



Western Australia

Motor Vehicle Dealers Act 1973

**Motor Vehicle Dealers (Licensing)  
Regulations 1974**



# Motor Vehicle Dealers (Licensing) Regulations 1974

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## **Motor Vehicle Dealers (Licensing) Regulations 1974**

### **1. Citation**

These regulations may be cited as the *Motor Vehicle Dealers (Licensing) Regulations 1974* <sup>1</sup>.

[2. Deleted: SL 2021/86 r. 46.]

[3-5. Deleted: Gazette 27 Jun 2017 p. 3413.]

### **6. False information in applications etc., offence**

A person who in any application or notice makes a false statement or misleading statement or representation commits an offence.

Penalty: \$2 000.

[Regulation 6 amended: Gazette 13 Aug 2002 p. 4156.]

### **6A. Period prescribed (Act s. 19(1))**

For the purposes of section 19(1) of the Act, the prescribed period is 3 years.

[Regulation 6A inserted: Gazette 29 Dec 1995 p. 6343.]

### **6B. Penalty for late application prescribed (Act s. 19(3))**

For the purposes of section 19(3) of the Act, the amount prescribed by way of a penalty for a late application is 25% of the appropriate licence fee.

[Regulation 6B inserted: Gazette 29 Dec 1995 p. 6343.]

**7. Fees**

The fees set out in Schedule 3 are the fees to be paid in respect of the matters to which they are applicable.

*[Regulation 7 inserted: SL 2021/86 r. 47.]*

*[7AA. Deleted: SL 2021/86 r. 47.]*

**7A. Prescribed particulars for register of authorisations**

- (1) The particulars set out in subregulations (2) to (4) are prescribed for the purposes of the register of authorisations to be kept under section 24(1) of the Act.
- (2) For each holder of a vehicle dealer's licence, the particulars are —
  - (a) the name of the licensee;
  - (b) the registered office of the licensee;
  - (c) the licence number of the licensee;
  - (d) whether the licensee is a natural person, a firm or a body corporate;
  - (e) the date the application for the licence was lodged;
  - (f) the date any application for the renewal of the licence was lodged;
  - (g) the date on which the licence was granted;
  - (h) if applicable — the date on which the licence was renewed;
  - (i) the business names listed in the application for the licence or the application for the renewal of the licence;
  - (j) if the licensee is a body corporate — the names of the directors and secretary of the licensee;
  - (k) the names of the managers of the licensee;
  - (l) the authorised premises of the licensee;
  - (m) the names of the yard manager for the authorised premises.

- (3) For each holder of a yard manager's licence, the particulars are —
- (a) the name of the licensee;
  - (b) the licence number of the licensee;
  - (c) the residential address of the licensee;
  - (d) the date the application for the licence was lodged;
  - (e) the date any application for the renewal of the licence was lodged;
  - (f) the date on which the licence was granted;
  - (g) if applicable — the date on which the licence was renewed;
  - (h) the name and address of the vehicle dealer that employs the licensee;
  - (i) the authorised premises at which the licensee is situated.
- (4) For each holder of a salespersons licence, the particulars are —
- (a) the name of the licensee;
  - (b) the licence number of the licensee;
  - (c) the residential address of the licensee;
  - (d) the date the application for the licence was lodged;
  - (e) the date any application for the renewal of the licence was lodged;
  - (f) the date on which the licence was granted;
  - (g) if applicable — the date on which the licence was renewed;
  - (h) the name and address of the vehicle dealer that employs the licensee;
  - (i) the authorised premises at which the licensee is situated.

*[Regulation 7A inserted: Gazette 27 Jun 2017 p. 3413-14.]*

**7B. Changes in employment of yard managers and salespersons must be notified to Commissioner**

- (1) A yard manager or salesperson must give a notice in the approved form to the Commissioner if there is a change in any of the information relating to the employment or place of employment of the yard manager or salesperson.
- (2) The notice must be given within 14 days after the change in the information relating to the yard manager or salesperson.

*[Regulation 7B inserted: Gazette 27 Jun 2017 p. 3414.]*

**8. Descriptions of business and categories of licence prescribed (Act s. 5A)**

- (1) A business described in Schedule 4 column 2 is prescribed for the purposes of section 5A.
- (2) A category of dealer's licence listed in Schedule 4 column 1 is prescribed for the description of business opposite that category in column 2.

*[Regulation 8 inserted: Gazette 13 Aug 2002 p. 4156; amended: SL 2021/164 r. 8.]*

**9. Exempt sales and exempt exchanges prescribed (Act s. 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 as of Class B under the *Road Traffic (Vehicles) Regulations 2014* regulation 35(1) or (2) —
  - (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 on the use of the vehicle,

is prescribed to be an exempt sale or exchange.

*[Regulation 9 inserted: Gazette 10 Jan 2012 p. 409-11; amended: Gazette 8 Jan 2015 p. 86.]*

**10. Transitional provision for *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021***

- (1) A dealer's licence that is in force immediately before the commencement of the *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021* regulation 10 continues to have effect, on and after that commencement, as if those regulations had not come into operation.
- (2) Subregulation (1) ceases to operate in relation to a dealer's licence on the day on which —
  - (a) the licence expires; or
  - (b) if the licence is to be renewed — the licence would have expired.

*[Regulation 10 inserted: SL 2021/164 r. 9.]*

**11. Transitional provision for *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022***

- (1) A dealer's licence that is in force immediately before 1 March 2023 continues to have effect, on and after that day, as if the *Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022* regulation 6 had not come into operation.

- (2) Subregulation (1) ceases to operate in relation to a dealer's licence on the day on which —
- (a) the licence expires; or
  - (b) if the licence is renewed — the licence would have expired had it not been renewed.

*[Regulation 11 inserted: SL 2022/161 r. 4.]*

*[First and Second Schedule deleted: Gazette 27 Jun 2017 p. 3414.]*

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**Schedule 3 — Fees**

[r. 7]

*[Heading inserted: SL 2022/59 r. 26.]*

| <b>Item</b> | <b>Column 1<br/>Matter</b>   | <b>Column 2<br/>Fee (\$)</b>   |
|-------------|--|--|
| 1.          | Application for a dealer's licence or renewal of a dealer's licence for the period prescribed by regulation 6A         | 1 010.00 plus<br>1 003.00 for<br>each premises<br>to be authorised<br>under<br>section 20E(3)<br>of the Act in<br>relation to the<br>licence |
| 2.          | Application under section 20F of the Act to alter particulars of premises  | 173.00   |
| 3.          | Application under section 20F of the Act to add to particulars of premises   | 165.00 for each<br>addition  |
| 4.          | Application for a temporary permit under section 20H of the Act  | 222.00   |
| 5.          | Application for yard manager's licence or renewal of yard manager's licence for the period prescribed by regulation 6A | 533.00   |
| 6.          | Application for salesperson's licence or renewal of salesperson's licence for the period prescribed by regulation 6A   | 362.00   |

| <b>Item</b> | <b>Column 1<br/>Matter</b>  | <b>Column 2<br/>Fee (\$)</b>  |
|-------------|---|---|
| 7.          | Application for car market operator's registration or renewal of car market operator's registration   | 1 000.00 plus<br>1 003.00 for<br>each premises<br>to be authorised<br>under<br>section 21A(3)<br>of the Act in<br>relation to the<br>registration |
| 8.          | Application under section 21B of the Act to alter particulars of premises   | 156.00  |
| 9.          | Application under section 21B of the Act to add to particulars of premises  | 149.00 for each<br>addition   |
| 10.         | Application for exemption from the Act under section 31(1) of the Act   | 170.00  |
| 11.         | Duplicate licence   | 31.00   |
| 12.         | Certificate showing whether or not a person was recorded in the register kept under section 24 of the Act as the holder of an authorisation on a specified date or during a specific period — |   |
|             | (a) first page  | 13.00   |
|             | (b) each subsequent page  | 2.30  |

| <b>Item</b> | <b>Column 1<br/>Matter</b>  | <b>Column 2<br/>Fee (\$)</b> |
|-------------|---|------------------------------|
| 13.         | Certificate showing all persons recorded in the register kept under section 24 of the Act as the holder of an authorisation on a specified date or during a specific period | 127.00                       |
| 14.         | Certificate showing any other matter appearing in the register kept under section 24 of the Act —   |                              |
|             | (a) first page  | 12.20                        |
|             | (b) each subsequent page  | 2.30                         |
| 15.         | Inspection of register kept under section 24 of the Act   | 11.80                        |

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*[Schedule 3 inserted: SL 2022/59 r. 26.]*

**Schedule 4 — Descriptions of business and categories of dealer's licence**

[r. 8]

*[Heading inserted: SL 2021/164 r. 10; amended: SL 2022/161 r. 5.]*

| <b>Column 1</b>  | <b>Column 2</b>  |
|--|--|
| <b>Category of licence</b>                                       | <b>Description of business</b>   |
| A  | Buying, selling and auctioning vehicles.   |
| B  | Buying any vehicles for the purpose of dismantling them and selling off the parts.   |
| C  | Acting as an agent to facilitate the sale or purchase of any vehicles on behalf of members of the public.                            |
| D  | Hiring out vehicles, buying vehicles for hiring out, and selling and auctioning any vehicles that have been hired out by the dealer. |
| E  | Selling (including by auction) vehicles under consignment agreements.  |
| Any combination of A, B, C, D and E, as nominated by the dealer. | The businesses the subject of the nominated categories.  |

*[Schedule 4 inserted: SL 2021/164 r. 10; amended: SL 2022/161 r. 6.]*

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## Notes

This is a compilation of the *Motor Vehicle Dealers (Licensing) Regulations 1974* 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

| <b>Citation</b>   | <b>Published</b>          | <b>Commencement</b>                                   |
|---|---------------------------|---|
| <i>Motor Vehicle Dealers (Licensing) Regulations 1974</i>   | 29 Mar 1974<br>p. 1103-21 | 5 Apr 1974 (see <i>Gazette</i><br>5 Apr 1974 p. 1180) |
| Untitled regulations  | 10 May 1974<br>p. 1535    | 10 May 1974   |
| Untitled regulations  | 11 Jun 1976<br>p. 1887-90 | 11 Jun 1976   |
| Untitled regulations  | 22 Oct 1976<br>p. 3989-94 | 22 Oct 1976   |
| Untitled regulations  | 12 Apr 1979<br>p. 1021    | 1 May 1979  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1981</i>   | 28 Aug 1981<br>p. 3589    | 1 Sep 1981 (see r. 2)                                 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1983</i>   | 21 Oct 1983<br>p. 4297    | 21 Oct 1983   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1985</i>   | 21 Jun 1985<br>p. 2262    | 21 Jun 1985   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1986</i>   | 30 May 1986<br>p. 1816    | 30 May 1986   |
| <b>Reprint of the <i>Motor Vehicle Dealers (Licensing) Regulations 1974</i> as at 8 Aug 1986</b><br>(see <i>Gazette</i> 8 Dec 1986 p. 4523-56) (includes amendments listed above) |                           |   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 1986</i>   | 24 Dec 1986<br>p. 4998-9  | 24 Dec 1986   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1987</i>   | 6 Mar 1987<br>p. 573-4    | 6 Mar 1987  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1987</i>   | 4 Sep 1987<br>p. 3518     | 4 Sep 1987  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1988</i>   | 22 Jul 1988<br>p. 2520-1  | 22 Jul 1988   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1989</i>   | 30 Jun 1989<br>p. 1975    | 1 Jul 1989 (see r. 2)                                 |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1990</i>   | 1 Aug 1990<br>p. 3652     | 1 Aug 1990  |



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| <b>Citation</b>  | <b>Published</b>           | <b>Commencement</b>   |
|--|----------------------------|---|
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1991</i>  | 13 Dec 1991<br>p. 6159-60  | 13 Dec 1991   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1992</i>  | 14 Aug 1992<br>p. 4017-18  | 14 Aug 1992   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1993</i>  | 30 Nov 1993<br>p. 6406-7   | 30 Nov 1993   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1994</i>  | 13 Sep 1994<br>p. 4659-61  | 13 Sep 1994   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1995</i>  | 29 Dec 1995<br>p. 6343-6   | 29 Dec 1995   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 1996</i>  | 30 Apr 1996<br>p. 1862-3   | 30 Apr 1996   |
| <b>Reprint of the Motor Vehicle Dealers (Licensing) Regulations 1974 as at 28 May 1996</b><br>(includes amendments listed above) |                            |   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2002</i>  | 28 Jun 2002<br>p. 3057-8   | 1 Jul 2002 (see r. 2)   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2002</i>  | 13 Aug 2002<br>p. 4155-8   | 1 Sep 2002 (see r. 2 and <i>Gazette</i><br>13 Aug 2002 p. 4151)   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2003</i>  | 27 Jun 2003<br>p. 2553-4   | 1 Jul 2003 (see r. 2)   |
| <b>Reprint 3: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 5 Mar 2004</b><br>(includes amendments listed above)  |                            |   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2004</i>  | 29 Jun 2004<br>p. 2508-10  | 1 Jul 2004 (see r. 2)   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2005</i>  | 28 Jun 2005<br>p. 2899-900 | 1 Jul 2005 (see r. 2)   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2006</i>  | 27 Jun 2006<br>p. 2257-9   | 1 Jul 2006 (see r. 2)   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2007</i>  | 15 Jun 2007<br>p. 2776-8   | r. 1 and 2: 15 Jun 2007 (see<br>r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2007 (see r. 2(b)) |
| <b>Reprint 4: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 3 Aug 2007</b><br>(includes amendments listed above)  |                            |   |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2008</i>  | 17 Jun 2008<br>p. 2552-4   | r. 1 and 2: 17 Jun 2008<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2008 (see r. 2(b)) |

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| <b>Citation</b>  | <b>Published</b>          | <b>Commencement</b>  |
|--|---------------------------|--|
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2009</i>  | 23 Jun 2009<br>p. 2444-6  | r. 1 and 2: 23 Jun 2009<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2009 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2010</i>  | 25 Jun 2010<br>p. 2848-51 | r. 1 and 2: 25 Jun 2010<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2010 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2011</i>  | 22 Jun 2011<br>p. 2357-60 | r. 1 and 2: 22 Jun 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2011 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2011</i>  | 30 Jun 2011<br>p. 2661-2  | r. 1 and 2: 30 Jun 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2011 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011</i>  | 10 Jan 2012<br>p. 409-11  | r. 1 and 2: 10 Jan 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>11 Jan 2012 (see r. 2(b))                                       |
| <b>Reprint 5: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 13 Apr 2012</b><br>(includes amendments listed above) |                           |  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2012</i>  | 15 Jun 2012<br>p. 2591-4  | r. 1 and 2: 15 Jun 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2012 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2013</i>  | 27 Jun 2013<br>p. 2687-90 | r. 1 and 2: 27 Jun 2013<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2013 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2014</i>  | 17 Jun 2014<br>p. 1968-70 | r. 1 and 2: 17 Jun 2014<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2014 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2014</i>  | 15 Jul 2014<br>p. 2461-2  | r. 1 and 2: 15 Jul 2014<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Aug 2014 (see r. 2(b))  |
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2014</i>  | 8 Jan 2015<br>p. 85-6     | r. 1 and 2: 8 Jan 2015 (see r. 2(a));<br>Regulations other than r. 1 and 2:<br>27 Apr 2015 (see r. 2(b) and<br><i>Gazette</i> 17 Apr 2015 p. 1371) |

| <b>Citation</b>   | <b>Published</b>           | <b>Commencement</b>   |
|---|----------------------------|---|
| <i>Motor Vehicle Dealers (Licensing) Amendment Regulations 2015</i>   | 23 Jun 2015<br>p. 2178-9   | r. 1 and 2: 23 Jun 2015<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2015 (see r. 2(b)) |
| <b>Reprint 6: The Motor Vehicle Dealers (Licensing) Regulations 1974 as at 7 Aug 2015</b><br>(includes amendments listed above) |                            |   |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 12</i>  | 3 Jun 2016<br>p. 1745-73   | 1 Jul 2016 (see r. 2(b))  |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 14</i>  | 23 Jun 2017<br>p. 3213-52  | 1 Jul 2017 (see r. 2(b))  |
| <i>Licensing Provisions Regulations Amendment Regulations 2017 Pt. 4</i>  | 27 Jun 2017<br>p. 3408-16  | 1 Jul 2017 (see r. 2(b))  |
| <i>Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 14</i>                       | 25 Jun 2018<br>p. 2325-53  | 1 Jul 2018 (see r. 2(b))  |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 13</i>  | 18 Jun 2019<br>p. 2077-115 | 1 Jul 2019 (see r. 2(b))  |
| <i>Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 Pt. 13</i>                                       | SL 2020/196<br>27 Oct 2020 | 28 Oct 2020 (see r. 2(b))   |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 15</i>  | SL 2021/86<br>21 Jun 2021  | 1 Jul 2021 (see r. 2(b))  |
| <i>Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021 Pt. 3</i>                              | SL 2021/164<br>24 Sep 2021 | 25 Sep 2021 (see r. 2(c))   |
| <i>Commerce Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 13</i>  | SL 2022/59<br>20 May 2022  | 1 Jul 2022 (see r. 2(b))  |
| <i>Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022 Pt. 2</i>                              | SL 2022/161<br>23 Sep 2022 | 1 Mar 2023 (see r. 2(b))  |

Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined term</b>   | <b>Provision(s)</b> |
|-----------------------|---------------------|
| related company ..... | 9(1)                |