

76B. Interpretation in Part IIIC

(1) In this Part —

“Commonwealth Act” means the *Interstate Road Transport Act 1985* of the Commonwealth;

“corresponding State law” means a law of any other State or a Territory corresponding to the *Road Traffic Act 1974*;

“dealer” means a person who —

- (a) carries on the business of selling new vehicles;
- (b) is the holder of a dealer’s licence under the *Motor Vehicle Dealers Act 1973*;
- (c) carries on the business of acquiring new or used vehicles for resale or disposal under hire purchase or leasing agreements; or
- (d) in the course of the person’s business, takes possession of vehicles that are the subject of hire purchase or leasing agreements and resells them;

“Director General” means the chief executive officer of the department of the Public Service principally assisting in the administration of the provisions of the *Road Traffic Act 1974* that section 5 of that Act defines as the “licensing provisions of this Act”;

“discretionary trustee” means a trustee of any property over which any person has a power of appointment that was not created by will;

“eligible vehicle” means a motor vehicle (as defined in the *Road Traffic Act 1974* but not including a trailer, semi-trailer or caravan) —

- (a) that is constructed or designed, or has been modified, to include or have permanently affixed to it, specialised equipment; and
- (b) that is designed to be driven or controlled by a person carried in or on the vehicle;

“grant”, in relation to a licence, includes renew;

“heavy vehicle” means a vehicle with a gross vehicle mass of more than 4.5 tonnes;

“licence” means a vehicle licence granted under Part III of the *Road Traffic Act 1974*, but does not include a duplicate licence or a certified copy of a licence granted under that Act;

“market value” means —

- (a) in relation to a new vehicle —
 - (i) which is a vehicle of a class prescribed for the purposes of this paragraph; and
 - (ii) for which a price has been fixed by the manufacturer, importer or principal distributor as the retail selling price in Western Australia of a vehicle of that make and model, the sum of —
 - (iii) the price so fixed; and
 - (iv) the price fixed by the manufacturer, importer or principal distributor as the additional retail selling price in Western Australia of any optional feature in or of the vehicle;

and

- (b) in relation to any other vehicle — the amount for which the vehicle might reasonably be sold, free of encumbrances, in the open market;

“net value”, in relation to the grant or transfer of the licence for an eligible vehicle, means the market value of the vehicle as if the specialised equipment attached to it at the time the application for the grant or transfer was made was not attached to it;

“new vehicle” means a vehicle that has never been used or that has only been used —

- (a) for the purpose of selling it in the ordinary course of a dealer’s business;
- (b) for the purpose of demonstrating it to prospective purchasers;
- (c) for both those purposes; or
- (d) for either or both those purposes and for minor incidental purposes,

but does not include a vehicle that has been used for the purpose in paragraph (b) for a period of more than 3 months;

“non-beneficial”, in relation to a change of ownership of a vehicle, has the meaning given in section 76C(1);

“optional feature” means —

- (a) any particular kind of transmission in a vehicle; and
- (b) any other feature in or of a vehicle prescribed by the regulations, that is not a standard feature of a vehicle of that make and model;

“purchase price”, in relation to a vehicle, includes any amount —

- (a) allowed by the seller on a trade-in or an exchange of any article;
- (b) paid to the seller for anything included with or incorporated into the vehicle; or
- (c) paid to the seller for the preparation of the vehicle for delivery to the purchaser;

“specialised equipment” means —

- (a) a crane;
- (b) an excavator, road roller, road grader, bulldozer, mechanical shovel, plough, rotary hoe or similar plant;
- (c) hoisting equipment for lifting, partial lifting or towing other vehicles;
- (d) bitumen spraying equipment;
- (e) a cement agitator;
- (f) garbage collection equipment;
- (g) road sweeping equipment;
- (h) a refrigeration unit;
- (i) a stock crate;
- (j) a tank for transporting liquids;
- (k) equipment to make the vehicle habitable by a person in the course of a journey; or

(1) any similar plant or equipment;

“**trustee**” does not include a discretionary trustee or a unit trustee;

“**unit trustee**” means a trustee of a unit trust scheme;

“**unit trust scheme**” means a private unit trust scheme within the meaning in section 63(2);

“**vehicle**” means a vehicle that is required to be licensed under the *Road Traffic Act 1974*.

- (2) A reference in this Part to the use of a vehicle for the purpose referred to in section 76D(4)(a) or the purposes referred to in section 76D(5)(a) includes a reference to its use for that purpose or those purposes and for minor incidental purposes.

[Section 76B inserted by No. 2 of 2003 s. 100; amended by No. 66 of 2003 s. 70.]