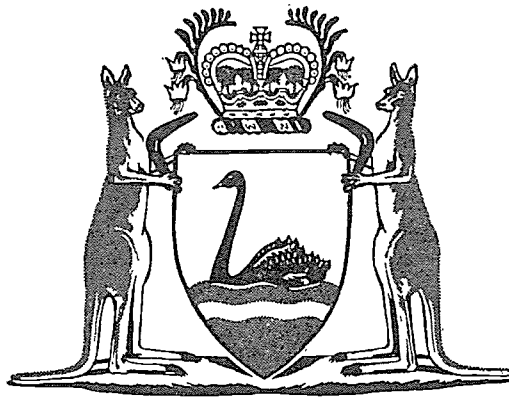


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Government Gazette

OF

WESTERN AUSTRALIA

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[1984

MOTOR VEHICLE DEALERS ACT 1973.

MOTOR VEHICLE DEALERS (SALES) REGULATIONS 1974.

Published in the *Government Gazette* on 14 June 1974, and now reprinted, pursuant to the Reprinting of Regulations Act 1954, incorporating the amendments thereto so published on—

11 October 1974;

23 May 1975;

14 November 1975;

28 May 1976;

27 August 1976;

21 December 1979;

26 June 1981;

2 February 1982;

27 August 1982; and

29 October 1982.

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Reprinted pursuant to the Reprinting of
Regulations Act 1954 by authority of the
Attorney General, dated 10 April 1984.

MOTOR VEHICLE DEALERS ACT 1973.

MOTOR VEHICLE DEALERS (SALES) REGULATIONS 1974.

ARRANGEMENT.

Reg.

1. Citation.
2. Interpretation.
3. Register of transactions (Form 1).
4. Notice of acquisition or sale of second-hand vehicle (Forms 2 and 3).
5. Notice of particulars to be displayed (Form 4).
6. Notice of excluded defects (Form 5).
7. Sale of vehicle exempt from warranty (Form 6).
8. Sales between trade owners (Form 7).
9. Sale by non-trade owner to dealer (Form 7).
10. Notice prohibiting sale of second-hand vehicle (Form 9).
11. Advertising.
12. Undesirable practices (Second Schedule).
13. Prescribed accessories (Third Schedule).
14. Penalties.

First Schedule—Forms.

Second Schedule—Undesirable practices.

Third Schedule—Prescribed accessories.

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Reprinted pursuant to the Reprinting of Regulations Act 1954 by authority of the Attorney General, dated 10 April 1984.

MOTOR VEHICLE DEALERS ACT 1973.

MOTOR VEHICLE DEALERS (SALES) REGULATIONS 1974.

1. These regulations may be cited as the Motor Vehicle Dealers (Sales) Regulations 1974. Citation.
2. In these regulations unless the contrary intention appears— Interpretation.
 "form" means a form in the First Schedule;
 "schedule" means a schedule to these regulations;
 "section" means a section of the Act;
 "the Act" means the Motor Vehicle Dealers Act 1973.
3. The register of transactions to be kept by a dealer pursuant to section 25 shall be kept in the form of a bound book the pages of which— Register of transactions (Form 1).
 (a) shall be in the form of Form 1; and
 (b) shall be numbered consecutively.
4. The particulars of acquisition or sale of a second-hand vehicle to be forwarded under section 26 to the licensing authority shall be in the form of Form 2 or Form 3 respectively. Notice of acquisition or sale of second-hand vehicle (Forms 2 and 3).
5. (1) The form of notice of required particulars to be displayed under subsection (1) of section 33 of the Act shall be in the form of Form 4. Notice of particulars to be displayed (Form 4).
 (2) The notice of required particulars prescribed by subregulation (1) of this regulation— Amended by G.G. 11/10/74, p. 3885; G.G. 21/12/79, p. 3988.
 (a) shall be printed on cerise coloured paper that is 190 mm long and 210 mm wide;
 (b) shall be printed in the type, size and manner to conform to Form 4; and
 (c) shall contain, in addition to the required particulars set out in subsection (3) of section 33, the following particulars—
 (i) the make, type and model designation of the vehicle;
 (ii) the engine number of the vehicle;
 (iii) the reference number of the vehicle in the dealer's register of transactions for the premises in which the vehicle is displayed; and shall make provision for the insertion of—
 (iv) the reading of the odometer of the vehicle at the time of the sale by the dealer who is offering it for sale;
 (v) the date of the sale by the dealer; and
 (vi) the signatures of the dealer and the purchaser.
- [Paragraph (d) deleted by G.G. 11/10/74, p. 3885.]
- (3) When a sale of a second-hand vehicle occurs, the dealer shall enter in the notice of required particulars which was displayed on the vehicle at the time of the sale and all copies thereof—
 (a) the reading of the odometer of the vehicle at the time of the sale; and
 (b) the date of the sale,
 before he gives a copy thereof to the purchaser pursuant to subsection (7) of section 33.
6. (1) The form of notice for the purposes of subsection (1) of section 35 shall be in the form of Form 5. Notice of excluded defects (Form 5).
 (2) The notice prescribed by subregulation (1) of this regulation— Amended by G.G. 11/10/74, p. 3885.
 (a) shall be printed on orange paper that is not less than 170 mm long and 210 mm wide; and
 (b) shall be printed in the type, size and manner to conform to Form 5.
- [Paragraph (c) deleted by G.G. 11/10/74, p. 3885.]

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Sale of vehicle exempt from warranty (Form 6).
Amended by G.G. 21/12/79, pp. 3988-9.

7. (1) A dealer shall not sell or expose for sale a second-hand vehicle of a type or class of second-hand vehicle in respect of which a notice has been published under subsection (5) of section 34 exempting a second-hand vehicle of that type or class of second-hand vehicle from the provisions of subsection (1) of section 34, unless a notice in the form of Form 6 is displayed thereon in accordance with this regulation.

(2) The notice prescribed in subregulation (1) of this regulation—

- (a) shall be affixed or attached directly to the inside of the lower windscreen of the second-hand vehicle in the case of a vehicle that is not a motor cycle or in the case of a motor cycle in a conspicuous place and shall face outwards when attached;
- (b) shall be printed in the type, size and manner to conform to Form 6;
- (c) shall be printed on white paper that is 125 mm long and 170 mm wide;
- (d) shall, when the vehicle is sold, be signed, together with a copy thereof, by the purchaser and by the dealer or a yard manager or salesman acting on his behalf.

(3) The copy of the prescribed notice referred to in paragraph (d) of subregulation (2) of this regulation, duly signed in accordance with that paragraph, shall be given to the buyer at the time of the sale.

Sales between trade owners (Form 7).

8. (1) When a sale of a second-hand vehicle takes place between trade owners, the seller shall complete in duplicate a trade owners disposal notice in the form of Form 7.

(2) The original of the notice prescribed by subregulation (1) of this regulation shall be supplied to the buyer and the duplicate thereof shall be retained by the seller.

Sale by non-trade owner to dealer (Form 7).
Amended by G.G. 28/5/76, p. 1614.

9. (1) When a person, other than a trade owner, sells a second-hand vehicle to a dealer the seller shall complete in duplicate a notice of sale in the form of Form 7.

(2) The original of the notice prescribed by subregulation (1) of this regulation shall be supplied to the dealer and the duplicate thereof shall be retained by the seller.

Notice prohibiting sale of second-hand vehicle (Form 9).
Amended by G.G. 11/10/74, p. 3885.

10. (1) The notice prohibiting the sale of a second-hand vehicle to be attached under subsection (1) of section 28 shall be in the form of Form 9.

(2) The notice prescribed by subregulation (1) of this regulation—

- (a) shall be printed on green paper that is not less than 130 mm long and 90 mm wide;
- (b) shall be attached directly to the driver's side of the front windscreen of the second-hand vehicle in the case of a vehicle that is not a motor cycle or in the case of a motor cycle shall be attached in a conspicuous position and shall face outwards when attached; and
- (c) shall be printed in the type, size and manner that conforms to Form 9.

[Paragraph (d) deleted by G.G. 11/10/74, p. 3885.]

Advertising.

11. (1) Every advertisement referring to a specified second-hand vehicle or to any specified second-hand vehicles shall clearly and accurately specify—

- (a) the registration number of the second-hand vehicle;
- (b) the year of manufacture;
- (c) the cash price; and
- (d) address of the registered premises of the dealer at which the vehicle is offered for sale.

(2) A dealer shall not advertise a second-hand vehicle or cause or permit a second-hand vehicle to be advertised unless the advertisement conforms to the provisions of subregulation (1) of this regulation.

Undesirable practices (Second Schedule).

12. The practices set out in the Second Schedule are undesirable practices for the purposes of section 41.

Prescribed accessories (Third Schedule).

13. The accessories set out in the Third Schedule are prescribed accessories for the purposes of paragraph (d) of subsection (3) of section 34.

Penalties.

14. A person who contravenes or fails to comply with the provisions of these regulations commits an offence and is liable to a penalty of \$200.

FIRST SCHEDULE

Heading inserted by G.G. 11/10/74, p. 3885.

Form 1.

WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973

(Section 25 Regulation 3)

(Motor Vehicle Dealers (Sales) Regulations 1974, Reg. 3)

First Schedule amended by G.G. 11/10/74, p. 3886; G.G. 11/10/74, p. 3885; G.G. 23/5/75, p. 1428-9; G.G. 14/11/75, p. 4220; G.G. 28/5/76, p. 1614; G.G. 27/8/76, p. 3259; G.G. 21/12/79, p. 3989; G.G. 26/6/81, p. 2364; G.G. 2/2/82, p. 396; G.G. 27/8/82, p. 3426; G.G. 29/10/82, p. 4355.

DEALERS REGISTER OF TRANSACTIONS FOR REGISTERED PREMISES SITUATE AT.....

(To be Produced on Demand by any Person Mentioned in Section 25 (2))

Register No.	VEHICLE			Registered Owner		From Whom Purchased		Date Purchased	Date Disposed	To Whom Disposed		Remarks
	Identity Plate	Engine No.	Make and Type	Name	Address	Name	Address			Name	Address	

Form 3,
WESTERN AUSTRALIA
 Motor Vehicle Dealers Act 1973 (Section 26).
 Motor Vehicle Dealers (Sales) Regulations 1974 (Reg. 4).

ADVICE OF SALE OF SECOND HAND VEHICLE.

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- NOTE: 1. Seller to complete in triplicate—No carbon required.
 2. Original copy to Police Department (Traffic Licensing and Services), Box R 1296, G.P.O., Perth 6001 immediately.
 3. Duplicate copy to purchaser together with current licence.
 4. Triplicate copy retained by seller.
 5. Purchaser to make IMMEDIATE application to transfer at any Licensing Office together with current licence.
 6. Failure to transfer the licence immediately after purchase may result in prosecution, maximum penalty \$200.

1. PARTICULARS OF SELLER

Surname (block letters) :
 Other Names (in full) :
 Address :
 Post Code :

2. VEHICLE PARTICULARS

Plate Number

--	--	--	--	--	--	--	--	--	--

 (Alpha) (Numeric)

Office or Dealer's use only SELLERS NAME CHECK								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>								

Make:
 Engine Number: Body Type:
 Year of Manufacture:

3. PARTICULARS OF PURCHASER

Surname (block letters):
 Other Names (in full):
 Address (No. & St.):
 Town or Suburb Post Code

Office Use Only		
Locality Code <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>		

4. DATE OF DISPOSAL (in figures)

--	--	--	--	--	--

5. EXPIRY DATE OF LICENCE (in figures)

--	--	--	--	--	--

* Drivers Licence Number

--	--	--	--	--	--	--	--

 * If a drivers licence is not held by the new vehicle owner, the owner's date of birth must be shown. If the new owner is a corporation, CORP. must be shown in this field.

Date: Signature:

REGISTERED MOTOR VEHICLE DEALERS ONLY

NOTE: Above signature must be an authorized person.

Stock Register No. Dealer's Licence No.

TO BE COMPLETED BY PURCHASER			
I declare that I have purchased the vehicle described above and that the market value (including value of any trade-in) is \$ Date Signature	TRANSFER FEE AND STAMP DUTY PAYABLE		
Transfer Fee plus Stamp Duty (to calculate see reverse side)			
TOTAL FEE PAYABLE	\$		

Form 4.

ORIGINAL

WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973, (S. 33).

Motor Vehicle Dealers (Sales) Regulations 1974, Reg. 5.

NOTICE OF REQUIRED PARTICULARS

(1) YEAR OF FIRST REGISTRATION YEAR OF MANUFACTURE	(2) ODOMETER READING (at time vehicle acquired from last owner) MILES/KILOMETRES	(3) CASH PRICE OF VEHICLE \$.....
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- (4) †LICENCE PLATE NUMBER OF VEHICLE ENGINE No.
- (5) MAKE AND TYPE MODEL
- (6) REFERENCE NUMBER IN DEALER'S REGISTER OF TRANSACTIONS FOR THESE PREMISES
- (7) DEALER BUSINESS ADDRESS
- (8) ODOMETER READING AT TIME OF SALE MILES/KILOMETRES
- (9) DATE OF SALE
- (10) SIGNATURE OF DEALER AT TIME OF SALE
(Yard Manager or Salesman, acting for Dealer)
- (11) SIGNATURE OF PURCHASER

†If not licensed under the Road Traffic Act 1974, insert "UNLICENSED"

(THIS SIDE TO FACE OUTWARDS)

(See Back)

Form 4.

Reverse Side

<p>WARRANTY: For a cash price up to \$750—NIL \$751-\$1 499—2 months or 3 000 kilometres (1 863 miles). \$1 500 and over—3 months or 5 000 kilometres (3 105 miles).</p>
--

UNDER SECTION 33 (7) OF THE ACT THE DEALER IS REQUIRED TO HAND TO THE PURCHASER A COMPLETED AND SIGNED COPY OF THIS NOTICE AT THE TIME OF SALE.

ORIGINAL AND ONE COMPLETED AND SIGNED COPY TO BE RETAINED BY DEALER FOR NOT LESS THAN TWELVE MONTHS.

Form 5. WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973, (S. 35)
 Second-Hand Motor Vehicles (Sales) Regulations 1974, Reg. 6
 NOTICE OF EXCLUDED DEFECTS

DEALER

BUSINESS ADDRESS

REGISTERED NUMBER OF VEHICLE

YEAR OF FIRST REGISTRATION MODEL

YEAR OF MANUFACTURE ENGINE NUMBER

MAKE AND TYPE

ODOMETER READING MILES/KILOMETRES

THIS VEHICLE CONTAINS THE FOLLOWING DEFECTS AND THE COST OF REPAIR, UP TO THE ESTIMATES SHOWN, BECOME THE RESPONSIBILITY OF THE PURCHASER. THE DEALER REMAINS LIABLE FOR THE REPAIR OF ANY DEFECTS NOT LISTED.	ESTIMATED COST OF REPAIR* \$
--	---------------------------------

DETAILS OF PARTICULAR DEFECT

.....

.....

.....

.....

.....

TOTAL \$.....

SIGNATURE OF DEALER DATE OF SALE

WARNING TO PURCHASER† Regardless of any price negotiation this notice should not be signed unless the original copy (fully filled in) was displayed on the vehicle prior to your inspection and purchase.	
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SIGNATURE OF PURCHASER DATE

UNDER SECTION 35 OF THE ACT THE ABOVE DEALER IS REQUIRED TO HAND TO THE PURCHASER A COMPLETED AND SIGNED COPY OF THIS NOTICE AT THE TIME OF SALE.

THIS SIDE TO FACE OUTWARDS *†(See Back)

Form. 5.

Reverse Side

*(Subsection (3) of section 35 of the Act provides that if the amount estimated by the dealer as the fair cost of repairing or making good the defect is not the amount of the fair cost of repairing or making good that defect the purchaser may sue for and recover the difference between those fair costs as a debt due to the purchaser from the dealer.)

†(If—

- (a) this notice setting out any defect has at all material times been attached to the second-hand vehicle as required under subsection (6) of section 33; and
- (b) at or before the time of sale a copy of this notice has been signed by the purchaser and upon the sale a true copy of this notice is delivered to the purchaser for retention by him,

the warranty provisions in subsection (1) of section 34 of the Act do not apply in relation to that defect. (See s. 35 (2) of the Act.)

Form 6.

WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973 (Section 34 (3) (5).)

Motor Vehicle (Sales) Regulations, Reg. 7

NOTICE OF EXEMPTION FROM WARRANTY

TAKE NOTICE THAT THE DEALER SELLING THIS VEHICLE IS NOT OBLIGED BY THE PROVISIONS OF THE ABOVE ACT TO REPAIR ANY DEFECTS OR REPLACE FAULTY PARTS IN THIS VEHICLE.

Signature of dealer.....
Signature of buyer.....
Date.....

WHEN THE VEHICLE IS SOLD THE DEALER IS REQUIRED TO GIVE A COPY OF THIS NOTICE, DULY SIGNED, TO THE BUYER.

This side to face outwards

Form 7.

Western Australia.

MOTOR VEHICLE DEALERS ACT 1973.

Motor Vehicle (Sales) Regulations 1974 Regs. 8 and 9.

Notice of Sale.

- (a) Trade Buyer Business Address
(b) Seller's Name Address
(c) Registration Number of Vehicle Year of Manufacture Make and Model Engine Number Year of First Registration Odometer Reading at Time of Sale Miles/Kilometres
(d) The trade-in value ascribed to the vehicle is \$ (To be completed where the sale is by way of a trade-in)

To Be Completed Where Disposal By Trade Owner
(e) Name of Last Owner (other than a trade owner—if same as seller write "as above").
Address
(f) Odometer Reading (at time vehicle acquired from owner referred to in (e) above). Miles/Kilometres
(g) Reference Number in Dealer's Register

I hereby certify that the above information is true and correct to the best of my knowledge and belief and that the vehicle *is/is not subject to an order under the Vehicle Standards Regulations 1977 and that there are no financial encumbrances of any kind assigned to this vehicle that have not been declared.

* delete that which is not applicable.

Signature of Seller
Signature of Buyer
Date

This form is to be made out in duplicate, one copy to be retained by each signatory.

[Form 8 deleted by G.G. 28/5/76, p. 1614.]

Form 9
WESTERN AUSTRALIA
Motor Vehicle Dealers Act 1973
(Section 28.)

(MOTOR VEHICLE DEALERS (SALES) REGULATIONS 1974, REG. 10)
NOTICE PROHIBITING SALE OF SECOND-HAND VEHICLE.

At the time of inspection by a member of the Police Force, authorized officer or Traffic Inspector examining or testing second-hand vehicles, this vehicle required attention to comply with the law relating to the equipment, serviceability or roadworthiness of vehicles.

The sale of this vehicle is prohibited, except for the purposes of breaking up, unless and until this label has been removed by a member of the Police Force, authorized officer or Traffic Inspector.

Reverse Side (Form 9).

This vehicle must not be sold, except for the purposes of breaking up, unless and until this notice has been removed by a member of the Police Force, authorized officer or Traffic Inspector.

No. of Notice Issued

Make of Vehicle

Reg. No. of Vehicle

Engine No. of Vehicle

Signature

Rank

Number (if applicable)

State (or Licensing Authority)

Date of Issue/...../19.....

WARNING.

This label must NOT be removed EXCEPT by a member of the Police Force, authorized officer or a Traffic Inspector, in accordance with the Motor Vehicle Dealers Act 1973.

SECOND SCHEDULE.
(Section 41 Regulation 12.)
UNDESIRABLE PRACTICES.

Second
Schedule
amended by
G.G. 11/10/74,
p. 3885;
G.G. 14/11/75,
p. 4220.

1. Failing to hand over at the time of sale or to forward to a purchaser within two days of the sale the registration papers in respect of a motor vehicle.
2. Offering for sale by a person licensed under the Act of a second-hand vehicle other than a second-hand vehicle of which he or his employer is not the trade owner from a place that is not a registered premises under the Act.

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SECOND SCHEDULE—*continued*

3. Advertising or displaying a telephone number for the purpose of selling a vehicle the vendor of which is the trade owner or is employed by the trade owner except—
 - (a) a telephone number of a registered premises under the Act; and
 - (b) an “after-hours” telephone number that is advertised or displayed—
 - (i) at a registered premises;
 - (ii) on business cards or letterheads; or
 - (iii) in a telephone directory.
4. Offering for sale or the advertising of a second-hand vehicle for sale by a person who is not the owner or assignee of the second-hand vehicle.

Third
Schedule
amended by
G.G. 11/10/74,
p. 3885.

THIRD SCHEDULE.

(Regulation 13.)

PRESCRIBED ACCESSORIES.

1. Radios.
2. Tape Players.
3. Refrigerated air conditioning units.