
FAIR TRADING

FT301*

MOTOR VEHICLE DEALERS ACT 1973

MOTOR VEHICLE DEALERS (SALES) AMENDMENT REGULATIONS 1998

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Motor Vehicle Dealers (Sales) Amendment Regulations 1998*.

Commencement

2. These regulations come into operation on the day that is 6 months from the day of their publication in the *Government Gazette*.

Principal regulations

3. In these regulations the *Motor Vehicle Dealers (Sales) Regulations 1974** are referred to as the principal regulations.

[* Reprinted as at 29 October 1982.

For amendments to 22 May 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 192.]

Regulation 5 repealed and a regulation substituted

4. Regulation 5 of the principal regulations is repealed and the following regulation is substituted —

“

Notice of required particulars prescribed (section 33)

5. (1) For the purposes of section 33 (1) of the Act the form of the notice containing the required particulars shall also set out —

- (a) the make and model of the vehicle; and
- (b) whether the vehicle is of a type or class to which the obligations imposed by section 34 (1) of the Act apply.

(2) The notice of required particulars may be either —

- (a) printed on a sheet of plastic approximately 220 mm by 100 mm (*see example in the table to this regulation*); or
- (b) on a sheet of paper approximately 240 mm by 190 mm.

Table

WESTERN AUSTRALIA <i>Motor Vehicle Dealers Act 1973 (s. 33)</i> <i>Motor Vehicle Dealers (Sales) Regulations 1974</i>	
DEALER	ADDRESS
VEHICLE PARTICULARS	
MAKE MODEL	YEAR OF FIRST REGISTRATION YEAR OF MANUFACTURE (Compliance plate)
LICENCE PLATE REGISTER REFERENCE/ STOCK No.	ODOMETER READING (at time vehicle acquired from last owner)
CASH PRICE OF VEHICLE \$..... STATUTORY WARRANTY <input type="checkbox"/> YES <input type="checkbox"/> NO	
ADVERTISING	

Regulation 7 repealed and a regulation substituted

5. Regulation 7 of the principal regulations is repealed and the following regulation is substituted —

“

Copies of notice at time of sale (section 33 (7))

7. (1) Where a dealer sells a vehicle to which the obligations imposed by section 34 (1) do apply, the notice required under section 33 (7) shall be —

- (a) in the form of Form 4, and if that vehicle is not a motor cycle, the reverse of the form is to contain the illustration entitled ‘The Used Car Warranty’;
- (b) in the form of Form 4, and if that vehicle is a motor cycle, the reverse of the form is to contain the illustration entitled ‘The Used Bike Warranty’;

and, if completed using the appropriate details from the notice attached to the vehicle under section 33, the form 4 shall be regarded as a copy of the notice attached to the vehicle pursuant to section 33.

(2) Where a dealer sells a vehicle to which the obligations imposed by section 34 (1) do not apply, the notice required under section 33 (7) shall be in the form of Form 6, and, if completed using the appropriate details from the notice attached to the vehicle under section 33, the form 6 shall be regarded as a copy of the notice attached to the vehicle pursuant to section 33.

”

First Schedule amended

6. (1) The First Schedule to the principal regulations is amended by deleting Form 4, and substituting the following form —

“

Form 4

WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973 (Section 33),
Motor Vehicle Dealers (Sales) Regulations, Reg 7

VEHICLE PARTICULARS

YEAR OF MANUFACTURE (Compliance Plate)	ODOMETER READING (at time vehicle acquired from last owner)	CASH PRICE OF VEHICLE
..... Kilometres/Miles	\$

MAKE AND MODEL V.I.N./CHASSIS No.

ENGINE No. LICENCE PLATE No.

LICENCE/REGISTRATION YEAR OF FIRST REGISTRATION

EXPIRES ON

(If vehicle not licensed under *Road Traffic Act, 1974*, insert "Unlicensed")

DATE OF SALE.....ODOMETER READING AT TIME OF SALE kms/miles

REGISTER REFERENCE / STOCK No.....DEALER—NAME & ADDRESS

.....

SIGNATURE OF DEALER, YARD MANAGER
OR SALESPERSON

SIGNATURE OF PURCHASER

STATUTORY WARRANTY

This vehicle is covered by the terms of a statutory warranty under the *Motor Vehicle Dealers Act 1973*. The length of time the vehicle is covered under warranty is determined by the amount of money you have paid for the vehicle. If you have paid—

- \$2 000.01 to \$3 999.99 (inclusive)—the warranty is for two (2) months or 3 000 km, whichever occurs first; or
- **\$4 000.00 or more—the warranty is for three (3) months or 5 000 km, whichever occurs first.**

The warranty means that the selling dealer must repair or make good all defects which make or are likely to make the vehicle unroadworthy or unserviceable. The repair should make the vehicle roadworthy and in a reasonable condition having regard to its age.

MORE INFORMATION

If you have any questions or require further information about the statutory warranty contact the Ministry of Fair Trading's telephone advice service on (08) 9222 0666, or 1800 199 117 for country callers. TTY (08) 9222 0742 (Hearing impaired). Internet: <http://www.wa.gov.au/gov/mft>

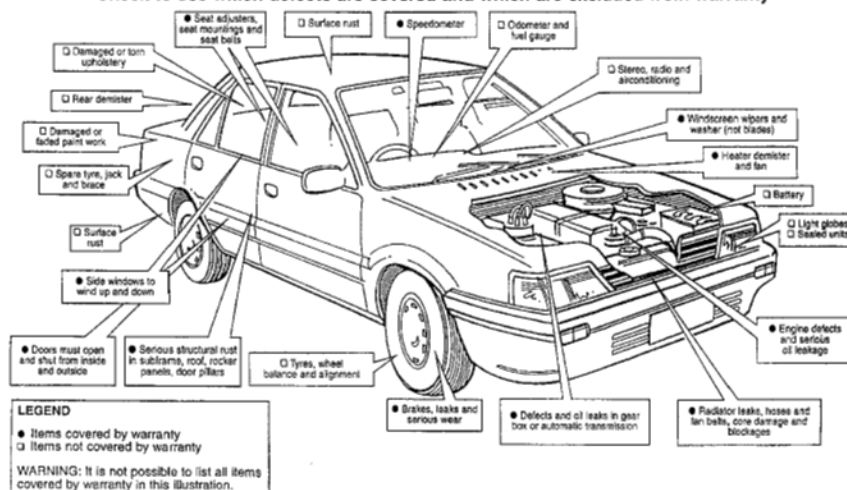
ALWAYS CONTACT THE DEALER FIRST TO DISCUSS WARRANTY REPAIRS

Please see reverse for a "Quick Guide to Warranty Items"

(reverse—for cars)

THE USED CAR WARRANTY

Check to see which defects are covered and which are excluded from warranty

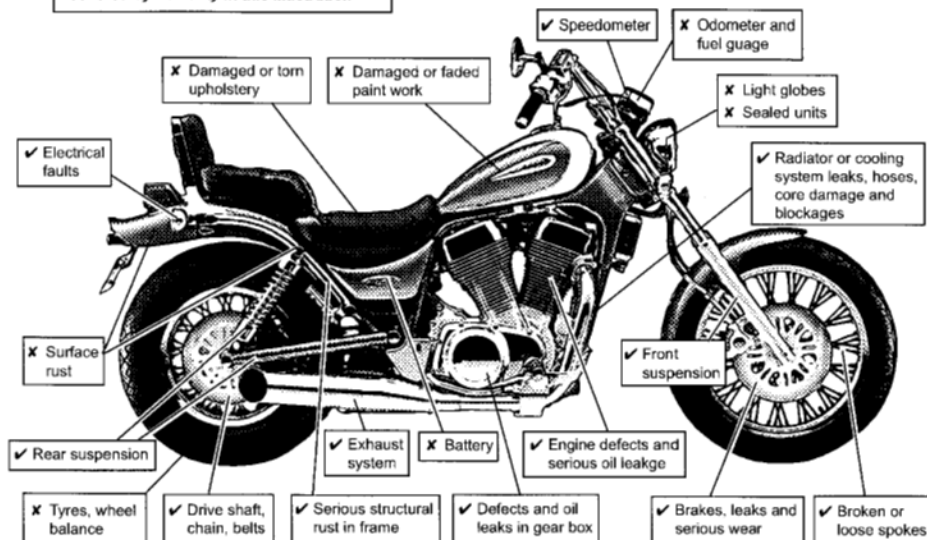


(reverse—for bikes)

THE USED BIKE WARRANTY

Check to see which items are covered (✓) and which are not (✗) by the warranty

WARNING: It is not possible to list all items covered by warranty in this illustration



(2) The First Schedule to the principal regulations is amended by deleting Form 5, and substituting the following form—

Form 5

WESTERN AUSTRALIA

*Motor Vehicle Dealers Act 1973 (S. 35)**Motor Vehicle Dealers (Sales) Regulations 1974 (reg. 6)*

NOTICE OF DEFECTS EXCLUDED FROM WARRANTY

This vehicle is provided with a warranty under the Motor Vehicle Dealers Act 1973, except for the defects stated below

THIS VEHICLE CONTAINS THE DEFECTS STATED BELOW. 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.

Dealer—name and address

Make & Model

V.I.N./chassis no

Licence plate no Engine no.....

Date of sale

Odometer reading at time of sale kilometres/miles

Details of defect	Estimated cost of repair
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$

.....
Signature of dealer, yard manager

.....
Signature of purchaser

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION
ABOUT THIS VEHICLE PURCHASE

(reverse)

ITEMS COVERED BY THE STATUTORY WARRANTY

This vehicle is covered by the terms of the statutory warranty under section 34 of the *Motor Vehicle Dealers Act 1973*. This means the dealer must repair or make good all defects which make or are likely to make the vehicle unroadworthy or unserviceable. For more information on warranty defects, refer to the vehicle diagram on the reverse side of the 'Vehicle Particulars' form 4.

ITEMS NOT COVERED BY THE STATUTORY WARRANTY

The defects which are not required to be repaired by the dealer are those stated on the front of this form, provided—

- this form was filled out and displayed on the vehicle before you negotiated to purchase it;
- an accurate and detailed description of the defect, and an accurate estimate of the repair cost has been stated; and
- you are given a signed copy of this notice before, or at the time of, sale.

Remember, it will be your responsibility to repair the defects listed on the front of this notice.

DESCRIPTION OF DEFECTS

The 'Details of Defect' should set out (with reasonable particularity) a description of the nature of the defect. For example, it would not be considered reasonable for a dealer to state "engine" as the defect and estimate \$800 as the cost of repairs. What should be stated is the particular defect with the engine, such as "excessive exhaust smoke—piston rings require replacement" together with the estimated cost of repairs.

UNDERESTIMATED REPAIR COSTS

If the amount estimated by the dealer as the fair cost of repairing or making good the defect is underestimated, then you may claim the difference between the fair cost of repair and the amount stated by the dealer on this form as the cost of repair.

MORE INFORMATION

If you have any questions or require further information about statutory warranties or this notice, contact the Ministry of Fair Trading's telephone advice service on 9222 0666, or 1800 199 117 for country callers. TTY 9222 0742 (hearing impaired).

Internet <http://www.wa.gov.au/gov/mft>

- (3) The First Schedule to the principal regulations is amended by deleting Form 6 and substituting the following form—

Form 6

WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973 (Section 33, 34 (3)),
Motor Vehicle Dealers (Sales) Regulations, Reg 7

VEHICLE PARTICULARS

**THIS VEHICLE IS NOT PROVIDED WITH WARRANTY UNDER
THE *MOTOR VEHICLE DEALERS ACT 1973***

YEAR OF MANUFACTURE (Compliance Plate)	ODOMETER READING (at time vehicle acquired from last owner)	CASH PRICE OF VEHICLE
..... Kilometres/Miles	\$

MAKE AND MODEL V.I.N./CHASSIS No.

ENGINE No. LICENCE PLATE No.

LICENCE/REGISTRATION YEAR OF FIRST REGISTRATION

EXPIRES ON

(If vehicle not licensed under *Road Traffic Act, 1974*, insert "Unlicensed")

DATE OF SALE.....ODOMETER READING AT TIME OF SALE kms/miles

REGISTER REFERENCE / STOCK No.....DEALER—NAME & ADDRESS

.....

SIGNATURE OF DEALER, YARD MANAGER
OR SALESPERSON

SIGNATURE OF PURCHASER

**PLEASE SEE REVERSE FOR IMPORTANT INFORMATION
ABOUT THIS VEHICLE PURCHASE**

ALWAYS CONTACT THE DEALER FIRST TO DISCUSS ANY PROBLEMS

(reverse)

STATUTORY WARRANTY

This vehicle is not covered by the terms of the statutory warranty under section 34 of the *Motor Vehicle Dealers Act 1973*. This is because—

- the cash price paid for the vehicle is \$2 000 or less; or
- the vehicle was sold at auction on behalf of a member of the public; or
- the vehicle is exempted from the statutory warranty under the *Motor Vehicle Dealers Act 1973*.

Exempted vehicles include—

- Four wheel drive vehicles which are designed for use 'off-road'.
- Reconstructed vehicles commonly called 'Beach Buggies'.
- Caravans.
- A passenger car originally constructed as a 'left hand drive' vehicle, whether or not that vehicle has since been converted to 'right hand drive' and licensed in this State.
- Motor cycles that are designed for competitive sport (unlicensed).
- Commercial vehicles, such as a utility that is not designed as a passenger vehicle. However, a utility derived from a passenger car design must generally be provided with a statutory warranty.

WARRANTIES IMPLIED UNDER FAIR TRADING AND TRADE PRACTICES LAWS

The *Fair Trading Act 1987* and *Trade Practices Act 1974* (C'th) require the dealer selling this vehicle to ensure that the vehicle matches any description given and that it is of 'merchantable quality'. This means that it must be fit for the purpose for which a vehicle of that nature is normally used. The amount of money you have paid for the vehicle is taken into account when determining merchantable quality.

For example, even though a vehicle is not covered by the statutory warranty under the *Motor Vehicle Dealers Act 1973*, you are entitled to expect the dealer to repair any major defects that were present at the time of sale which prevent the vehicle from being used in the normal way. This also applies to anything that makes it unsafe to drive (eg. faulty brakes, faulty steering or major structural rust).

The requirement of merchantable quality does **not** apply—

- to defects specifically drawn to your attention before the contract of sale is made; or
- if you examine the vehicle for defects before the contract is made, to defects that examination should have revealed.

VEHICLES BOUGHT AT AUCTION

Vehicles purchased at auction do not carry a 'statutory warranty' if they are being auctioned on behalf of a member of the public.

MORE INFORMATION

If you have any questions or require further information about statutory warranties or this notice, contact the Ministry of Fair Trading's telephone advice service on 9222 0666, or 1800 199 117 for country callers. TTY 9222 0742 (hearing impaired).

Internet <http://www.wa.gov.au/gov/mft>

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.