

Western Australia

Motor Vehicle Dealers Act 1973

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

As at 21 Aug 2013

Version 00-d0-02

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Motor Vehicle Dealers (Infringements) Regulations 2002

Contents

| | | |
|----|--|---|
| 1. | Citation | 1 |
| 2. | Commencement | 1 |
| 3. | Offences for which infringement notices may be given (s. 55A(2)) | 1 |
| 4. | Modified penalties (s. 55A(4)) | 1 |
| 5. | Form of infringement notice (s. 55A(3)) | 1 |
| 6. | Form of notice withdrawing infringement notice (s. 55A(7)) | 2 |

Schedule 1 — Prescribed offences and modified penalties

Schedule 2 — Forms

Notes

| | |
|-------------------|---|
| Compilation table | 6 |
|-------------------|---|

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.

r. 6

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55A(7) of the Act, Schedule 2 Form 2 is the prescribed form of a notice stating that an infringement notice has been withdrawn.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

| Column 1 | Column 2 |
|---|-------------------------|
| Prescribed offence | Modified penalty |
| <i>Motor Vehicle Dealers Act 1973</i> | |
| s. 20G(3) | \$150 |
| s. 21 | \$150 |
| s. 21C(3) | \$150 |
| s. 21D | \$150 |
| s. 23(1) | \$200 |
| s. 23(2) | \$200 |
| s. 24(3) | \$150 |
| s. 25(2e) | \$100 |
| s. 25(1) | \$500 |
| s. 25(1a) | \$500 |
| s. 25(2a) | \$500 |
| s. 26(1) | \$200 |
| s. 26(2) | \$200 |
| s. 27(3) | \$500 |
| s. 28(10) | \$200 |
| s. 28(11) | \$200 |
| s. 30(2) | \$500 |
| s. 31D(2) | \$500 |
| s. 33(1) | \$200 |
| s. 33(4) | \$500 |
| s. 33(7) | \$100 |
| s. 40B(1) | \$200 |
| s. 41(1) | \$200 |
| s. 43(1) | \$100 |
| <i>Motor Vehicle Dealers (Sales) Regulations 1974</i> | |
| r. 14, relating to r. 11(2) | \$200 |

[Schedule 1 amended in Gazette 28 Jan 2003 p. 267.]

Schedule 2 — Forms

[r. 5 and 6]

Form 1

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

Notes

| | |
|-------------------------|---|
| WHAT YOU MUST DO | <p>1. You may dispose of this matter within 28 days after the service of this notice by paying the modified penalty —</p> <p>(a) BY POSTING a cheque or money order made payable to the Commissioner Locked Bag 14 Cloisters Square Perth WA 6850; or</p> <p>(b) IN PERSON to the Cashier at the Department of Commerce - Consumer Protection 219 St George's Terrace Perth;</p> <p>OR</p> <p>2. Elect to have this matter dealt with before a COURT.</p> <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; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> |
|-------------------------|---|

[Form 1 amended in Gazette 12 Jan 2007 p. 49; 30 Jun 2011 p. 2663-4; 20 Aug 2013 p. 3837.]

Form 2

| | | | |
|---|--------------------|------------|--------------|
| <i>Motor Vehicle Dealers Act 1973, s. 55A(7)</i> | | Notice No: | |
| Withdrawal of Infringement Notice | | | |
| To <small>[Details of alleged offender]</small> | Family name: | | |
| | Other names: | | |
| | Address | No.: | Street name: |
| | Suburb: | | Postcode: |
| <p>AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —</p> <ul style="list-style-type: none"> • NO FURTHER ACTION WILL BE TAKEN* • A SUMMONS WILL BE ISSUED* <p><small>[* delete whichever is not applicable]</small></p> | | | |
| Details of withdrawn notice | Date notice given: | | |
| | Alleged notice: | | |
| Designated official who issued this notice | Name: | | |
| | Signature: | | |
| | Date: | | |

Notes

¹ This is a compilation of the *Motor Vehicle Dealers (Infringements) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

| Citation | Gazettal | 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) |