor vehicle parts reconstructor”, “licensed car market operator” or “licensed motor vehicle consultant”, as the case requires,
  - (b) each sign must contain the words “licence number” followed by the number of the licence,
  - (c) the lettering on each sign must be at least 50 millimetres in height.

### 10 Register of Undertakings: section 20K

For the purposes of section 20K (2) of the Act, the following particulars are prescribed in relation to a deed executed by a dealer in accordance with section 20J (1) (a) of the Act:

- (a) the dealer’s name and licence number,
- (b) the address of the dealer’s licensed premises,
- (c) the date on which the deed was executed by the dealer,
- (d) brief particulars of the circumstances and unjust conduct that led to the execution of the deed,
- (e) a summary of the undertakings given by the dealer in the deed.

## **2004 No 599**

Clause 11 Motor Dealers Regulation 2004

Part 3 Motor vehicle registers

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### **Part 3 Motor vehicle registers**

#### **Division 1 General**

##### **11 Form of register**

A register may be kept in writing or by means of data processing equipment.

##### **12 Registers kept in writing**

- (1) A register that is kept in writing must be kept in a series of books that comply with the following requirements:
  - (a) each book must consist of pages permanently bound together,
  - (b) each book must bear on its front cover a number corresponding to its number in the series (such as, Book 1, Book 2 and so on),
  - (c) each book must be used for the purposes of one kind of register and for no other purpose.
- (2) Each page in a register must be in the form prescribed for the register and must consist of white paper of a size not less than standard A4 (297 millimetres by 210 millimetres).
- (3) A register is not in the prescribed form unless it is clearly legible, contains no erasures and is not torn, defaced or otherwise mutilated.
- (4) This clause does not prohibit matter in the register from being altered by deleting particulars in such a manner (for example, by means of a line through them) as to leave the deleted particulars decipherable.
- (5) In any register, each entry must be consecutively numbered and legibly printed or written in black ink.

##### **13 Registers kept by means of data processing equipment**

A register that is kept by means of data processing equipment must be kept by means of software that ensures that:

- (a) the information in the register:
  - (i) is capable of being displayed and printed, on demand, at each place of business to which the licence relates, and
  - (ii) when it is so displayed or printed, each page in the register is in the form prescribed for the register, and

- (iii) includes the date on which each record in the register was made, and
- (b) in the event that any information in the register is amended or deleted, a record is kept:
  - (i) of the information in the form in which it was before it was amended or deleted, and
  - (ii) of the date of each occasion on which the information was amended or deleted.

#### **14 Completion of registers**

- (1) A licensee who keeps a register in writing must ensure:
  - (a) that all information that is required to be entered in the register in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
  - (b) that no information is entered in the register otherwise than by a person authorised by the licensee.

Maximum penalty: 20 penalty units.

- (2) A licensee who keeps a register by means of data processing equipment must ensure:
  - (a) that all information that is required to be entered in the register in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
  - (b) that no information is entered in the register otherwise than by a person authorised by the licensee, and
  - (c) that the information in the register is backed up at intervals of no more than one week.

Maximum penalty: 20 penalty units.

- (3) The particulars to be included in a register in response to the expression “how acquired” are the particulars of the way in which the possession of the motor vehicle, part or accessory concerned was acquired, that is, whether it was acquired by way of consignment, exchange, purchase, trade-in or otherwise (including, if otherwise, details of the method of acquisition).

## 2004 No 599

Clause 15 Motor Dealers Regulation 2004

Part 3 Motor vehicle registers

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### 15 Retention of registers

- (1) A licensee who keeps a register (whether in writing or by means of data processing equipment):
  - (a) must retain the register (together with all copies of records that have been printed out and verified in relation to the register) for at least 6 years after the date on which the last entry was made in it, and
  - (b) if required to do so by an authorised officer before the expiration of the period referred to in paragraph (a), must produce the register for inspection by the officer.

Maximum penalty: 20 penalty units.

- (2) In the case of a register kept by means of data processing equipment, it is sufficient compliance with subclause (1) (b) if the licensee makes available to the authorised officer:
  - (a) a computer terminal by means of which the officer can view the information contained in the register, and
  - (b) a computer print-out of the information contained in the register.

### 16 Car market operator's licence: section 21

For the purposes of section 21 (8) of the Act:

- (a) a car market operator's licence is a prescribed licence, and
- (b) the offering or displaying for sale of a motor vehicle at the car market operator's licensed premises is a prescribed transaction.

### 17 Parts and accessories subject to sections 21–21B: sections 21 and 21C

- (1) Major body components, major mechanical components and major car accessories are prescribed for the purposes of:
  - (a) section 21 (4) (a) of the Act, and
  - (b) section 21C (c) of the Act (but in relation only to auto-dismantlers).
- (2) Major mechanical components are prescribed for the purposes of:
  - (a) section 21 (6) (a) of the Act, and
  - (b) section 21C (c) of the Act (but in relation only to motor vehicle parts reconstructors).

**Division 2 Prescribed forms****18 Prescribed form of register: section 21**

- (1) The prescribed form for a register kept in writing is as follows:
  - (a) Form 1, in the case of a register referred to in section 21 (3) of the Act that is kept by the holder of a dealer's licence (being a register relating to motor vehicles sold on consignment),
  - (b) Form 2, in the case of a register referred to in section 21 (3) or (5) of the Act that is kept by the holder of a dealer's or wholesaler's licence (other than a register relating to motor vehicles sold on consignment),
  - (c) Form 2A, in the case of a register referred to in section 21 (4) of the Act that is kept by the holder of an auto-dismantler's licence in relation to motor vehicles acquired by the holder of that licence,
  - (d) Form 2B, in the case of a register referred to in section 21 (4) or (6) of the Act that is kept by the holder of an auto-dismantler's or motor vehicle parts reconstructor's licence in relation to parts and accessories acquired by the holder of that licence,
  - (e) Form 18, in the case of a register referred to in section 21 (8) of the Act that is kept by the holder of a car market operator's licence in relation to motor vehicles for which the holder of that licence guarantees the vendor's title,
  - (f) Form 19, in the case of a register referred to in section 21 (8) of the Act that is kept by the holder of a car market operator's licence in relation to motor vehicles for which the holder of that licence does not guarantee the vendor's title.
- (2) The prescribed form for a register kept by means of data processing equipment is any form that contains the prescribed particulars for the form prescribed for a similar register kept in writing.
- (3) For the purposes of section 21 (3)–(8) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form (if any).
- (4) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

## 2004 No 599

Clause 18 Motor Dealers Regulation 2004

Part 3 Motor vehicle registers

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- (5) The following abbreviations may be used in a register, namely, “AB” for airbag, “APR” for front apron panel, “BL” for boot lid, “BON” for bonnet, “BUF” for front bumper bar, “BUR” for rear bumper bar, “CH” for chassis, “DLF” for left front door, “DLR” for left rear door, “DRF” for right front door, “DRR” for right rear door, “E” for engine, “GL” for left front mudguard, “GR” for right front mudguard, “HD” for hatchback door, “IC” for instrument cluster, “MBS” for major body section, “MW” for alloy “mag” wheels, “N/A” for not available and “T/G” for transmission or gearbox.

## **Part 4 Motor vehicle notices**

### **Division 1 General**

#### **19 Production of notices generally**

All notices required by Part 4 of the Act are to be produced from a book of such notices or by means of data processing equipment.

#### **20 Notices produced from books**

A notice that is produced from a book of such notices must be taken from a series of books that comply with the following requirements:

- (a) each book must include an original and 2 copies of each notice contained in it, where the originals of each notice are permanently bound together,
- (b) each book must bear on its front cover a number corresponding to its number in the series (such as, Book 1, Book 2 and so on),
- (c) each book must be used for the purposes of one kind of notice and for no other purpose.

#### **21 Notices produced by means of data processing equipment**

A notice that is produced by means of data processing equipment must be produced by means of software that ensures that information concerning each notice that is produced:

- (a) is in a format:
  - (i) that is capable of being displayed and printed, on demand, at each place of business to which the licence relates, and
  - (ii) that is readily intelligible when it is so displayed or printed, and
- (b) is not capable of being amended or deleted, so that any change in the information in the notice has to be effected by creating a new notice, and
- (c) includes the date on which each notice was produced.

#### **22 General form of notices**

- (1) Each notice must be in the form prescribed for the notice and must consist of white paper of a size not less than standard A4 (297 millimetres by 210 millimetres).

## 2004 No 599

Clause 23 Motor Dealers Regulation 2004

Part 4 Motor vehicle notices

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- (2) A notice is not in the prescribed form unless it is clearly legible, contains no alterations or erasures and is not torn, defaced or otherwise mutilated.
- (3) In any notice under Part 4 of the Act:
  - (a) any matter (other than the prescribed particulars inserted in the notice) must be legibly printed in figures and letters of at least 2 mm in height, and
  - (b) the prescribed particulars inserted in the notice must be legibly printed or written in black ink.

### 23 Completion of notices

- (1) A licensee who produces notices from a book of such notices must ensure:
  - (a) that all information that is required to be entered in a notice in relation to any transaction or event is entered no later than when the transaction or event occurs, and
  - (b) that no information is entered in a notice otherwise than by a person authorised by the licensee, and
  - (c) in relation to any notice issued to the purchaser of a motor vehicle, that a true copy of the original notice is signed by the purchaser at the time the vehicle is sold to the purchaser.

Maximum penalty: 20 penalty units.

- (2) A licensee who produces notices by means of data processing equipment must ensure:
  - (a) that all information that is required to be entered in a notice in relation to any transaction or event is entered no later than when the transaction or event occurs, and
  - (b) that no information is entered in a notice otherwise than by a person authorised by the licensee, and
  - (c) in relation to any notice issued to the purchaser of a motor vehicle, that the original copy of the notice is signed by the purchaser at the time the vehicle is sold to the purchaser, and
  - (d) that the information as to all notices so produced is backed up at intervals of no more than one week.

Maximum penalty: 20 penalty units.



**24 Retention of notices**

A licensee who produces notices (whether from books of such notices or by means of data processing equipment):

- (a) must retain copies of each notice for the period of 3 years following the sale of the motor vehicle to which the notice relates, and
- (b) in the case of notices produced by means of data processing equipment, must retain the copies of those notices together in sequence in a loose-leaf folder, and
- (c) if required to do so by an authorised officer before the expiration of the period referred to in paragraph (a), must produce the copies of those notices for inspection by the officer.

Maximum penalty: 20 penalty units.

**25 Prescribed manner for affixing reports or notices**

For the purposes of sections 23B (1), 24 (2), 24 (4), 28 (5), 28 (7), 29 (1) and 29B of the Act, a report or notice is attached to a motor vehicle in the prescribed manner if:

- (a) it is firmly attached to:
  - (i) the inside surface of the windscreen, or
  - (ii) an internal sun visor, or
  - (iii) the inside surface of the window of the left hand front door,or, if that is not practicable, to some other part of the vehicle, and
- (b) it is clearly visible to any person standing outside the vehicle.

**Division 2 Prescribed forms****26 Sale notice for motor vehicle sold at auction without roadworthy certificate: section 23B (2)**

- (1) For the purposes of section 23B (2) (a) of the Act, Form 9 is the prescribed form where the sale of a motor vehicle does not attract the statutory warranty.

## 2004 No 599

Clause 27 Motor Dealers Regulation 2004

Part 4 Motor vehicle notices

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- (2) For the purposes of section 23B (2) (a) of the Act, the prescribed manner for displaying a notice at a place where a motor vehicle is offered or displayed for sale by auction is by prominently exhibiting the notice:
- (a) in front of or immediately adjacent to the point from which the auctioneer will conduct the auction, and
  - (b) at each entrance to that place, and
  - (c) at each entrance to the place at which the vehicle is parked,
- so that the wording of the notice is clearly visible to the persons who are attending the auction.

### **27 Sale notice for motor vehicle sold without number plates: section 23C**

For the purposes of section 23C (1) (b) of the Act, the prescribed form of declaration for display with a motor vehicle to which no number-plate is attached is a declaration by the owner of the vehicle accounting for:

- (a) the absence of any number-plate, and
- (b) the unavailability of a certificate or receipt (as to the surrender of the number-plates) referred to in section 23C (1) (a) of the Act.

### **28 Sale notice for second-hand motor vehicle (other than motor cycle): section 24 (2)**

- (1) For the purposes of section 24 (2) of the Act:
- (a) Form 4 is the prescribed form where a motor vehicle is sold with a statutory warranty but without a defect notice, and
  - (b) Form 6 is the prescribed form where a motor vehicle is sold with a statutory warranty and with a defect notice, and
  - (c) Form 8 is the prescribed form where the sale of a motor vehicle does not attract a statutory warranty.
- (2) For the purposes of section 24 (2) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form.
- (3) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

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- (4) For the purposes of the definition of *defect notice* in section 4 (1) of the Act, Form 6 (to the extent to which it deals with warranty exclusions for specified defects) is the prescribed form for a defect notice given in relation to a second-hand motor vehicle (other than a second-hand motor cycle) offered or displayed for sale by a dealer.

**29 Notice that motor vehicle is not for sale: section 24 (4)**

For the purposes of section 24 (4) (a) of the Act, Form 10 is the prescribed form for a motor vehicle that is not a motor cycle.

**30 Sale notice for second-hand motor cycle: section 24 (5)**

- (1) For the purposes of section 24 (5) of the Act:
- (a) Form 3 is the prescribed form where the motor cycle is not an exempted motor vehicle, and
  - (b) Form 5 is the prescribed form where the motor cycle is not more than 5 years old, has travelled no more than 30,000 kilometres and is offered or displayed for sale with a defect notice.
- (2) For the purposes of the definition of *defect notice* in section 4 (1) of the Act, Form 5 (to the extent to which it deals with warranty exclusions for specified defects) is the prescribed form for a defect notice given in relation to a second-hand motor cycle sold by a dealer.
- (3) For the purposes of section 24 (5) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form.
- (4) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

**31 Sale notice for demonstrator motor vehicle: section 24 (6)**

- (1) For the purposes of section 24 (6) of the Act:
- (a) Form 11 is the prescribed form where a motor vehicle is not a motor cycle or an exempted motor vehicle and is offered or displayed for sale without a defect notice, and
  - (b) Form 11A is the prescribed form where a motor vehicle is not a motor cycle or an exempted motor vehicle and is offered or displayed for sale with a defect notice.

## 2004 No 599

Clause 32 Motor Dealers Regulation 2004

Part 4 Motor vehicle notices

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- (2) For the purposes of the definition of *defect notice* in section 4 (1) of the Act, Form 11A (to the extent to which it deals with warranty exclusions for specified defects) is the prescribed form for a defect notice given in relation to a demonstrator motor vehicle sold by a dealer.
- (3) For the purposes of section 24 (6) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form.
- (4) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

### **32 Sale notice for damaged motor vehicle: section 24 (7)**

- (1) For the purposes of section 24 (7) of the Act, the following damage is prescribed:
  - (a) damage (not being superficial damage) occasioned to a motor vehicle by reason of it being exposed to water,
  - (b) damage (not being superficial damage) occasioned to the body or frame of a motor vehicle and that required or requires:
    - (i) replacement or repair of the whole or part of any panel, structural member or component of the vehicle by cutting and welding, by application of heat or by any other means, or
    - (ii) replacement of not less than 4 major external panels (fittings excepted) fitted to the vehicle by means of bolts, screws or other mechanical fastening devices,  
to restore the vehicle to a reasonable condition, having regard to its age.
- (2) For the purposes of section 24 (7) of the Act, Form 13 is the prescribed form.
- (3) For the purposes of section 24 (7) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form.
- (4) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

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**33 Disposal notice for second-hand motor vehicle sold to trade owner: section 25 (2)**

- (1) For the purposes of section 25 (2) of the Act:
  - (a) Form 7 is the prescribed form where a single motor vehicle is being sold, and
  - (b) Form 7A is the prescribed form where two or more motor vehicles are being sold.
- (2) For the purposes of section 25 (2) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form.
- (3) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

**34 Identification of parts by auto-dismantlers: section 26A**

- (1) For the purposes of section 26A (4) and (5) of the Act, the prescribed manner in which an auto-dismantler is required to mark a prescribed part or accessory is by copying onto the part or accessory, by means of an indelible marking substance or (if that is impracticable) by means of a durable label or tag, the entry number in the auto-dismantler's register that relates to the part or accessory.
- (2) When an auto-dismantler disposes of a prescribed part or accessory to a person, the auto-dismantler must issue to the person a receipt which contains the following information:
  - (a) the date of disposal,
  - (b) a description of the part or accessory,
  - (c) the entry number marked on the part or accessory,
  - (d) in the case of an engine, or a chassis or major body section, the person's name and address, and:
    - (i) if the person is the holder of a licence under the Act, the licence number, or
    - (ii) if the person is not the holder of a licence under the Act, the person's driver licence number, or
    - (iii) if the person is not the holder of a licence under the Act or the holder of a driver licence, details (including the number) of some other document bearing a photograph of the person, that appears to be issued by the government or a statutory authority of New South

## 2004 No 599

Clause 35 Motor Dealers Regulation 2004

Part 4 Motor vehicle notices

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Wales or the Commonwealth or another State or Territory, and that appears to provide reasonable evidence of the person's identity.

Maximum penalty: 20 penalty units.

- (3) For the purposes of subclause (2), an auto-dismantler:
- (a) must keep a receipt book that contains receipt forms (in duplicate), with the forms consecutively numbered by mechanical or electronic means, and
  - (b) must retain the book at the place where the auto-dismantler carries on business for a period of not less than 6 years after the last receipt was issued from the book.
- (4) Major body components, major car accessories and major mechanical components are prescribed for the purposes of section 26A (4) and (5) of the Act.

**35 Sale notice for exempted motor vehicle (other than motor cycle) sold without statutory warranty: section 28 (5)**

For the purposes of section 28 (5) of the Act, Form 14 is the prescribed form.

**36 Sale notice for exempted second-hand motor cycle sold without statutory warranty: section 28 (6)**

For the purposes of section 28 (6) of the Act, Form 3 is the prescribed form where the motor cycle is not an exempted motor vehicle.

**37 Sale notice for motor vehicle at auction without statutory warranty: section 28 (7)**

For the purposes of section 28 (7) of the Act, Form 9 is the prescribed form where the sale of a motor vehicle does not attract a statutory warranty.

**38 Sale notice for defective second-hand motor vehicle (other than motor cycle): section 29 (1)**

- (1) For the purposes of section 29 (1) of the Act, Form 6 is the prescribed form where a motor vehicle is sold with a statutory warranty and with a defect notice.

- (2) For the purposes of the definition of *defect notice* in section 4 (1) of the Act, Form 6 (to the extent to which it deals with warranty exclusions for specified defects) is the prescribed form for a defect notice given in relation to a second-hand motor vehicle sold by a dealer.

**39 Sale notice for defective second-hand motor cycle or demonstrator motor vehicle: section 29 (3)**

For the purposes of section 29 (3) of the Act:

- (a) Form 5 is the prescribed form where a motor cycle is not more than 5 years old, has travelled no more than 30,000 kilometres and is offered or displayed for sale with a defect notice, and
- (b) Form 11A is the prescribed form where a demonstrator motor vehicle is offered or displayed for sale with a defect notice.

**40 Sale notice for motor vehicle sold at car market: section 29B**

- (1) For the purposes of section 29B of the Act:
- (a) Form 18 is the prescribed form where a motor vehicle is offered or displayed for sale in circumstances in which the car market operator guarantees title to the vehicle, and
- (b) Form 19 is the prescribed form where a motor vehicle is offered or displayed for sale in circumstances in which the car market operator does not guarantee title to the vehicle.
- (2) A notice under section 29B of the Act for use in connection with the display of a motor vehicle at a car market may include a form of receipt to be issued by the car market operator in respect of any fee payable for the right to display the vehicle at the car market.

**41 Cooling off periods**

- (1) For the purposes of section 29CA (6) of the Act, Form 20 is the prescribed form.
- (2) The information contained in Form 20 must be displayed in a prominent position in the contract.
- (3) For the purposes of section 29CA (7) (a) of the Act, Form 21 is the prescribed form.
- (4) Form 21 may be included in a contract for the purchase of a motor vehicle.

## 2004 No 599

Clause 42 Motor Dealers Regulation 2004

Part 5 Sales on consignment

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### Part 5 Sales on consignment

#### 42 Recording of consignment

- (1) A dealer who agrees to sell a motor vehicle on consignment:
  - (a) must include the particulars required by this clause in the agreement for the vehicle, and
  - (b) must keep one copy of the agreement and give a second copy to the consignor.

Maximum penalty: 20 penalty units.

- (2) The particulars required by this clause in relation to a motor vehicle are as follows:
  - (a) the consignor's name and address and (if the consignor is a dealer) the consignor's licence number,
  - (b) the consignee's name and address and (if the consignee is a dealer) the consignee's licence number,
  - (c) a description of the vehicle, including its registration number, if any,
  - (d) particulars of any encumbrance to which the vehicle is subject or, if there is no such encumbrance, a statement to that effect,
  - (e) the price agreed to be paid to the consignor,
  - (f) directions for disbursement of the price agreed to be paid to the consignor, specifying:
    - (i) any amount required to be paid to discharge any encumbrance to which the vehicle is subject, and
    - (ii) if any balance is not to be paid to the consignor at the address specified under paragraph (a), directions for payment of that balance,
  - (g) the date of commencement of the consignment and:
    - (i) the date of termination of the consignment, or
    - (ii) the period of the consignment.
- (3) This clause does not apply if the consignor of a motor vehicle is the owner of the vehicle and is a trade owner.

#### 43 Audit of trust accounts

- (1) A dealer who sells motor vehicles on consignment:
  - (a) must keep the accounting records required by this clause, and



- 
- (b) must retain each such record for at least 6 years after the last entry was made in it, and
  - (c) when lodging an annual statement under section 20 (2) of the Act, must lodge with the statement a registered company auditor's report in relation to the operation of the dealer's trust accounts during the period to which the statement relates.

Maximum penalty: 20 penalty units.

- (2) The accounting records required by this clause are such books and records as will enable the dealer's trust accounts to be properly audited, including:
  - (a) a trust receipt book containing forms of receipt, machine numbered consecutively in duplicate, and
  - (b) a trust bank, building society or credit union deposit book containing forms in duplicate, and
  - (c) a trust account cash book or its electronic equivalent.
- (3) Compliance with subclause (1) (c) is not required in relation to a dealer's trust account if:
  - (a) no money was held in the account during the period for which (but for this subclause) a registered company auditor's report would be required, and
  - (b) the dealer lodges with the Director-General a statutory declaration verifying that no money was held in the account during that period.

**44 Disbursements from trust account: section 29F**

Amounts paid to a credit provider in accordance with the written directions of the consignor are authorised for the purposes of section 29F (1) (c) of the Act.

**45 Consignment of motor vehicle from one dealer to another**

A dealer must not accept delivery from another dealer of a motor vehicle for sale on consignment without making such reasonable inquiries as may be necessary to establish whether or not the consigning dealer is the owner of the vehicle.

Maximum penalty: 20 penalty units.

## 2004 No 599

Clause 46 Motor Dealers Regulation 2004

Part 6 Conduct of business

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### Part 6 Conduct of business

#### 46 Particulars of managers to be provided

If a person is employed by a licensee as a manager of a place of business to which the licence relates, the licensee must notify the Director-General in writing of the full name, date of birth and residential address of that person within 14 days of the commencement of that employment.

Maximum penalty: 20 penalty units.

#### 47 Certain persons not to be employed as manager

- (1) A licensee must not employ or continue to employ any person as a manager of a place of business to which the licence relates if the licensee is notified by the Director-General, or if the licensee is aware or ought reasonably to be aware, that:
- (a) within the last 10 years:
    - (i) a licence held by the person has been cancelled, or
    - (ii) the person has been convicted of, or has served any part of a term of imprisonment for, an offence in New South Wales or elsewhere involving fraud or dishonesty, or
    - (iii) the person, or a corporation of which the person was a director or officer, has been refused a licence on a ground or grounds related to the honesty of the person or on the ground of his or her status as a fit and proper person to be a licensee, or
  - (b) the person is subject to a good behaviour bond in relation to an offence in New South Wales or elsewhere relating to fraud or dishonesty, or
  - (c) the person has a charge pending in New South Wales or elsewhere in relation to an offence involving fraud or dishonesty, or
  - (d) the person is the holder of a suspended licence, or
  - (e) the person is disqualified from being concerned in the direction, management or conduct of a business for the carrying on of which a licence is required.

Maximum penalty: 20 penalty units.

- (2) It is not an offence for a licensee to commence or continue to employ a person referred to in subclause (1) (a), (b), (c) or (d) if:
  - (a) the Director-General approves the commencement or continuation, and
  - (b) where such an approval is given conditionally, the conditions of the approval are complied with.
- (3) It is not an offence for a licensee to continue to employ a person referred to in subclause (1) (a), (b), (c) or (d) in respect of whom an application for approval to continue to employ the person has been made but not determined.
- (4) The Director-General may, by notice in writing served on the applicant for such an approval, direct that subclause (3) does not apply to the person to whom the application relates.

#### **48 Applications for approval to employ disqualified persons**

- (1) An application by a licensee for approval to continue to employ a disqualified person must be made not later than the first day (other than a Saturday, Sunday or public holiday) that next succeeds the day on which the licensee:
  - (a) is notified by the Director-General, or
  - (b) ought reasonably to have become aware,that the person is a disqualified person.
- (2) On receiving such an application, the Director-General may, after due inquiry:
  - (a) grant the application, either conditionally or unconditionally, or
  - (b) refuse the application.
- (3) If the Director-General refuses to grant the application, the Director-General must cause notice of the refusal to be served, personally or by post, on the applicant and on the disqualified person in respect of whom the application was made.

#### **49 Price-related advertising**

The holder of a dealer's licence must not publish an advertisement that specifies or implies:

- (a) that a minimum trade-in allowance will be made in relation to a motor vehicle offered for sale by the licensee, or

## 2004 No 599

Clause 50 Motor Dealers Regulation 2004

Part 6 Conduct of business

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- (b) that the price of a second-hand or demonstrator motor vehicle offered for sale by the licensee has been reduced:
  - (i) by a specified amount or proportion, or
  - (ii) from a specified amount,unless the advertisement also specifies the cash price of the vehicle, or
- (c) that the price of a motor vehicle (other than a second-hand or demonstrator motor vehicle) offered for sale by the licensee has been reduced:
  - (i) by a specified amount or proportion, or
  - (ii) from a specified amount,unless the advertisement also specifies that the reduction is related to the manufacturer's recommended retail price.

Maximum penalty: 20 penalty units.

### 50 Advertising of charges

- (1) A dealer must not publish an advertisement that specifies an amount as the purchase price of a motor vehicle (other than a second-hand or demonstrator motor vehicle) in circumstances in which any dealer's charges or statutory charges are payable in addition to the purchase price unless the advertisement also specifies:
  - (a) that an additional amount (that must be specified in the advertisement) will be payable by way of dealer's charges, and
  - (b) that a further additional amount (that need not be specified in the advertisement) will be payable by way of statutory charges (to be described by means of the expression "statutory charges" or "government charges" and not by means of the expression "on road costs" or any other similar expression).

Maximum penalty: 20 penalty units.

- (2) Subclause (1) (a) does not apply to the holder of a dealer's licence who does not sell motor vehicles by retail or to the type of advertisement known as a "group advertisement" which refers specifically or generally to more than one dealer.

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- (3) This clause does not apply to:
- (a) a motor vehicle (not being a motor cycle) or a second-hand motor cycle that is of such design as to be incapable of being registered in New South Wales, or
  - (b) a motor vehicle that comprises an excavator, road grader, road roller, bulldozer, forklift truck or other machinery or apparatus and that is not constructed on a chassis of a type normally used in the construction of a motor lorry, or
  - (c) a motor vehicle that is constructed or adapted for road construction or maintenance (including cleansing, sweeping or watering roads), or
  - (d) a commercial vehicle.

- (4) In this clause:

*dealer's charges* in relation to a motor vehicle advertised for sale by a dealer, means any amounts, other than:

- (a) the amount of the purchase price of the vehicle, or
- (b) any statutory charges relating to the vehicle,

that are payable to the dealer by a purchaser of the vehicle before, or on, its delivery by the dealer.

*statutory charges* in relation to a motor vehicle, means:

- (a) any tax or fee payable on registration, or renewal of registration, of the vehicle, or
- (b) any duty charged on the certificate of registration of the vehicle, or
- (c) any premium and duty payable in respect of a policy of insurance issued, or deemed to have been issued, under the *Motor Accidents Compensation Act 1999* in relation to the vehicle.

**51 Advertising sale of motor vehicle that is damaged or defective:  
section 24 (7)**

- (1) A dealer who advertises for sale a motor vehicle the subject of prescribed damage referred to in section 24 (7) of the Act (not being a second-hand motor vehicle) must include in the advertisement:
- (a) a statement to the effect that the vehicle has been damaged, and

## 2004 No 599

Clause 52 Motor Dealers Regulation 2004

Part 6 Conduct of business

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- (b) a further statement specifying whether or not the damage has been repaired.

Maximum penalty: 20 penalty units.

- (2) A dealer who advertises for sale a motor vehicle the subject of a defect notice must include in the advertisement the words and figures “DEFECTIVE VEHICLE—REPAIR COST \$...” where the repair cost must be completed to accord with the total estimated cost specified in the defect notice in relation to the repairing or making good of the defects so specified.

Maximum penalty: 20 penalty units.

- (3) A dealer must not publish an advertisement offering for sale a motor vehicle the subject of a statutory warranty if the vehicle has defects:
  - (a) of a kind that the dealer is required to repair or make good under the warranty, and
  - (b) of which the dealer knew, or ought to have known, at the time the dealer published the advertisement,

unless the advertisement includes a statement drawing attention to the existence of defects in the vehicle.

Maximum penalty: 20 penalty units.

- (4) The matter required by this clause to appear in an advertisement in relation to a motor vehicle must appear in writing of a size and prominence not less than that used for the price of the vehicle or (if the price does not appear) for any other matter relating to the vehicle.

### 52 Representations as to availability of motor vehicle or finance

A dealer must not:

- (a) knowing that a motor vehicle is not for sale, represent that it is for sale, or
- (b) represent that the purchase of a motor vehicle may be financed in a manner that the dealer knows to be unlawful or unavailable.

Maximum penalty: 20 penalty units.

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**53 Odometer readings**

A dealer must not:

- (a) publish an advertisement that specifies the reading on the odometer of a motor vehicle, or
- (b) during negotiations for the sale of a motor vehicle, specify the reading on the odometer of the vehicle,

if the dealer knows, or has reasonable cause to know, that the reading on the odometer is a false representation of the distance travelled by the vehicle.

Maximum penalty: 20 penalty units.

**54 Disclosures required in certain advertisements**

A licensee must not publish an advertisement (other than a radio or television advertisement) suggesting that a motor vehicle or a part of a motor vehicle is being offered or displayed for sale unless there is included in the advertisement:

- (a) the licensee's name or, if the business to which the licence relates is carried on under a business name, that business name, and
- (b) the number of the licence, and
- (c) a telephone number (if any) of the place of that business.

Maximum penalty: 20 penalty units.

**55 Certain advertisements to include registration numbers**

A dealer must not publish an advertisement that refers to:

- (a) a specified motor vehicle, or
- (b) any specified price at which a second-hand motor vehicle may be purchased,

unless the advertisement specifies the registration number of the vehicle.

Maximum penalty: 20 penalty units.

## 2004 No 599

Clause 56 Motor Dealers Regulation 2004

Part 6 Conduct of business

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### 56 Examination of motor vehicle

A dealer who offers a motor vehicle for sale must facilitate any reasonable examination of the vehicle by, or on behalf of, a prospective purchaser of the vehicle.

Maximum penalty: 20 penalty units.

### 57 Protection of interest of third party

(1) If a dealer agrees to act as agent for the sale of a second-hand motor vehicle, or to accept a motor vehicle as a trade-in, the dealer must use reasonable diligence:

- (a) to ascertain whether the vehicle is subject to a lease, hire-purchase agreement or mortgage, and
- (b) if so, to bring the sale agreement to the notice of the relevant lessor, owner or mortgagee.

Maximum penalty: 20 penalty units.

(2) In this clause, *mortgage* has the same meaning as it has in the *Consumer Credit (New South Wales) Code*.

### 58 Parts to be identified by motor vehicle parts reconstructors

If:

- (a) a motor vehicle parts reconstructor, in or for the purpose of carrying on his or her business as such, buys or receives a major mechanical component, and
- (b) the part does not have an identification number stamped on it or otherwise affixed to it,

the reconstructor must stamp on, or otherwise affix to, the part or accessory such figures, or figures accompanied by letters or symbols, as will serve to identify it.

Maximum penalty: 20 penalty units.

### 59 Receipts for engines disposed of by motor vehicle parts reconstructors

(1) A motor vehicle parts reconstructor who disposes of a motor vehicle engine to a person must issue to the person a receipt (taken from a receipt book containing duplicate copies of consecutively numbered receipt forms) on which is written the following information:



- (a) the date of disposal,
- (b) a description of the engine,
- (c) the number marked on the engine,
- (d) the person's name and address.

Maximum penalty: 20 penalty units.

- (2) A motor vehicle parts reconstructor:

- (a) must retain the receipt book (together with the reconstructor's register) for at least 6 years after the date on which the last entry was made in it, and
- (b) if required to do so by an authorised officer before the expiration of the period referred to in paragraph (a), must produce the receipt book for inspection by the officer.

Maximum penalty: 20 penalty units.

## 2004 No 599

Clause 60 Motor Dealers Regulation 2004

Part 7 Fees

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### Part 7 Fees

#### 60 Fees

- (1) The fees payable for the purposes of the Act are listed in Column 1 of Schedule 1.
- (2) The amount of each fee is to be calculated by adding together the various components set out in Columns 2, 3, 4 and 5 of Schedule 1 in relation to that fee.
- (3) An amount specified in relation to an application fee in Column 2 of Schedule 1 under the heading **Processing component** is taken to be a fee to cover the costs incurred by the Director-General in processing the application.  
**Note.** This amount is consequently a **processing fee** for the purposes of Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*.
- (4) If payment of an amount specified in relation to an annual fee in Column 2 of Schedule 1 under the heading **Processing component** is made by means of electronic communication (within the meaning of Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*), the fee otherwise payable:
  - (a) is to be reduced by \$5, or
  - (b) is to be reduced by 10 per cent, and rounded to the nearest whole dollar,whichever results in the greater reduction.
- (5) For the purposes of section 39 (3) of the Act, the proportions in which fees for dealers' licences and car market operators' licences are to be distributed between the Motor Dealers Compensation Fund and the Consolidated Fund are as set out in Column 5 of Schedule 1 (in relation to the Compensation Fund) and Columns 2, 3 and 4 of Schedule 1 (in relation to the Consolidated Fund), respectively.

#### 61 Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002

Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002* is modified in such a manner that sections 24 (2) and 25 of that Act do not apply in relation to a licence.

## Part 8      Miscellaneous

### 62    General provisions concerning the recording of information

- (1) The particulars of a motor vehicle to be inserted in a form that requires the vehicle's date of manufacture are the month and year of the vehicle's built date or (if the vehicle does not have a built date) the month and year of the vehicle's compliance plate date.
- (2) The following abbreviations may be used for the purpose of recording information in any register or receipt for the purposes of this Regulation, namely, "MD" for Dealer's Licence, "Lic. No." for Licence Number, "C" for consigned, "D" for dismantled, "E" for exchanged, "P" for purchased, "S" for sold, "T" for trade-in and "W" for wholesale.
- (3) If the particulars of a motor vehicle to be inserted in a form include the vehicle's vehicle identification number (VIN), but the vehicle does not have such a number, the vehicle's chassis number is to be inserted instead.
- (4) Any information required to be recorded by this Regulation must be recorded in the English language.
- (5) In this clause:

*built date* in relation to a motor vehicle, means the date that, combined with the word "Built" or the words "Built Date", appears on a metal plate affixed to the vehicle or on a sheet metal component of the vehicle.

*compliance plate date*, in relation to a motor vehicle, means the date that appears on a compliance plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

### 63    Destruction of records

A record required by this Regulation to be made or kept may be destroyed:

- (a) if this Regulation requires the record to be retained for a specified period, after the expiration of that period, or
- (b) in any other case, after the expiration of the period of 6 years that next succeeds the date of the latest entry in the record.

## 2004 No 599

Clause 64 Motor Dealers Regulation 2004

Part 8 Miscellaneous

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### **64 Prescribed amount above which motor vehicle ceases to be subject to statutory warranty: section 28**

For the purposes of section 28 (3) (f) of the Act, the amount prescribed is, during each year beginning on 1 January, the amount that was, at the end of the immediately preceding year, the motor vehicle depreciation limit under section 57AF of the *Income Tax Assessment Act 1936* of the Commonwealth.

### **65 Enforcement of order rescinding sale: section 38**

- (1) An order made under section 38 (4) of the Act for the payment of money may be enforced in a Local Court specified in the order or, if no such court is so specified, in any Local Court that exercises civil jurisdiction.
- (2) An order referred to in subclause (1) is enforceable as so referred to only if there is filed with the registrar of the Local Court concerned an affidavit by the person seeking to enforce the order stating:
  - (a) that the deponent is the person in whose favour the order was made, and
  - (b) the name and address of the person against whom the order was made, and
  - (c) the amount remaining unpaid under the order, and
  - (d) that all conditions subject to which the order was made and which are applicable to the deponent have been complied with.
- (3) If an affidavit is filed in accordance with subclause (2), Part 5 of the *Local Courts (Civil Claims) Act 1970* applies to and in respect of the order to which the affidavit relates as if:
  - (a) the order were a judgment of the Local Court in which the affidavit is filed, and
  - (b) the amount ordered to be paid were a judgment debt referred to in that Part, and
  - (c) the person against whom the order was made were a judgment debtor referred to in that Part, and
  - (d) the person in whose favour the order was made were a judgment creditor referred to in that Part.

**66 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 vehicle (including 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.

**67 Certificate of inspection: section 46**

- (1) For the purposes of section 46 (1) (c) of the Act, registration of a motor vehicle is registration in accordance with the regulations under the *Road Transport (Vehicle Registration) Act 1997*.
- (2) For the purposes of section 46 (3A) (b) of the Act, the prescribed form of declaration for display with a motor vehicle to which no number-plate is attached is a declaration by the dealer accounting for:
  - (a) the absence of any number-plate, and
  - (b) the unavailability of a certificate or receipt (as to the surrender of the number-plates) referred to in section 46 (3A) (a) of the Act.
- (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.

**68 Prescribed offences and penalties: section 53E**

For the purposes of section 53E of the Act:

- (a) an offence under a provision of the Act or this Regulation specified in Column 1 of Schedule 2 is a prescribed offence, and
- (b) the amount specified in Column 2 of Schedule 2 in respect of such an offence is the prescribed amount of penalty for the offence.

## **2004 No 599**

Clause 69          Motor Dealers Regulation 2004

Part 8              Miscellaneous

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### **69 Prescribed officers for certain proceedings: section 55**

For the purposes of section 55 of the Act, each of the following is a prescribed officer:

- (a) the Director-General,
- (b) any officer of the Department of Commerce appointed by the Director-General as a prescribed officer for the purposes of that section,
- (c) any police officer of or above the rank of sergeant.

### **70 Savings**

Any act, matter or thing that, immediately before the repeal of the *Motor Dealers Regulation 1999*, had effect under that Regulation continues to have effect under this Regulation.

**Schedule 1 Fees**

(Clause 60)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Variable component</b>	<b>Compensation Fund contribution</b>
Application fee for granting of dealer's licence (general)	\$159	nil	\$239 per place of business	\$685 per place of business
Application fee for restoration of dealer's licence (general)	\$159	nil	\$239 per place of business	\$99 per place of business
Annual fee under section 20 (1) of the Act for dealer's licence (general)	\$53	nil	\$239 per place of business	\$99 per place of business
Application fee for granting of dealer's licence (motor cycles)	\$159	nil	\$239 per place of business	\$685 per place of business
Application fee for restoration of dealer's licence (motor cycles)	\$159	nil	\$239 per place of business	\$99 per place of business
Annual fee under section 20 (1) of the Act for dealer's licence (motor cycles)	\$53	nil	\$239 per place of business	\$99 per place of business

## 2004 No 599

### Motor Dealers Regulation 2004

#### Schedule 1 Fees

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Variable component</b>	<b>Compensation Fund contribution</b>
Application fee for granting or restoration of dealer's licence (caravans)	\$159	nil	\$239 per place of business	nil
Annual fee under section 20 (1) of the Act for dealer's licence (caravans)	\$53	nil	\$239 per place of business	nil
Application fee for granting or restoration of dealer's licence (trailers)	\$159	nil	\$239 per place of business	nil
Annual fee under section 20 (1) of the Act for dealer's licence (trailers)	\$53	nil	\$239 per place of business	nil
Application fee for granting or restoration of dealer's licence (commercial vehicles)	\$159	nil	\$239 per place of business	nil
Annual fee under section 20 (1) of the Act for dealer's licence (commercial vehicles)	\$53	nil	\$239 per place of business	nil



## Motor Dealers Regulation 2004

## Fees

## Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
Application fee for granting of car market operator's licence	\$159	nil	\$239 per place of business	\$685 per place of business
Application fee for restoration of car market operator's licence	\$159	nil	\$239 per place of business	\$99 per place of business
Annual fee under section 20 (1) of the Act for car market operator's licence	\$53	nil	\$239 per place of business	\$99 per place of business
Application fee for granting or restoration of auto-dismantler's licence	\$159	nil	\$239 per place of business	nil
Annual fee under section 20 (1) of the Act for auto-dismantler's licence	\$53	nil	\$239 per place of business	nil
Application fee for granting or restoration of wholesaler's licence	\$159	nil	\$239 per place of business	nil

## 2004 No 599

### Motor Dealers Regulation 2004

#### Schedule 1 Fees

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Variable component</b>	<b>Compensation Fund contribution</b>
Annual fee under section 20 (1) of the Act for wholesaler's licence	\$53	nil	\$239 per place of business	nil
Application fee for granting or restoration of motor vehicle parts reconstructor's licence	\$159	nil	\$239 per place of business	nil
Annual fee under section 20 (1) of the Act for motor vehicle parts reconstructor's licence	\$53	nil	\$239 per place of business	nil
Application fee for granting or restoration of motor vehicle consultant's licence	\$159	nil	\$239 per place of business	nil
Annual fee under section 20 (1) of the Act for motor vehicle consultant's licence	\$53	nil	\$239 per place of business	nil

Motor Dealers Regulation 2004

Fees

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Variable component</b>	<b>Compensation Fund contribution</b>
Late fee under section 20 (6) of the Act	nil	\$47	nil	nil
Application fee for replacement of licence	\$25	nil	nil	nil
Issue of certificate under section 18 of the Act	nil	\$19	nil	nil

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## 2004 No 599

Motor Dealers Regulation 2004

Schedule 2 Penalty notices

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### Schedule 2 Penalty notices

(Clause 68)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under Motor Dealers Act 1974</b>	
Section 9	\$5,500
Section 17 (5)	\$330
Section 21	\$330
Section 23A (1)	\$550
Section 23B (1)	\$330
Section 23C (1)	\$330
Section 24 (2)	\$330
Section 24 (3)	\$330
Section 24 (5)	\$330
Section 24 (6)	\$330
Section 26A (4)	\$330
Section 26A (5)	\$330
Section 46 (2)	\$330
Section 47 (1)	\$330
Section 52 (1)	\$330
Section 53B (3)	\$330

Motor Dealers Regulation 2004

Penalty notices

Schedule 2

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<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under Motor Dealers Regulation 2004</b>	
Clause 9 (1)	\$330
Clause 34 (2)	\$330
Clause 50 (1)	\$330
Clause 54	\$330
Clause 55	\$330

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**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

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**Schedule 3 Forms**

(Clause 3)

**Form 1 Register for consigned vehicles**

(Clause 18 (1) (a))

Motor Dealers Act 1974: section 21

**NAME OF LICENSEE**

**LICENCE No**

DETAILS OF ACQUISITION							
Entry No	Date of acquisition	Make and body type	Model designation and date of manufacture	Registration No (if any)	Engine No	VIN or chassis No	Odometer reading

**All columns to be completed**

DETAILS OF ACQUISITION continued	DETAILS OF DISPOSAL				
Name and address of consignor (if trade number also insert licence No)	Date of disposal	Trust account entry No	Type & serial No of disposal form	Cash price at which vehicle disposed	Name and address of person to whom vehicle disposed (if trade owner also insert motor dealer licence No) (if private purchaser at auction also insert driver licence No)

**Form 2 Dealers' and wholesalers' register**

(Clause 18 (1) (b))

Motor Dealers Act 1974: section 21

**NAME OF LICENSEE LICENCE No**

DETAILS OF ACQUISITION								
Entry No	Date of acquisition	How acquired	Make and body type	Model designation and date of manufacture	Registration No (if any)	Engine No	VIN or chassis No	Odometer reading

**All columns to be completed**

DETAILS OF ACQUISITION continued	DETAILS OF DISPOSAL				
Name and address of person from whom vehicle acquired (If trade owner, also insert licence No)	Date of disposal	How disposed	Type & serial No of disposal form	Cash price at which vehicle disposed	Name and address of person to whom vehicle disposed (If trade owner also insert motor dealer licence No) (If private purchaser at auction also insert driver licence No)

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

**Form 2A Auto dismantlers' register for motor vehicles**

(Clause 18 (1) (c))

Motor Dealers Act 1974: section 21

VEHICLE	NAME OF LICENSEE	LICENCE No
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Entry No	
Date of Acquisition	
Make & Body Type	
Model Designation	
Date of Manufacture	
Reg. No (if any)	
Odometer Reading	
Engine No	
VIN or Chassis No	

Details of Person From Whom Acquired	
Name	
Address	
If not Trade Owner then Driver's Licence No or other photo ID	
If Trade Owner then Trade Owner's Licence No (under Act)	



PRESCRIBED PARTS			
DESCRIPTION	SALVAGED (Y/N)	DATE OF DISPOSAL	* RECEIPT NO
Chassis/major body section			
Bonnet			
Right side door (front)			
Left side door (front)			
Right side door (back)			
Left side door (back)			
Hatchback door			
Boot lid			
Right front guard			
Left front guard			
Front bumper bar			
Rear bumper bar			
Front apron panel			
Engine/engine block			
Gearbox/transmission			
Instrument cluster			
Airbag			
Alloy "mag" wheels			
Electronic navigation equipment			
Car radio/tape/television/DVD/CD equipment			

\* **NOTE:** The name and address of the purchaser, a description of the prescribed part, the relevant VIN and the dealer's licence number **MUST** be recorded on each sale receipt for prescribed parts.

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

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**Form 2B Prescribed parts register**

(Clause 18 (1) (d))

Motor Dealers Act 1974: section 21

**PRESCRIBED PARTS REGISTER (All columns to be completed)**

**NAME OF LICENSEE LICENCE No**

DETAILS OF ACQUISITION							
Entry No	Date of acquisition	How acquired	Make and body type	Model designation and date of manufacture	Prescribed part description	Engine No (if applicable)	VIN or chassis No

DETAILS OF ACQUISITION continued		
Name and address of person from whom acquired	If not Trade Owner then Driver's Licence No or other photo ID	If Trade Owner then Trade Owner's Licence No (Under Act)

DETAILS OF ACQUISITION continued	DETAILS OF DISPOSAL		
Invoice No *	Date of disposal	How disposed	Receipt No *

\* **NOTE:** The name and address of the purchaser, a description of the prescribed part, the relevant VIN and the dealer's licence number **MUST** be recorded on each sale receipt for prescribed parts.

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

---

**Form 3 Dealers notice (motor cycles)**

(Clauses 30 (1) (a) and 36)

Motor Dealers Act 1974: sections 24 and 28

C \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_

**Part 1** (To be completed and delivered to purchaser at or before the time of sale)

Dealer		Licence No	
Full Business Address of Dealer where Motor Cycle Sold			
(No)		(Street)	(Suburb/ Town/City)
Make of cycle		VIN or Frame No	
Model designation		Distance travelled	
Date of manufacture		km	
Engine No		Date of expiry of registration	
Cash Price \$		Registration No	

**Part 2** (To be completed and delivered to purchaser at or before the time of sale)

Cash Price at Which Cycle Sold	\$	Odometer Reading at Time of Sale		km
Serial No of Inspection Report (RTA) (where applicable)		Date of Issue of Report		
Purchaser's Full Name				
Purchaser's Address				
Trade-in (if any)	(Description)	(Registration No)	Trade-in Allowance \$	
Purchaser's Signature			Date of sale	
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale				
<b>Receipt C</b> _____				
Received the Sum of \$		by Cash Cheque		
Being for				

**Part 3** (To be completed when motor cycle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**THE MOTOR CYCLE IS/IS NOT LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*

## 2004 No 599

### Motor Dealers Regulation 2004

#### Schedule 3 Forms

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**Part 4** (To be completed and delivered to purchaser at or before the time of sale)

Trade Allowance	\$	Registration Expiry Date
Make		Registration No
Engine No		Frame No
Odometer Reading		Model Designation/ Date of Manufacture

**Part 5**

<b>WARRANTY</b>	
⇒	<b>3 months or 3,000 km (whichever comes first).</b>
⇒	<b>This warranty applies to second-hand motor cycles not more than 5 years old and not having travelled more than 30,000 km.</b>
⇒	There is no warranty on second-hand cycles more than 5 years old or having travelled more than 30,000 km, but the dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the <i>Road Transport (Vehicle Registration) Act 1997</i> , which has been issued not more than 90 days before the date of sale (unless renewal of registration of the cycle was effected within a month preceding the date of sale) stating that the cycle is roadworthy.
⇒	There is no warranty on a second-hand motor cycle of a design that is incapable of being registered in New South Wales.
⇒	The dealer is required to repair or make good any defect existing in the cycle at the time of sale or occurring within the warranty period so as to place the cycle in a reasonable condition having regard to its age.
⇒	This warranty does not cover defects in tyres, chains, sprockets and batteries, superficial damage to paintwork/upholstery, accidental damage occurring after the sale of the cycle and defects arising from rider misuse/negligence or use in competitive racing.
⇒	A person may not waive or vary this warranty without prior written consent of the Director-General of the Department of Commerce.
⇒	<b>THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS</b>

**Form 4 Warranty**

Warranty under *Motor Dealers Act 1974* applies to this vehicle

(Clause 28 (1) (a))

Motor Dealers Act 1974: section 24

**D** \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_

**Part 1** (To be completed when vehicle offered or displayed for sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/Town/City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Date of Manufacture		Distance Travelled	km
Body Type		Date Notice Affixed to Vehicle	
Cash Price \$		Registration No	

## 2004 No 599

Motor Dealers Regulation 2004

Schedule 3 Forms

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### Part 2 (To be completed at or before time of sale)

Cash Price at Which Vehicle Sold	\$	Odometer Reading at Time of Sale	km
Purchaser's Full Name			
Purchaser's Address			
Trade-in (if any)	(Description)	(Registration No)	Trade-in Allowance \$
Purchaser's Signature			Date of Sale
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale			

### Part 3 (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**THE VEHICLE IS/IS NOT LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*



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**Part 4**

<b>WARRANTY</b>	
⇒	<b>3 months or 5,000 kilometres (whichever comes first).</b>
⇒	<b>This warranty applies to vehicles that at the time of sale are not more than 10 years old and have not travelled more than 160,000 kms.</b>
⇒	The dealer is required to repair or make good any defect in the vehicle at the time of sale or occurring within the warranty period so as to place the vehicle in a reasonable condition having regard to its age.
⇒	This warranty does not cover tyres and batteries, superficial damage to paintwork/upholstery, accidental damage occurring after the sale of the vehicle and defects arising from use for motor racing/rallying or driver misuse/negligence.
⇒	A person may not waive or vary this warranty without prior written consent of the Director-General of the Department of Commerce.
⇒	<b>THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS</b>

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

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**Form 5    Dealers notice (motor cycles)—(excluded defects)**

(Clauses 30 (1) (b) and (2) and 39 (a))

Motor Dealers Act 1974: sections 24 and 29

**E** \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_

**Part 1** (To be completed and delivered to purchaser at or before the time of sale)

Dealer		Licence No	
Full Business Address of Dealer Where Motor Cycle Sold			
(No)		(Street)	(Suburb/Town/City)
Make of Cycle		Frame No	
Model designation		Distance travelled	
Date of manufacture		km	
Engine No		Date of Expiry of Registration	
Cash Price \$		Registration No	

**Part 2** (To be completed and delivered to purchaser at or before the time of sale)

Cash Price at Which Cycle Sold	\$	Odometer Reading at Time of Sale	km
Serial No of Inspection Report (RTA) (where applicable)		Date of Issue of Report	
Purchaser's Full Name			
Purchaser's Address			
Trade-in (if any)	(Description)	(Registration No)	Trade-in Allowance \$
Purchaser's Signature			Date of Sale
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale			
The dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the <i>Road Transport (Vehicle Registration) Act 1997</i> , which has been issued not more than 90 days before the date of sale stating that the vehicle is roadworthy unless registration of the vehicle has been effected within one month before that date.			

**Part 3** (To be completed when motor cycle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**THE MOTOR CYCLE IS/IS NOT LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

**Part 4**

<b>WARRANTY</b>	
⇒	<b>3 months or 3,000 km (whichever comes first).</b>
⇒	<b>This warranty applies to second-hand cycles not more than 5 years old and not having travelled more than 30,000 km.</b>
⇒	There is no warranty on a second-hand motor cycle of a design that is incapable of being registered in New South Wales.
⇒	The dealer is required to repair or make good any defect existing in the cycle at the time of sale or occurring within the warranty period so as to place the cycle in a reasonable condition having regard to its age.
⇒	This warranty does not cover defects in tyres, chains, sprockets and batteries, superficial damage to paintwork/upholstery, accidental damage occurring after the sale of the cycle and defects arising from rider misuse/negligence or use in competitive racing.
⇒	A person may not waive or vary this warranty without prior written consent of the Director-General of the Department of Commerce.
⇒	<b>THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS</b>
<b>WARRANTY EXCLUSIONS</b>	
<b>I ACKNOWLEDGE THAT THE DEFECTS SHOWN BELOW ARE EXCLUDED FROM THE WARRANTY PROVISIONS OF THE MOTOR DEALERS ACT 1974. (ANY ANNEXURES MUST ALSO BE SIGNED).</b>	
Signature of Purchaser	

<b>Excluded defects</b>	<b>Estimated fair cost of repairing or making good defects</b>

Excluded defects	Estimated fair cost of repairing or making good defects
<b>NOTE: ROADWORTHINESS ITEMS MAY NOT BE EXCLUDED FROM WARRANTY</b>	
Name (print) and Signature of Motor Mechanic	MVRIA Certificate No
<p>If there is insufficient space an annexure may be made to the notice provided that a reference is made to the annexure in this notice and the annexure is signed by the motor mechanic.</p> <p>The cost of repairs to the extent of the estimate shown for each defect is the responsibility of the purchaser. The dealer is only obliged to repair or make good unlisted defects, or pay the difference where the cost estimated by the dealer of repairing or making good a listed defect is less than the fair cost of repairing or making good that defect.</p>	

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

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**Form 6 Dealers notice—excluded defects**

(Clauses 28 (1) (b) and (4) and 38 (1) and (2))

Motor Dealers Act 1974: sections 24 and 29

F \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_

**Part 1** (To be completed when vehicle offered or displayed for sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/Town/ City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Date of Manufacture		Distance Travelled	km
Body Type		Date Notice Affixed to Vehicle	
Cash Price \$		Registration No	

**Part 2** (To be completed at or before time of sale)

Cash Price at Which Vehicle Sold	\$	Odometer Reading at Time of Sale	km
Serial No of Inspection Report (RTA) (where applicable)		Date of Issue of Report	
Purchaser's Full Name			
Purchaser's Address			
Trade-in (if any)	(Description)	(Registration No)	Trade-in Allowance \$
Purchaser's Signature			Date of Sale
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale			
The dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the <i>Road Transport (Vehicle Registration) Act 1997</i> , which has been issued not more than 90 days before the date of sale stating that the vehicle is roadworthy unless registration of the vehicle has been effected within one month before that date.			

**Part 3** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**THE VEHICLE IS/IS NOT LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

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**Part 4**

<b>WARRANTY</b>	
⇒	<b>3 months or 5,000 km (whichever comes first).</b>
⇒	<b>This warranty applies to vehicles that at the time of sale are not more than 10 years old and have not travelled more than 160,000 kilometres</b>
⇒	The dealer is required to repair or make good any defect existing in the vehicle at the time of sale or occurring within the warranty period so as to place the vehicle in a reasonable condition having regard to its age.
⇒	This warranty does not cover defects in tyres and batteries, superficial damage to paintwork/upholstery, accidental damage occurring after the sale of the vehicle and defects arising from driver misuse/negligence or use for motor racing/rallying.
⇒	A person may not waive or vary this warranty without prior written consent of the Director-General of the Department of Commerce.
⇒	<b>THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS</b>
<b>WARRANTY EXCLUSIONS</b>	
<b>I ACKNOWLEDGE THAT THE DEFECTS SHOWN BELOW ARE EXCLUDED FROM THE WARRANTY PROVISIONS OF THE MOTOR DEALERS ACT 1974. (ANY ANNEXURES MUST ALSO BE SIGNED).</b>	
Signature of Purchaser	



Excluded defects	Estimated fair cost of repairing or making good defects
<p><b>NOTE: ROADWORTHINESS ITEMS MAY NOT BE EXCLUDED FROM WARRANTY</b></p>	
<p>Name (print) and Signature of Motor Mechanic</p>	<p>MVRIA Certificate No</p> <p>If there is insufficient space an annexure may be made to the notice provided that a reference is made to the annexure in this notice and the annexure is signed by the motor mechanic.</p> <p>The cost of repairs to the extent of the estimate shown for each defect is the responsibility of the purchaser. The dealer is only obliged to repair or make good unlisted defects, or pay the difference where the cost estimated by the dealer of repairing or making good a listed defect is less than the fair cost of repairing or making good that defect.</p>

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

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**Form 7 Inter-trade owner disposal—single vehicle**

(Clause 33 (1) (a))

Motor Dealers Act 1974: section 25

Register Details

Book No

Entry No

Name of Trade Owner		Licence No	
Full Business Address			
(No)		(Street)	(Suburb/Town/City)
Make of Vehicle		Body Type	
Model Designation			
Engine No		Date of Manufacture	
Chassis/Frame No		Registration No	
Odometer Reading When Vehicle Acquired (as entered in register)		Odometer reading When Vehicle Sold	
		km	km
Details of Trade Owner Acquiring Vehicle	Name		
	Address		
	Licence No (under the Act)		

Name (print) and Signature of Seller, Agent or Employee Completing Details
Date of Sale

**Form 7A Inter-trade owner disposal—two or more vehicles**

(Clause 33 (1) (b))

Motor Dealers Act 1974: section 25

Register Details

Book No

Entry No

Trade Owner						Licence No				
Full Business Address										
(No) (Street)						(Suburb/Town/City)				
Register Details		Make of Vehicle	Body Type	Model designation	Date of manufacture	Reg No	Engine No	Chassis or Frame No	Odometer Reading When Vehicle Acquired	Odometer Reading When Vehicle Sold
Book No	Entry No									
									km	km
									km	km
									km	km

## 2004 No 599

Motor Dealers Regulation 2004

Schedule 3      Forms

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Details of Trade Owner Acquiring Vehicle	
Name	Licence No (under the Act)
Address	
Name (print) and Signature of Seller, Agent or Employee Effecting Disposal	Date of Sale

**Form 8 No Warranty**

No warranty under *Motor Dealers Act 1974* applies to this vehicle

(Clause 28 (1) (c))

Motor Dealers Act 1974: section 24

**H** \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_

**Part 1** (To be completed when vehicle offered or displayed for sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/ Town/City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Date of Manufacture		Distance Travelled	km
Body Type		Date of Expiry of Registration and Date of Notice	
Cash Price \$		Registration No	



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**Form 9 Auction notice**

(Clauses 26 (1) and 37)

Motor Dealers Act 1974: sections 23B and 28

<b>AUCTION NOTICE</b>
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<p>If a motor vehicle with registration plates is sold to a private purchaser, whether on the fall of the hammer or by subsequent negotiation with the highest bidder, an inspection report not more than 1 month old which is issued in respect of the vehicle and states that the vehicle is roadworthy will be provided at the time of delivery of the vehicle to the purchaser.</p>
---

<p>A private purchaser means a person other than a financier or the holder of a licence under the <i>Motor Dealers Act 1974</i> or under some other legislation in force in Australia that corresponds to that Act.</p>
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<p>There is no warranty under the <i>Motor Dealers Act 1974</i> in respect of vehicles sold by auction. Accordingly the dealer is not required by the Act to repair or make good any defect which may exist in any vehicle so sold.</p>
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**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

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**Form 10    Notice that motor vehicle is not for sale**

(Clause 29)

Motor Dealers Act 1974: section 24



**Form 11    Demonstrator vehicle notice**

(Clause 31 (1) (a))

Motor Dealers Act 1974: section 24

**K** \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_



**Part 1** (To be completed when vehicle offered or displayed for sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/Town/City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Body Type		Date of Manufacture	
Registration No		Date of Sale	
The Cash Price of This Vehicle Including Registration and Optional Extras Fitted is \$		Odometer Reading at Time of Sale  km	

**Part 2** (To be completed and delivered to the purchaser at or before the time of sale)

Purchaser's Full Name		
Purchaser's Address		
Trade-in (if any)		Trade-in Allowance
(Description)	(Registration No)	\$
Purchaser's Signature		
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale		
The "New" Vehicle Price of This Vehicle (Including Registration, Delivery and/or Freight Charges and the Same Optional Extras) was \$_____ at the Date of First Registration.		

## 2004 No 599

Motor Dealers Regulation 2004

Schedule 3      Forms

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### Part 3 (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**THE VEHICLE IS/IS NOT LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*

### Part 4

<b>WARRANTY</b>	
⇒	<b>20,000 kilometres after manufacture or 12 months less 1 month for each 2,000 kilometres that the vehicle has been driven before being sold by the dealer (whichever comes first).</b>
⇒	<b>If the vehicle has been driven for 15,000 kilometres or more at the time of sale a warranty of 3 months or 5,000 kilometres (whichever comes first) applies.</b>
⇒	The dealer is required to repair or make good any defect in the vehicle at the time of sale or occurring within the warranty period so as to place the vehicle in a reasonable condition having regard to its age.
⇒	This warranty does not cover tyres and batteries, superficial damage to paintwork/upholstery, accidental damage occurring after the sale of the vehicle and defects arising from use for motor racing/rallying or driver misuse/negligence.
⇒	A person may not waive or vary this warranty without prior written consent of the Director-General of the Department of Commerce.
⇒	<b>THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS</b>

**Form 11A Demonstrator vehicle notice—excluded defects**

(Clauses 31 (1) (b) and (2) and 39 (b))

Motor Dealers Act 1974: sections 24 and 29

**L** \_\_\_\_\_  
Register Details

Book No  
\_\_\_\_\_

Entry No  
\_\_\_\_\_

**Part 1** (To be completed when vehicle offered or displayed for sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/Town/City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Body Type		Date of Manufacture	
Registration No		Date of Sale	
The Cash Price of This Vehicle Including Registration and Optional Extras Fitted is \$		Odometer Reading at Time of Sale  km	

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

---

**Part 2** (To be completed and delivered to the purchaser at or before the time of sale)

Purchaser's Full Name		
Purchaser's address		
Serial No of Inspection Report (RTA)	Date of Issue of Report	
Trade-in (if any)	(Description) (Registration No)	Trade-in Allowance \$
Purchaser's Signature		
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale		
The "New" Vehicle Price of This Vehicle (Including Registration, Delivery and/or Freight Charges and the Same Optional Extras) was \$_____ at the Date of First Registration.		
The dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the <i>Road Transport (Vehicle Registration) Act 1997</i> , which has been issued not more than 90 days before the date of sale stating that the vehicle is roadworthy unless registration of the vehicle has been effected within one month before that date.		

**Part 3** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**THE VEHICLE IS/IS NOT LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*

**Part 4**

<b>WARRANTY</b>	
⇒	<b>20,000 kilometres after manufacture or 12 months less 1 month for each 2,000 kilometres that the vehicle has been driven before being sold by the dealer (whichever comes first).</b>
⇒	<b>If the vehicle has been driven for 15,000 kilometres or more at the time of sale a warranty of 3 months or 5,000 kilometres (whichever comes first) applies.</b>
⇒	The dealer is required to repair or make good any defect in the vehicle at the time of sale or occurring within the warranty period so as to place the vehicle in a reasonable condition having regard to its age.
⇒	This warranty does not cover tyres and batteries, superficial damage to paintwork/ upholstery, accidental damage occurring after the sale of the vehicle and defects arising from use for motor racing/rallying or driver misuse/negligence.
⇒	A person may not waive or vary this warranty without prior written consent of the Director-General of the Department of Commerce.
⇒	<b>THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS</b>
<b>WARRANTY EXCLUSIONS</b>	
<b>I ACKNOWLEDGE THAT THE DEFECTS SHOWN BELOW ARE EXCLUDED FROM THE WARRANTY PROVISIONS OF THE MOTOR DEALERS ACT 1974. (ANY ANNEXURES MUST ALSO BE SIGNED).</b>	
Signature of Purchaser	

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

---

<b>Excluded defects</b>	<b>Estimated fair cost of repairing or making good defects</b>
<b>NOTE: ROADWORTHINESS ITEMS MAY NOT BE EXCLUDED FROM WARRANTY</b>	
Name (print) and Signature of Motor Mechanic	MVRIA Certificate No
<p>If there is insufficient space an annexure may be made to the notice provided that a reference is made to the annexure in this notice and the annexure is signed by the motor mechanic.</p> <p>The cost of repairs to the extent of the estimate shown for each defect is the responsibility of the purchaser. The dealer is only obliged to repair or make good unlisted defects, or pay the difference where the cost estimated by the dealer of repairing or making good a listed defect is less than the fair cost of repairing or making good that defect.</p>	

**Form 13 Notice of damage—new and demonstrator motor vehicles**

(Clause 32 (2))

Motor Dealers Act 1974: section 24 (7)

Register Details

Book No

Entry No

**Part 1** (To be completed and delivered to the purchaser at or before the time of sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/Town/ City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Body Type		Date of Manufacture	
Registration No		Date of Sale	

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

---

**Part 2**

<b>THE FOLLOWING DAMAGE HAS BEEN CAUSED TO THE VEHICLE DESCRIBED IN THIS NOTICE</b>
<b>NATURE AND EXTENT OF DAMAGE</b>
<b>NOTE</b> The <i>Motor Dealers Act 1974</i> provides that the dealer must disclose: (a) damage caused by exposure to water (eg immersion in floodwater or exposure to salt water) that has caused damage by initiating corrosion or otherwise reducing the quality of the vehicle, or (b) accidental damage to the body or frame of the vehicle which has required: (i) the replacement or repair of any of the panels, structural members or components of the vehicle by cutting and welding, by the application of heat or by any other means, or (ii) repairs that are wholly effected by the replacement of not fewer than 4 major external panels fixed to the vehicle by means of bolts, screws or other fastening devices and the replacement or repair of fittings.
Purchaser's Full Name
Purchaser's Address
Name (print) and Signature of Dealer, Agent or Employee Effecting Sale



**Form 14 Sale notice for exempted motor vehicle sold without statutory warranty**

(Clause 35)

Motor Dealers Act 1974: section 28

Register Details

Book No

Entry No

**Part 1** (To be completed when vehicle offered or displayed for sale)

Dealer		Licence No	
Full Business Address of Dealer Where Vehicle Sold			
(No)		(Street)	(Suburb/ Town/City)
Make of Vehicle		Engine No	
Model Designation		VIN or Chassis No	
Date of Manufacture		Distance Travelled	km
Body Type		Date of Expiry of Registration and Date of Notice	
Cash Price \$		Registration No	

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3 Forms

---

**Part 2** (To be completed at or before time of sale)

Cash Price at Which Vehicle Sold \$

Odometer Reading at Time of Sale  
km

Serial No of Inspection Report (RTA) (where applicable)      Date of Issue of Report

Purchaser's Full Name

Purchaser's Address

Trade-in (if any)      (Description)      (Registration No)      Trade-in Allowance  
\$

Purchaser's Signature

Date of Sale

Name (print) and Signature of Dealer, Agent or Employee Effecting Sale

Unless this vehicle is unregistered or substantially demolished, the dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the *Road Transport (Vehicle Registration) Act 1997*, which has been issued not more than 90 days before the date of sale stating that the vehicle is roadworthy unless registration of the vehicle has been effected within one month before that date.

**Part 3**

**THERE IS NO WARRANTY UNDER THE MOTOR DEALERS ACT 1974 IN RESPECT OF THE SALE OF THIS VEHICLE. ACCORDINGLY THE DEALER IS NOT REQUIRED BY THE ACT TO REPAIR OR MAKE GOOD ANY DEFECT WHICH MAY EXIST OR OCCUR IN THIS VEHICLE.**

**Form 18 Car market register and notice—title guaranteed**

(Clauses 18 (1) (e) and 40 (1) (a))

Motor Dealers Act 1974: sections 21 and 29B

M \_\_\_\_\_

Date  
\_\_\_\_\_

<b>TITLE GUARANTEED</b>
<b>THIS VEHICLE IS SOLD WITHOUT STATUTORY WARRANTY UNDER THE MOTOR DEALERS ACT 1974. THE CAR MARKET OPERATOR GUARANTEES THE VENDOR HAS UNENCUMBERED TITLE TO THE VEHICLE.</b>

<b>VEHICLE DETAILS</b>	Registered No
Make	Engine No
Model	Odometer <span style="float: right;">km</span>
Body Type	Date of Manufacture
Certificate of Inspection No	Date of Issue

## 2004 No 599

Motor Dealers Regulation 2004

Schedule 3 Forms

---

<b>REGISTERED OWNER</b>	
Name	
Address	
Expiry Date of Registration	
Source of Information	
Registration Papers	YES/NO*
Interim Receipt	YES/NO*
Other (specify)	

<b>DETAILS OF DRIVER</b> (when vehicle enters market)	
Name	
Address	
Licence No	Expiry Date
Driver's Signature	

\* **NOTE:** Delete whichever is inapplicable

**Form 19 Car market register and notice—title not guaranteed**

(Clauses 18 (1) (f) and 40 (1) (b))

Motor Dealers Act 1974: sections 21 and 29B

**M** \_\_\_\_\_

Date  
\_\_\_\_\_

TITLE NOT GUARANTEED
<b>THIS VEHICLE IS SOLD WITHOUT STATUTORY WARRANTY UNDER THE MOTOR DEALERS ACT 1974. THE VENDOR'S TITLE TO THE VEHICLE IS NOT GUARANTEED BY THE CAR MARKET OPERATOR.</b>

<b>VEHICLE DETAILS</b>	Registered No
Make	Engine No
Model	Odometer <span style="float: right;">km</span>
Body Type	Date of Manufacture
Certificate of Inspection No	Date of Issue

## 2004 No 599

Motor Dealers Regulation 2004

Schedule 3      Forms

---

<b>REGISTERED OWNER</b>	
Name	
Address	
Expiry Date of Registration	
Source of Information	
Registration Papers	YES/NO*
Interim Receipt	YES/NO*
Other (specify)	

<b>DETAILS OF DRIVER</b> (when vehicle enters market)	
Name	
Address	
Licence No	Expiry Date
Driver's Signature	

\* **NOTE:** Delete whichever is inapplicable

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**Form 20 Cooling off period rights**

(Clause 41 (1))

Motor Dealers Act 1974: section 29CA (6)

**Right to Cooling Off Period**

*[To be completed by the motor dealer]*

Make and model of motor car:

Registration No:

If unregistered—engine number or chassis number or vehicle identification number or registration number (if any) last assigned to the vehicle, or, if none of those numbers are reasonably ascertainable, any other number by which the vehicle may be identified.

Dealer licence number:

Finance provider:

**To the purchaser—your cooling off rights**

**Your right to a cooling off period**

- 1 You are signing a contract to buy a vehicle. If finance for the purchase is being provided by the dealer or the dealer is arranging or facilitating the provision of credit through a linked credit provider, you may take advantage of a cooling off period. This is a period in which you may change your mind about buying the vehicle and terminate the contract. This does not apply to you if you are a trade owner or if this is an auction sale or if the vehicle is a commercial vehicle.

**When you may terminate the contract**

- 2 Under the *Motor Dealers Act 1974* you have the right to decide within one business day of signing the contract not to proceed with the purchase and to terminate the sale agreement. You may take this action up until the end of the cooling off period. The period ends at the end of the next business day after you sign the contract that the dealer is open for business until 5pm. If the dealer closes before 5pm on the next business day, the cooling off period ends at the close of business on the next day that the dealer is open for business.

**How to terminate contract**

- 3 You may terminate the contract by giving a written notice to the dealer. The notice may be signed by you or by your solicitor or barrister.

**Your rights to possession of vehicle during cooling off period**

- 4 You will not be able to take possession of the vehicle during the cooling off period unless the dealer agrees. If the dealer has agreed to let you take possession of the vehicle during the cooling off period, you may still terminate the contract.

**2004 No 599**

Motor Dealers Regulation 2004

Schedule 3      Forms

---

**Your obligations on termination of the contract**

- 5 If you terminate the contract on or before the end of the cooling off period, you will have to pay the dealer \$250 or 2% of the purchase price, whichever is the lesser amount. You will also have to repay to the dealer any amount paid for a trade-in. You will also be required to return the vehicle if you have taken delivery of it.

**The dealer’s obligations on termination of the contract**

- 6 It will be an offence for the dealer to dispose of a vehicle traded-in as part of the sale during the cooling off period. When the contract is terminated the dealer must repay to you all other amounts paid by you (less the amounts you have to pay as referred to above). The dealer must also return any trade-in vehicle and must pay for any damage to that vehicle caused while in the dealer’s possession, other than fair wear and tear. If the trade-in vehicle is incapable of being driven or is unroadworthy because of a defect not caused by you or the dealer, the dealer must permit it to be collected by you.

**Giving up your cooling off rights**

- 7 You may give up your right to a cooling off period for this purchase by signing a waiver of the right, in the form required under the *Motor Dealers Act 1974*. If you sign the waiver, you will lose the right to terminate the contract during the cooling off period.

I acknowledge that I have read this document.

Purchaser:.....

Date:.....

*[signature]*



**Form 21 Waiver of right to cooling off period**

(Clause 41 (3))

Motor Dealers Act 1974: section 29CA

**Loss of Right to Cooling Off Period**

*[To be completed by the motor dealer]*

Make and model of motor car:

Registration No:

If unregistered—engine number or chassis number or vehicle identification number or registration number (if any) last assigned to the vehicle, or, if none of those numbers are reasonably ascertainable, any other number by which the vehicle may be identified.

Dealer licence number:

*[To be completed by the purchaser]*

- 1** I have agreed to buy this vehicle.
- 2** I know that the *Motor Dealers Act 1974* gives me the right to decide within one business day not to proceed with the purchase and to terminate the sale agreement. The reference to one business day means the next day that the dealer is open for business until 5pm. If the dealer closes before 5pm on the next business day, the cooling off period extends until the close of business on the next day that the dealer is open for business.
- 3** I waive the right to terminate the sale agreement under section 29CA of the *Motor Dealers Act 1974*.
- 4** I acknowledge that I know that if I sign this form, I WILL LOSE MY RIGHT TO TERMINATE THE SALE AGREEMENT.

Purchaser's signature.....

Date.....

*[Copy to be given to customer and trader to retain copy]*