



Western Australia

## **Motor Vehicle Dealers (Infringements) Regulations 2002**

Compare between:

[29 Sep 2020, 01-b0-00] and [25 Sep 2021, 01-c0-00]



## **Motor Vehicle Dealers (Infringements) Regulations 2002**

**1. Citation**

These regulations may be cited as the *Motor Vehicle Dealers (Infringements) Regulations 2002*.

**2. Commencement**

These regulations come into operation on the day on which the *Motor Vehicle Dealers Amendment Act 2002* comes into operation.

**3. Offences for which infringement notices may be given  
(s. 55A(2))**

For the purposes of section 55A(2) of the Act, an offence set out in Schedule 1 Column 1 is prescribed to be an offence in respect of which an infringement notice may be given.

**4. Modified penalties (s. 55A(4))**

For the purposes of section 55A(4) of the Act, the modified penalty set out in Schedule 1 Column 2 opposite an offence referred to in Column 1 is the prescribed modified penalty for that offence.

**5. Form of infringement notice (s. 55A(3))**

For the purposes of section 55A(3) of the Act, Schedule 2 Form 1 is the prescribed form of an infringement notice.

***Motor Vehicle Dealers (Infringements) Regulations 2002***

**r. 6**

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**6. Form of notice withdrawing infringement notice (s. 55A(7))**

For the purposes of section 55A(7) of the Act, Schedule 2 Form 2 is the prescribed form of a notice stating that an infringement notice has been withdrawn.

**Schedule 1 — Prescribed offences and modified penalties**

[r. 3 and 4]

[Heading inserted: SL 2021/164 r. 4.]

<b>Column 1</b>	<b>Column 2</b>
<b>Prescribed offence</b>	<b>Modified penalty</b>
<i>Motor Vehicle Dealers Act 1973</i>	
s.-20G(3)	\$150
s.-21	\$150
s.-21C(3)	\$150
s.-21D	\$150
<a href="#">s. 22A(3)</a>	<a href="#">\$150</a>
s.-23(1)	\$200
s.-23(2)	\$200
s.-24(3)	\$150
<del>s.-25(2e)</del>	<del>\$100</del>
s.-25(1)	\$500
s.-25(1a)	\$500
s.-25(2a)	\$500
<a href="#">s. 25(2e)</a>	<a href="#">\$100</a>
s.-26(1)	\$200
s.-26(2)	\$200
s.-27(3)	\$500
s.-28(10)	\$200
s.-28(11)	\$200
s.-30(2)	\$500
<a href="#">s. 31A</a>	<a href="#">\$1 000</a>
<a href="#">s. 31B</a>	<a href="#">\$1 000</a>

**Motor Vehicle Dealers (Infringements) Regulations 2002**  
**Schedule 1** Prescribed offences and modified penalties

<b>Column 1</b> <b>Prescribed offence</b>	<b>Column 2</b> <b>Modified penalty</b>
<a href="#">s. 31C</a>	<a href="#">\$1 000</a>
s.-31D(2)	\$500
<a href="#">s. 32B(1)</a>	<a href="#">\$500</a>
<a href="#">s. 32B(3)</a>	<a href="#">\$500</a>
<a href="#">s. 32C</a>	<a href="#">\$500</a>
<a href="#">s. 32D(1)</a>	<a href="#">\$500</a>
<a href="#">s. 32I(1)</a>	<a href="#">\$500</a>
s.-33(1)	\$200
s.-33(4)	\$500
s.-33(7)	\$100
s.-40B(1)	\$200
s.- <del>41</del> <a href="#">42A(5)</a>	<del>\$200</del> <a href="#">\$500</a>
s.-43(1)	\$100
<i>Motor Vehicle Dealers (Sales) Regulations 1974</i>	
<a href="#">r. 14, relating to r. 10C(1)</a>	<a href="#">\$200</a>
<a href="#">r. 14, relating to r. 10C(2)</a>	<a href="#">\$200</a>
<a href="#">r. 14, relating to r. 10D(1)</a>	<a href="#">\$200</a>
<a href="#">r. 14, relating to r. 10E(1)</a>	<a href="#">\$200</a>
<a href="#">r. 14, relating to r. 10H(1)</a>	<a href="#">\$200</a>
r.-14, relating to r.-11(2)	\$200
<i>[Schedule 1 amended: Gazette 28 Jan 2003 p. 267 inserted: SL 2021/164 r. 4.]</i>	

**Motor Vehicle Dealers (Infringements) Regulations 2002**  
Forms **Schedule 2**

**Form 1**

**Schedule 2 — Forms**

[r. 5 and 6]

**Form 1**

<i>Motor Vehicle Dealers Act 1973, s. 55A(3)</i>		Notice No:	
<b>Infringement Notice</b>			
<b>Alleged offender</b>		Name: _____	Family name: _____
		<del>Other</del> _____	Given names: _____
	<del>Address</del> _____	<del>No.:</del> _____	<del>Street name</del> or <del>Company name</del> _____
		<del>Suburb:</del> _____	Address _____
			Postcode: _____
<b>Alleged offence</b>		Section of the Act: Or Provision of the Regulations:	
		Description of alleged offence:	
		Where and when:	
<b>Amount of modified penalty</b>		\$ _____	
<b>Authorised officer who issued this notice</b>		Name: _____	
		Signature: _____	
		Date: _____	

Notes

<b>WHAT YOU MUST DO</b>	1.	You may dispose of this matter within 28 days after the service of this notice by paying the modified penalty —
	(a)	BY POSTING a cheque or money order made payable to the Commissioner to Locked Bag <del>14 Cloisters Square Perth</del> <a href="#">100, EAST PERTH WA 6850</a> ; or
	(b)	IN PERSON to the Cashier at the Department of <del>Commerce</del> <a href="#">Mines, Industry Regulation and Safety</a> , Consumer Protection <del>Street</del> <a href="#">Division</a> <i>[address to be inserted]</i> ;
	OR	
	2.	Elect to have this matter dealt with before a COURT.

**Motor Vehicle Dealers (Infringements) Regulations 2002**  
**Schedule 2** Forms

**Form 2**

	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p>
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[Form 1 amended: Gazette 12 Jan 2007 p. 49; 30 Jun 2011 p. 2663-4; 20 Aug 2013 p. 3837; 18 Nov 2014 p. 4319; SL 2020/163 r. 4040; SL 2021/164 r. 5.]

**Form 2**

<p>Motor Vehicle Dealers Act 1973, s.-55A(7)  <b>Withdrawal of Infringement Notice</b>  <b>infringement notice</b></p>		<p><del>Notice No:</del> <u>Withdrawal no.</u></p>	
<p><b>To</b>          {Details of alleged <u>Alleged offender</u>}</p>		<p><u>Name:</u> Family name:-  <u>Other:</u> Given names:-</p>	
<p><u>Address</u></p>	<p><u>No.:-</u></p>	<p><u>Street name:</u> or <u>Company name</u>          _____          _____  <u>ACN</u></p>	
	<p><u>Suburb:-</u></p>	<p><u>Address</u>          _____          _____  <u>Postcode:-</u></p>	
<p><b>AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —</b>          ● <b>NO FURTHER ACTION WILL BE TAKEN*</b>          ● <b>A SUMMONS WILL BE ISSUED*</b>          [* delete whichever is not applicable]</p>			
<p><b>Details of withdrawn <u>Infringement notice</u></b></p>		<p><u>Date</u> <u>Infringement notice given:</u> <u>no.</u>  <u>Date of issue</u> / / 20</p>	
<p><u>Alleged offence</u></p>		<p><u>Alleged notice:</u> <u>Description of offence</u>          _____          _____</p>	
<p><u>Motor Vehicle Dealers Act 1973 s.</u>  <u>OR</u>  <u>Motor Vehicle Dealers (Sales) Regulations 1974 r.</u></p>			

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**Motor Vehicle Dealers (Infringements) Regulations 2002**  
Forms **Schedule 2**

**Form 2**

	Date _____ / _____ /20 Time am/pm
<b>Designated official <del>who issued</del> giving this notice</b>	Name:- _____
	Signature:- _____
<b>Date</b>	Date of withdrawal _____ / _____ /20
<b>Withdrawal of infringement notice</b> <i>[*delete whichever is not applicable]</i>	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. <i>or</i> * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: The Commissioner Department of Mines, Industry Regulation and Safety Consumer Protection Division Locked Bag 100 EAST PERTH WA 6892 Signature _____ /_____ /20

Split Cells

*[Form 2 inserted: SL 2021/164 r. 6.]*

## Motor Vehicle Dealers (Infringements) Regulations 2002

Notes Compilation table

### Notes

This is a compilation of the *Motor Vehicle Dealers (Infringements) Regulations-2002* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

Citation	Published	Commencement
<i>Motor Vehicle Dealers (Infringements) Regulations 2002</i>	13 Aug 2002 p. 4152-5	1 Sep 2002 (see r. 2 and <i>Gazette</i> 13 Aug 2002 p. 4151)
<i>Motor Vehicle Dealers (Infringements) Amendment Regulations 2002</i>	28 Jan 2003 p. 267	28 Jan 2003
<i>Motor Vehicle Dealers (Infringements) Amendment Regulations 2006</i>	12 Jan 2007 p. 48-9	12 Jan 2007
<i>Motor Vehicle Dealers (Infringements) Amendment Regulations 2011</i>	30 Jun 2011 p. 2663-4	r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Motor Vehicle Dealers (Infringements) Amendment Regulations 2013</i>	20 Aug 2013 p. 3837	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Motor Vehicle Dealers (Infringements) Amendment Regulations 2014</i>	18 Nov 2014 p. 4319	r. 1 and 2: 18 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Nov 2014 (see r. 2(b) and <i>Gazette</i> 18 Nov 2014 p. 4315)
<b>Reprint 1: The <i>Motor Vehicle Dealers (Infringements) Regulations 2002</i> as at 23 Jan 2015</b> (includes amendments listed above)		
<i>Commerce Regulations Amendment (Infringement Notices) Regulations 2020</i> Pt. 20	SL 2020/163 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))
<a href="#">Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021</a> Pt. 2	<a href="#">SL 2021/164</a> 24 Sep 2021	<a href="#">25 Sep 2021</a> (see r. 2(c))