Western Australia

Motor Vehicle Dealers Act 1973

Motor Vehicle Dealers (Infringements) Regulations 2002

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Motor Vehicle Dealers (Infringements) Regulations 2002

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Motor Vehicle Dealers Act 1973

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.

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55A(7) of the Act, Schedule 2 Form 2 is the prescribed form of a notice stating that an infringement notice has been withdrawn.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

| **Column 1** | **Column 2** |
| --- | --- |
| **Prescribed offence** | **Modified penalty** |
| *Motor Vehicle Dealers Act 1973* | |
| s. 20G(3) | $150 |
| s. 21 | $150 |
| s. 21C(3) | $150 |
| s. 21D | $150 |
| s. 22A(3) | $150 |
| s. 23(1) | $200 |
| s. 23(2) | $200 |
| s. 24(3) | $150 |
| s. 25(1) | $500 |
| s. 25(1a) | $500 |
| s. 25(2a) | $500 |
| s. 25(2e) | $100 |
| 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. 31A | $1 000 |
| s. 31B | $1 000 |
| s. 31C | $1 000 |
| s. 31D(2) | $500 |
| s. 32B(1) | $500 |
| s. 32B(3) | $500 |
| s. 32C | $500 |
| s. 32D(1) | $500 |
| s. 32I(1) | $500 |
| s. 33(1) | $200 |
| s. 33(4) | $500 |
| s. 33(7) | $100 |
| s. 40B(1) | $200 |
| s. 42A(5) | $500 |
| s. 43(1) | $100 |
| *Motor Vehicle Dealers (Sales) Regulations 1974* | |
| r. 14, relating to r. 10C(1) | $200 |
| r. 14, relating to r. 10C(2) | $200 |
| r. 14, relating to r. 10D(1) | $200 |
| r. 14, relating to r. 10E(1) | $200 |
| r. 14, relating to r. 10H(1) | $200 |
| r. 14, relating to r. 11(2) | $200 |

[Schedule 1 inserted: SL 2021/164 r. 4.]

Schedule 2 — Forms

[r. 5 and 6]

**Form 1**

|  |  |  |
| --- | --- | --- |
| *Motor Vehicle Dealers Act 1973, s. 55A(3)*  **Infringement Notice** | | Notice No: |
| **Alleged offender** | Name: Family name | |
| Given names | |
| or Company name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ACN | |
| Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  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** | 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 100, EAST PERTH WA 6892; or  (b) IN PERSON to the Cashier at the Department of Mines, Industry Regulation and Safety, Consumer Protection Division *[address to be inserted]*;  OR  2. Elect to have this matter dealt with before a COURT.  If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. 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. |

[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. 40; SL 2021/164 r. 5.]

**Form 2**

|  |  |  |
| --- | --- | --- |
| *Motor Vehicle Dealers Act 1973*, s. 55A(7)  **Withdrawal of infringement notice** | | Withdrawal no. |
| **Alleged offender** | Name: Family name | |
| Given names | |
| or Company name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ACN | |
| Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postcode | |
| **Infringement notice** | Infringement notice no. | |
| Date of issue / /20 | |
| **Alleged offence** | Description of offence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| *Motor Vehicle Dealers Act 1973* s.  OR  *Motor Vehicle Dealers (Sales) Regulations 1974* r. | |
| Date / /20 Time am/pm | |
| **Designated official giving this notice** | Name | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature | |
| **Date** | Date of withdrawal / /20 | |
| **Withdrawal of infringement notice**  *[\*delete whichever is not applicable]* | 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.  *or*  \* 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 | |

[Form 2 inserted: SL 2021/164 r. 6.]

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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** |
| --- | --- | --- | --- |
| *Motor Vehicle Dealers (Infringements) Regulations 2002* | 13 Aug 2002 p. 4152-5 | 1 Sep 2002 (see r. 2 and *Gazette* 13 Aug 2002 p. 4151) | |
| *Motor Vehicle Dealers (Infringements) Amendment Regulations 2002* | 28 Jan 2003 p. 267 | 28 Jan 2003 | |
| *Motor Vehicle Dealers (Infringements) Amendment Regulations 2006* | 12 Jan 2007 p. 48-9 | 12 Jan 2007 | |
| *Motor Vehicle Dealers (Infringements) Amendment Regulations 2011* | 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)) | |
| *Motor Vehicle Dealers (Infringements) Amendment Regulations 2013* | 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 *Gazette* 20 Aug 2013 p. 3815) | |
| *Motor Vehicle Dealers (Infringements) Amendment Regulations 2014* | 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 *Gazette* 18 Nov 2014 p. 4315) | |
| **Reprint 1: The *Motor Vehicle Dealers (Infringements) Regulations 2002* as at 23 Jan 2015** (includes amendments listed above) | | | |
| *Commerce Regulations Amendment (Infringement Notices) Regulations 2020* Pt. 20 | SL 2020/163 25 Sep 2020 | 29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a)) | |
| *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021* Pt. 2 | SL 2021/164 24 Sep 2021 | 25 Sep 2021 (see r. 2(c)) | |