

# Motor Dealers Regulation 2010

[2010-480]



New South Wales

## Status Information

### Currency of version

Historical version for 1 July 2012 to 30 June 2013 (accessed 28 May 2024 at 18:49)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Road Transport Legislation \(Repeal and Amendment\) Act 2013 No 19](#) (not commenced)  
[Motor Dealers Amendment \(Fees\) Regulation 2013 \(172\)](#) (LW 3.5.2013) (not commenced — to commence on 1.7.2013)

### Authorisation

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File last modified 3 May 2013

# Motor Dealers Regulation 2010



New South Wales

## Contents

<b>Part 1 Preliminary</b>	6
1 Name of Regulation	6
2 Commencement	6
3 Definitions	6
4 Definition of “auto-dismantler”	8
5 Definition of “commercial vehicle”	8
6 Definition of “financier”	8
7 Definition of “motor vehicle parts reconstructor”	8
<b>Part 2 Licensing</b>	8
8 Duration of approval preceding grant of licence	8
9 Licensees to display licence numbers	8
10 Register of Undertakings	9
<b>Part 3 Motor vehicle registers</b>	9
11 Form of register	9
12 Registers kept in writing	9
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	12
17 Parts and accessories subject to sections 21–21B	12
18 Prescribed form of register	13

<b>Part 4 Motor vehicle notices</b>	13
<b>Division 1 General</b>	13
19 Production of notices generally	13
20 Notices produced from books	13
21 Notices produced by means of data processing equipment	13
22 General form of notices	14
23 Completion of notices	14
24 Retention of notices	14
25 Prescribed manner for affixing reports or notices	15
<b>Division 2 Prescribed forms</b>	15
26 Sale notice for motor vehicle sold at auction without roadworthy certificate	15
27 Sale notice for motor vehicles sold at auction without number plates	15
28 Sale notice for second-hand motor vehicle (other than motor cycle)	16
29 Notice that motor vehicle is not for sale	16
30 Sale notice for second-hand motor cycle	16
31 Sale notice for demonstrator motor vehicle	17
32 Sale notice for damaged motor vehicle	17
33 Identification of parts by auto-dismantlers	18
34 Sale notice for exempted motor vehicle (other than motor cycle) sold without statutory warranty	19
35 Sale notice for second-hand motor cycle sold without statutory warranty	19
36 Sale notice for motor vehicle at auction without statutory warranty	19
37 Sale notice for defective second-hand motor vehicle (other than motor cycle)	19
38 Sale notice for defective second-hand motor cycle	19
39 Sale notice for motor vehicle sold at car market	20
40 Cooling off periods	20
<b>Part 5 Sales on consignment</b>	20
41 Recording of consignment	20
42 Audit of trust accounts	21
43 Disbursements from trust account	22
44 Consignment of motor vehicle from one dealer to another	22

<b>Part 6 Conduct of business</b>	22
45 Particulars of managers to be provided	22
46 Certain persons not to be employed as manager	22
47 Applications for approval to employ disqualified persons	23
48 Price-related advertising	23
49 Advertising of charges	24
50 Advertising sale of motor vehicle that is damaged or defective	25
51 Representations as to availability of motor vehicle or finance	26
52 Odometer readings	26
53 Disclosures required in certain advertisements	26
54 Certain advertisements to include registration numbers	27
55 Examination of motor vehicle	27
56 Protection of interest of third party	27
57 Parts to be identified by motor vehicle parts reconstructors	27
58 Receipts for engines disposed of by motor vehicle parts reconstructors	28
<b>Part 7 Fees</b>	28
59 Fees	28
60 Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002	29
<b>Part 8 Miscellaneous</b>	29
61 General provisions concerning the recording of information	29
62 Destruction of records	30
63 Prescribed amount above which motor vehicle ceases to be subject to statutory warranty	30
64 Enforcement of order rescinding sale	30
65 Claims against Motor Dealers Compensation Fund	31
66 Certificate of inspection	31
67 Prescribed offences and penalties	31
68 Prescribed officers for certain proceedings	32
69 Savings	32
<b>Schedule 1 Fees</b>	32
<b>Schedule 2 Penalty notices</b>	33

**Schedule 3 Forms** ..... 34

# Motor Dealers Regulation 2010



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the [Motor Dealers Regulation 2010](#).

### 2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

**Note—**

This Regulation replaces the [Motor Dealers Regulation 2004](#) which is repealed on 1 September 2010 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 46 (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 included in this Regulation (other than in Schedule 3) do not form part of this Regulation.

#### **4 Definition of “auto-dismantler”**

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

#### **5 Definition of “commercial vehicle”**

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”**

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

#### **7 Definition of “motor vehicle parts reconstructor”**

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

## **Part 2 Licensing**

#### **8 Duration of approval preceding grant of licence**

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**

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.

## **Part 3 Motor vehicle registers**

### **11 Form of register**

For the purposes of section 21 (1) of the Act, a register may be kept in writing or by means of data processing equipment.

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

- (1) For the purposes of section 21 (1) of the Act, 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.
- (6) 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 offered or displayed for sale.

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

- (1) For the purposes of section 21 (1) of the Act, 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.
- (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.

#### **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).
- (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.
- (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.

## **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**

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**

- (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).

## **18 Prescribed form of register**

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).

# **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).
- (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 millimetres in height, and
  - (b) the prescribed particulars inserted in the notice must be legibly printed or written in black ink.

## **23 Completion of notices**

A licensee who produces 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, and
- (d) if the licensee produces notices by means of data processing equipment, 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**

- (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 at an auction does not attract the statutory warranty.
- (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 vehicles sold at auction without number plates**

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)**

- (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.
- (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**

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**

- (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**

- (1) For the purposes of section 24 (6) of the Act:
  - (a) Form 4 is the prescribed form where a motor vehicle is to be sold with a statutory warranty but without a defect notice, and
  - (b) Form 6 is the prescribed form where a motor vehicle is to be 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 (6) 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.
- (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 demonstrator motor vehicle sold by a dealer.

### **32 Sale notice for damaged motor vehicle**

- (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.

### **33 Identification of parts by auto-dismantlers**

- (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) the VIN for the vehicle from which the part or accessory was taken (if known),
  - (e) the person's name and address,
  - (f) if the person has any of the following numbers, one of those numbers:
    - (i) an ABN (Australian Business Number) within the meaning of section 41 of the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth,
    - (ii) an ACN (Australian Company Number) within the meaning of section 9 of the [Corporations Act 2001](#) of the Commonwealth,
    - (iii) an ARBN (Australian Registered Body Number) within the meaning of section 9 of the [Corporations Act 2001](#) of the Commonwealth,
  - (g) if the person is an individual, 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 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.

**34 Sale notice for exempted motor vehicle (other than motor cycle) sold without statutory warranty**

For the purposes of section 28 (5) of the Act, Form 8 is the prescribed form.

**35 Sale notice for second-hand motor cycle sold without statutory warranty**

For the purposes of section 28 (6) of the Act, Form 3 is the prescribed form where the motor cycle is an exempted motor vehicle.

**36 Sale notice for motor vehicle at auction without statutory warranty**

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.

**37 Sale notice for defective second-hand motor vehicle (other than motor cycle)**

- (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.

**38 Sale notice for defective second-hand motor cycle**

For the purposes of section 29 (3) of the Act, 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.

### **39 Sale notice for motor vehicle sold at car market**

- (1) For the purposes of section 29B of the Act, Form 18 is the prescribed form where a motor vehicle is offered or displayed for sale.
- (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.

### **40 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.

## **Part 5 Sales on consignment**

### **41 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.

#### **42 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.

#### **43 Disbursements from trust account**

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

#### **44 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.

### **Part 6 Conduct of business**

#### **45 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.

#### **46 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.

#### **47 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.

#### **48 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
- (b) that the price of a second-hand 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 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.

#### **49 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 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.
- (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.

## **50 Advertising sale of motor vehicle that is damaged or defective**

- (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
  - (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.

## **51 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.

## **52 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.

## **53 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.

#### **54 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.

#### **55 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.

#### **56 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*.

#### **57 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.

## **58 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.

## **Part 7 Fees**

### **59 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.

**60 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**

**61 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.

## **62 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.

## **63 Prescribed amount above which motor vehicle ceases to be subject to statutory warranty**

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 car limit under section 40-230 of the [Income Tax Assessment Act 1997](#) of the Commonwealth.

## **64 Enforcement of order rescinding sale**

- (1) An order made under section 38 (4) of the Act for the payment of money may be enforced in the Local Court in its exercise of civil jurisdiction.
- (2) An order referred to in subclause (1) is enforceable as so referred to only if there is filed with the Local Court 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 8 of the [Civil Procedure Act 2005](#) 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, 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.

## **65 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.

## **66 Certificate of inspection**

- (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.

## **67 Prescribed offences and penalties**

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.

**68 Prescribed officers for certain proceedings**

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 Services, Technology and Administration 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.

**69 Savings**

Any act, matter or thing that, immediately before the repeal of the [Motor Dealers Regulation 2004](#), had effect under that Regulation continues to have effect under this Regulation.

**Schedule 1 Fees**

(Clause 59)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
<b>Dealers' licences and car market operators' licences</b>				
Application fee for granting of licence	\$197	Nil	\$297 per place of business	\$854 per place of business
Application fee for restoration of licence	\$132	Nil	\$297 per place of business	\$125 per place of business
Annual fee under section 20 (1) of the Act for licence	\$64	Nil	\$297 per place of business	\$125 per place of business
<b>Auto-dismantlers' licences, wholesalers' licences, motor vehicle consultants' licences and motor vehicle parts reconstructors' licences</b>				
Application fee for granting of licence	\$197	Nil	\$297 per place of business	Nil
Application fee for restoration of licence	\$132	Nil	\$297 per place of business	Nil
Annual fee under section 20 (1) of the Act for licence	\$64	Nil	\$297 per place of business	Nil



**General**

Application fee for replacement of licence	\$33	Nil	Nil	Nil
Issue of certificate under section 18 of the Act	Nil	\$27	Nil	Nil

**Schedule 2 Penalty notices**

(Clause 67)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under <i>Motor Dealers Act 1974</i></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
<b>Offences under <i>Motor Dealers Regulation 2010</i></b>	
Clause 9 (1)	\$330
Clause 33 (2)	\$330

Clause 49 (1)	\$330
Clause 53	\$330
Clause 54	\$330

## Schedule 3 Forms

(Clause 3)

### Form 1 Register for consigned vehicles

(Clause 12 (6) (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
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All columns to be completed

#### DETAILS OF ACQUISITION DETAILS OF DISPOSAL continued

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)
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### Form 2 Dealers' and wholesalers' register

(Clause 12 (6) (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
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All columns to be completed

**DETAILS OF ACQUISITION**  
continued

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	Odometer reading	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)
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**Form 2A Auto-dismantlers' register for motor vehicles**

(Clause 12 (6) (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**

<b>DESCRIPTION</b>	<b>SALVAGED (Y/ N)</b>	<b>DATE OF DISPOSAL</b>	<b>* RECEIPT NO</b>
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			
Car radio/tape/compact disc (CD) equipment			
Electronic navigation equipment			
Television			
Digital video disc (DVD) equipment			
Airbag driver front			
Airbag passenger front			

Airbag driver side

Airbag passenger side

Alloy "mag" wheel 1

Alloy "mag" wheel 2

Alloy "mag" wheel 3

Alloy "mag" wheel 4

Alloy "mag" wheel 5

**\* 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.

**Form 2B Prescribed parts register**

(Clause 12 (6) (d))

*Motor Dealers Act 1974*: section 21**PRESCRIBED PARTS REGISTER (All columns to be completed)****NAME OF LICENSEE      LICENCE No****DETAILS OF ACQUISITION**

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

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

<b>Invoice No *</b>	<b>Date of disposal</b>	<b>How disposed</b>	<b>Receipt No *</b>
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**\* 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.

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

(Clauses 30 (1) (a) and 35)

*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 when motor cycle offered or displayed for sale)

The information below has been checked with the Personal Property Securities Register (the PPS Register) established under the *Personal Property Securities Act 2009* of the Commonwealth.

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

*(delete inapplicable words)*

**Part 3** (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

Purchaser's  
Signature

Date of sale

Name (print) and Signature of Person Effecting Sale

Receipt C \_\_\_\_\_

Received the Sum of \$ \_\_\_\_\_  
by Cash  
Cheque

Being  
for

**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**

**WARRANTY**

- ⇒ **3 months or 3,000 km (whichever comes first).**
- ⇒ **This warranty applies to second-hand motor cycles not more than 5 years old and not having travelled more than 30,000 km.**
- ⇒ 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 [Road Transport \(Vehicle Registration\) Act 1997](#), 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 Services, Technology and Administration.
- ⇒ **THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS**

**Form 4 Warranty**

Warranty under [Motor Dealers Act 1974](#) applies to this vehicle

*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

**Part 2** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Personal Property Securities Register (the PPS Register) established under the *Personal Property Securities Act 2009* of the Commonwealth.

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

*(delete inapplicable words)***Part 3** (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 Person Effecting Sale

**Part 4**



## WARRANTY

- ⇒ **3 months or 5,000 kilometres (whichever comes first).**
- ⇒ **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.**
- ⇒ 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 Services, Technology and Administration.
- ⇒ **THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS**

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

(Clauses 30 (1) (b) and (2) and 38)

*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 when motor cycle offered or displayed for sale)

The information below has been checked with the Personal Property Securities Register (the PPS Register) established under the *Personal Property Securities Act 2009* of the Commonwealth.

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

*(delete inapplicable words)*

**Part 3** (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 Person Effecting Sale			
<p>The dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the <a href="#">Road Transport (Vehicle Registration) Act 1997</a>, 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.</p>			

**Part 4****WARRANTY**

- ⇒ **3 months or 3,000 km (whichever comes first).**
- ⇒ **This warranty applies to second-hand cycles not more than 5 years old and not having travelled more than 30,000 km.**
- ⇒ 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 Services, Technology and Administration.
- ⇒ **THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS**

**WARRANTY EXCLUSIONS**

**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.)**

Signature of Purchaser

**Excluded defects**

**Estimated fair cost of repairing or making good defects**

**NOTE: ROADWORTHINESS ITEMS MAY NOT BE EXCLUDED FROM WARRANTY**

Name (print) and Signature  
of Motor Mechanic

MVRIA  
Certificate No

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.

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.

**Form 6 Dealers notice—excluded defects**

(Clauses 28 (1) (b) and (4), 31 (1) (b) and (4) and 37 (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 when vehicle offered or displayed for sale)

The information below has been checked with the Personal Property Securities Register (the PPS Register) established under the *Personal Property Securities Act 2009* of the Commonwealth.

**THE VEHICLE IS/IS NOT LISTED ON THE PPS REGISTER AS BEING, OR HAVING BEEN, A WRITTEN OFF OR**

**WRECKED MOTOR VEHICLE.**

*(delete inapplicable words)*

**Part 3** (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 Person Effecting Sale			

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 4**

**WARRANTY**

- ⇒ **3 months or 5,000 km (whichever comes first).**
- ⇒ **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**
- ⇒ 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 Services, Technology and Administration.
- ⇒ **THE DEALER MUST BE GIVEN FIRST OPPORTUNITY TO ARRANGE WARRANTY REPAIRS**

**WARRANTY EXCLUSIONS**

**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.)**

Signature of Purchaser

<b>Excluded defects</b>	<b>Estimated fair cost of repairing or making good defects</b>
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**NOTE: ROADWORTHINESS ITEMS MAY NOT BE EXCLUDED FROM WARRANTY**

Name (print) and Signature of Motor Mechanic	MVRIA Certificate No
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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.

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.

**Form 8 Sale notice—no warranty**

No warranty under [Motor Dealers Act 1974](#) applies to this vehicle.

(Clauses 28 (1) (c), 31 (1) (c) and 34)

[Motor Dealers Act 1974](#): \*section 24/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	Registration No
Cash Price \$	Date of Expiry of Registration
	Date of Notice

**Part 2** (To be completed when vehicle offered or displayed for sale)

**Note—**

This Part is to be deleted if the form is attached to a vehicle pursuant to section 28 of the Act (for the purpose of exempting a dealer from the statutory obligation to repair defects appearing or occurring in the vehicle).

The information below has been checked with the Personal Property Securities Register (the PPS Register) established under the [Personal Property Securities Act 2009](#) of the Commonwealth.

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

**\* NOTE—**

Delete whichever is inapplicable

**Part 3** (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) Date of Issue of Report  
(where applicable)

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 Person Effecting Sale

Unless this vehicle is unregistered and the registration plates removed or is 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 4**

**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 9 Auction notice**

Motor Dealers Act 1974: sections 23B and 28

AUCTION NOTICE

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.

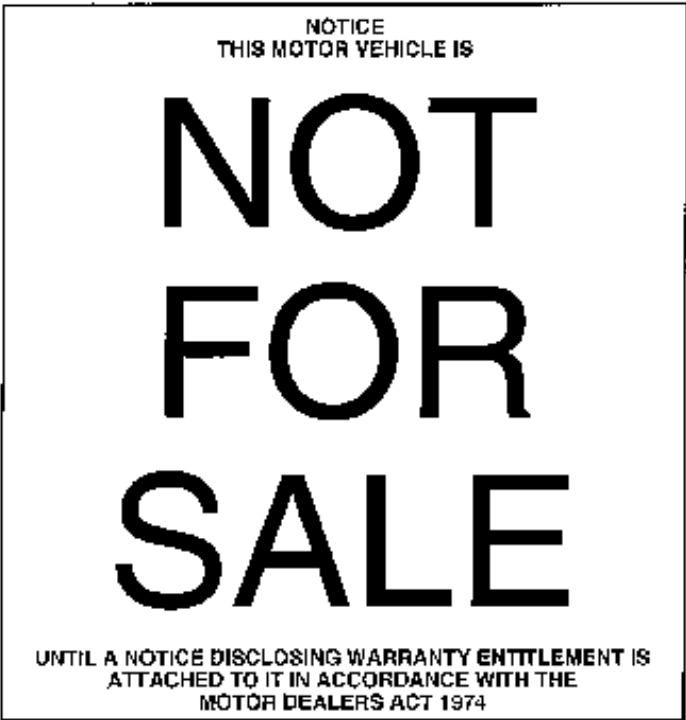
A private purchaser means a person other than a financier or the holder of a licence under the Motor Dealers Act 1974 or under some other legislation in force in Australia that corresponds to that Act.

There is no warranty under the Motor Dealers Act 1974 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.

Form 10 Notice that motor vehicle is not for sale

(Clause 29)

Motor Dealers Act 1974: section 24



Form 13 Notice of damage—new 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

**Part 2**

**THE FOLLOWING DAMAGE HAS BEEN CAUSED TO THE VEHICLE DESCRIBED IN THIS NOTICE**

**NATURE AND EXTENT OF DAMAGE**

**NOTE**

The [Motor Dealers Act 1974](#) 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 Person Effecting Sale

**Form 18 Car market register and notice**

(Clauses 12 (6) (e) and 39 (1))

[Motor Dealers Act 1974](#): sections 21 and 29B

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

Date \_\_\_\_\_



**TITLE GUARANTEED/TITLE NOT GUARANTEED\***

**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./THE VENDOR'S TITLE TO THE VEHICLE IS NOT GUARANTEED BY THE CAR MARKET OPERATOR.\***

**VEHICLE DETAILS**

Registered No

Make

Engine No

Model

Odometer km

Body Type

Date of Manufacture

Certificate of  
Inspection No

Date of Issue

**REGISTERED OWNER**

Name

Address

Expiry Date of Registration

Source of Information

Registration Papers

YES/NO\*

Interim Receipt

YES/NO\*

Other (specify)

**DETAILS OF DRIVER** (when vehicle enters market)

Name

Address

Licence No

Expiry Date

Driver's Signature

**\* NOTE—**

Delete whichever is inapplicable

**Form 20 Cooling off period rights**

*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.

**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 not roadworthy 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 40 (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]