

CP301*

Motor Vehicle Dealers Act 1973

Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Motor Vehicle Dealers (Licensing) Regulations 1974*.

4. Regulation 9 inserted

After regulation 8 insert:

9. Exempt sales and exempt exchanges (section 5B(4))

- (1) In this regulation —
related company, in relation to a body corporate, means a body corporate that is a related body corporate (within the meaning of the *Corporations Act 2001* (Commonwealth)) of that body corporate.

- (2) For the purposes of section 5B(4) the following sales and exchanges are prescribed to be exempt sales and exchanges —
- (a) sale of a vehicle to —
 - (i) a licensed dealer; or
 - (ii) a financier or a company related to a financier; or
 - (iii) an employee, or (if the vendor is a company) an employee of a related company;
 - (b) sale of a vehicle, at public auction or by way of public tender, by a financier where the vehicle —
 - (i) has been returned to the financier by a person who is not a dealer, pursuant to a contract between the financier and that person; or
 - (ii) has been repossessed by the financier from a person who is not a dealer, pursuant to a contract between the financier and that person;
 - (c) sale of a vehicle by private treaty by a financier, to a person introduced to the financier by a person from whom the vehicle has been repossessed;
 - (d) sale of a vehicle at a public auction, when the vehicle —
 - (i) was last owned or used by an employee of a government department or a statutory authority, in his or her capacity as an employee; or
 - (ii) was last owned by a company, that was not a dealer, that has been wound up and when the sale —
 - (I) is by a liquidator under a power conferred by the *Corporations Act 2001* (Commonwealth); or
 - (II) is the result of an order of the Supreme Court.
- (3) For the purposes of section 5B(4) the sale or exchange of a vehicle that has been licensed by the Director General (as defined in the *Road Traffic Act 1974* section 5(1)) under the *Road Traffic (Licensing) Regulations 1975* regulation 9(3) —
- (a) subject to conditions of use based on car club membership; or

- (b) despite certain non-compliant features, due to the vehicle being a unique or historic vehicle;
or
- (c) for a concessional charge, due to limited use conditions and club membership requirements imposed by the Director General on the vehicle's owner,

is prescribed to be an exempt sale or exchange.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
