

SOUTH AUSTRALIA

SECOND-HAND MOTOR VEHICLES REGULATIONS, 1985

REGULATIONS UNDER THE SECOND-HAND MOTOR VEHICLES ACT 1983

Second-hand Motor Vehicles Regulations, 1985

being

No. 208 of 1985: *Gaz.* 7 November 1985, p. 1375¹

as varied by

No. 245 of 1985: *Gaz.* 19 December 1985, p. 2175²

No. 99 of 1986: *Gaz.* 12 June 1986, p. 1539³

No. 233 of 1986: *Gaz.* 27 November 1986, p. 1754

No. 17 of 1987: *Gaz.* 19 February 1987, p. 383⁴

No. 69 of 1987: *Gaz.* 30 April 1987, p. 1182⁵

No. 200 of 1987: *Gaz.* 20 August 1987, p. 587

No. 265 of 1987: *Gaz.* 12 November 1987, p. 1589

No. 153 of 1988: *Gaz.* 28 July 1988, p. 578⁶

No. 108 of 1989: *Gaz.* 29 June 1989, p. 1774⁷

No. 101 of 1990: *Gaz.* 21 June 1990, p. 1670⁸

No. 249 of 1990: *Gaz.* 13 December 1990, p. 1771

No. 39 of 1991: *Gaz.* 18 April 1991, p. 1310

No. 145 of 1991: *Gaz.* 27 June 1991, p. 2255⁹

No. 149 of 1992: *Gaz.* 25 June 1992, p. 2032¹⁰

No. 195 of 1992: *Gaz.* 22 October 1992, p. 1377¹¹

No. 142 of 1993: *Gaz.* 24 June 1993, p. 2105¹²

No. 65 of 1994: *Gaz.* 2 June 1994, p. 1614¹³

No. 57 of 1995: *Gaz.* 10 May 1995, p. 2002¹⁴

¹ Came into operation 1 January 1986: reg. 2.

² Came into operation 1 January 1986: reg. 2.

³ Came into operation 30 June 1986: reg. 2.

⁴ Came into operation 2 March 1987: reg. 2.

⁵ Came into operation 1 May 1987: reg. 2.

⁶ Came into operation 1 August 1988: reg. 2.

⁷ Came into operation 1 July 1989: reg. 2.

⁸ Came into operation 1 July 1990: reg. 2.

⁹ Came into operation 1 July 1991: reg. 2.

¹⁰ Came into operation 1 July 1992: reg. 2.

¹¹ Came into operation (except reg. 12) 30 November 1992: reg. 2(1); reg. 12 came into operation 22 October 1992: reg. 2(2).

¹² Came into operation 1 July 1993: reg. 2.

¹³ Came into operation 1 July 1994: reg. 2.

¹⁴ Came into operation 1 July 1995: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

PART I

PRELIMINARY

1. These regulations may be cited as the *Second-hand Motor Vehicles Regulations, 1985*.
2. These regulations shall come into operation on 1 January, 1986.
3. These regulations are arranged as follows:

PART I—PRELIMINARY

PART II—LICENSING OF DEALERS

DIVISION I—GRANT OF LICENCES

DIVISION II—REGISTRATION OF PREMISES

DIVISION III—ISSUE AND DISPLAY OF LICENCES AND CERTIFICATES OF REGISTRATION

DIVISION IV—DISCIPLINARY PROVISIONS

PART III—DEALING IN SECOND-HAND VEHICLES

DIVISION I—SALES OTHERWISE THAN BY AUCTION

DIVISION II—SALES BY AUCTION

DIVISION III—SALES BETWEEN DEALERS

DIVISION IV—ADVERTISING OF SECOND-HAND VEHICLES

PART IV—DUTY OF DEALERS TO REPAIR SECOND-HAND VEHICLES

PART V—COMPENSATION FUND

PART VI—MISCELLANEOUS

4. In these regulations, unless the contrary intention appears—

"the Act" means the *Second-hand Motor Vehicles Act, 1983*:

"Auction notice" means the notice required by section 22(1) of the Act to be attached to a second-hand vehicle to be offered for sale by auction:

"compliance plate" means an identification plate authorized by the Australian Motor Vehicle Certification Board for affixing to a particular vehicle or class of vehicle:

"the Chairman" means the Chairman of the Commercial Tribunal under the *Commercial Tribunal Act, 1982*, and includes a Deputy Chairman:

"the Compensation Fund" means the Second-hand Vehicles Compensation Fund established under the Act:

"duty to repair" means the duty to repair imposed on a dealer under section 25 of the Act:

"Section 18 notice" means the notice required by section 18(1) of the Act to be attached to a second-hand vehicle offered or exposed for sale by a dealer:

3.

"year of manufacture" means—

- (a) the year of the date referred to on the compliance plate (if any) affixed to the vehicle;
 - (b) the year (if any) impressed upon or affixed to the vehicle by the manufacturer as the year in which the vehicle was manufactured;
- or
- (c) the year during which the manufacture of the vehicle was completed to a stage that would have enabled the vehicle to be registered,

whichever year is the earliest.

5. Pursuant to section 6 of the Act, the vehicles, persons and transactions referred to in the first schedule are exempted from compliance with the Act to the extent specified in that schedule.

PART II
LICENSING OF DEALERS

DIVISION I—GRANT OF LICENCES

Applications for licence (s. 10 of the Act)

6. For the purposes of section 10 of the Act—

- (a) the form of an application for a licence is the form set out in the second schedule completed in accordance with the instructions contained in that schedule;
- (b) the licence application fee is the amount fixed for that purpose in the twenty-first schedule;
- (c) the manner and form in which an application for a licence must be advertised by the Registrar is by publication of a notice in at least one issue of a newspaper circulating throughout the State;

and

- (d) the licence fee is the amount fixed for that purpose in the twenty-first schedule.

Duration of licence

7. For the purposes of section 11 of the Act—

- (a) the date for payment of the annual licence fee and lodging of the annual return is 30 November;
- (b) the annual licence fee is the amount fixed for that purpose in the twenty-first schedule;
- (c) the information that must be contained in an annual return is—
 - (i) in the case of an annual return by a natural person—the information set out in the fourth schedule;
 - (ii) in the case of an annual return by a body corporate—the information set out in the fifth schedule;

and

- (d) the penalty for default in paying an annual licence fee or lodging an annual return is the amount fixed for that purpose in the twenty-first schedule.

* * * * *

DIVISION II—REGISTRATION OF PREMISES

8. (1) For the purposes of section 12(2) of the Act—

(a) the fee for registration of premises upon a separate application is the amount fixed for that purpose in the twenty-first schedule;

and

(b) the form of a separate application for the registration of premises is Part 1 of the form set out in the second schedule completed in accordance with the instructions contained in that schedule.

(2) For the purposes of section 12(3a) of the Act the fee for an application by a licensee to carry on business as a dealer at a specified place (other than the registered premises of the licensee) is the amount fixed for that purpose in the twenty-first schedule.

9. For the purposes of section 13 of the Act—

(a) the fee for registration of a place of repair upon a separate application is the amount fixed for that purpose in the twenty-first schedule;

and

(b) the form of a separate application for the registration of a place of repair is Part 1 of the form set out in the second schedule completed in accordance with the instructions contained in that schedule.

DIVISION III—ISSUE AND DISPLAY OF LICENCES AND CERTIFICATES
OF REGISTRATION

10. (1) Upon the Tribunal ordering that an applicant be granted a licence pursuant to section 10 of the Act, the Registrar shall issue a licence to the applicant.

(2) Where—

(a) upon an application for a licence;

or

(b) upon a separate application under section 12 of the Act,

premises are registered by the Tribunal in the name of the applicant, the Registrar shall issue to the applicant (in addition to the licence issued pursuant to subregulation (1)) copies of the applicant's licence so that the number of copies issued equals the number of premises registered in the applicant's name.

11. (1) A licensee shall ensure that a copy of the licence issued to the licensee by the Registrar is prominently displayed at each of the premises registered in the licensee's name in an area accessible to the public.

6.

(2) A licensee who fails to comply with subregulation (1) shall be guilty of an offence.

12. Where—

(a) upon an application for a licence;

or

(b) upon a separate application under section 13 of the Act,

a place of repair is registered by the Tribunal in the name of the applicant, the Registrar shall issue to the applicant a certificate of registration of that place.

13. (1) A licensee shall ensure that the certificate of registration issued to the licensee by the Registrar in respect of a place of repair registered in the licensee's name is prominently displayed at that place in an area accessible to the public.

(2) A licensee who fails to comply with subregulation (1) shall be guilty of an offence.

14. (1) The Registrar shall, upon application by a licensee, if satisfied that there has been a change in any particulars included in a licence or certificate issued to the licensee pursuant to these regulations, make an appropriate amendment to the particulars in the licence or certificate or, if necessary, issue to the licensee a new licence or certificate in the appropriate amended form and retain the copy or copies of the licence or certificate previously issued to the licensee.

(2) The Registrar shall, upon application by a licensee and payment of the fee fixed for that purpose in the fourth schedule of the Commercial Tribunal Regulations, if satisfied that a copy of a licence or certificate issued to the licensee pursuant to these regulations has been lost, destroyed or damaged, issue to the licensee a further copy of the licence or certificate.

* * * * *

PART III
DEALING IN SECOND-HAND VEHICLES

DIVISION I—SALES OTHERWISE THAN BY AUCTION

16. For the purposes of section 18 of the Act—

(a) the form of notice is the form set out in the seventh schedule—

(i) completed in accordance with the instructions contained in that schedule;

and

(ii) containing no particulars or statements other than those required under section 18 and these regulations;

and

(b) the particulars and statements required to be included in the notice are those referred to in the seventh schedule.

17. (1) Where a dealer is required to attach a notice to a second-hand vehicle in pursuance of section 18 of the Act, the dealer shall ensure that the following provisions are complied with:

(a) three copies of the notice shall be prepared;

(b) the copy to be attached to the vehicle shall—

(i) be endorsed with the statement "Display Copy";

and

(ii) be attached to the inside of the nearside front window of the vehicle to which it relates (or, if there is no nearside front window, inside of the windscreen as near as practicable to the nearside of the vehicle to which it relates) and in such a manner that the contents of the notice are clearly visible through the window or windscreen as the case may be;

(c) one of the other copies shall—

(i) be endorsed with the statement "Purchaser's Copy";

and

(ii) have printed on the reverse side a notice in the form set out in the eighth schedule;

8.

(d) the third copy shall—

(i) be endorsed with the statement "Dealer's Copy";

and

(ii) have printed on the reverse side a notice in the form of Part I of the form set out in the eighth schedule;

(e) the copies referred to in paragraphs (c) and (d) (in these regulations referred to as "the Purchaser's Copy" and "the Dealer's Copy", respectively) shall—

(i) at all times be completed with the same particulars and statements as those with which the copy referred to in paragraph (b) is completed;

and

(ii) be kept at the registered premises of the dealer at which the second-hand vehicle to which they relate is being offered or exposed for sale.

(2) A dealer who fails to comply with subregulation (1) shall be guilty of an offence.

18. (1) Where a second-hand vehicle is sold by a dealer, then—

(a) for the purposes of section 20 of the Act, the form of the notice required to be provided to the purchaser before the purchaser takes possession of the vehicle is the form set out in the eighth schedule printed on the reverse side of the Purchaser's Copy of the section 18 notice and completed in accordance with the instructions contained in that schedule;

(b) the form printed on the reverse side of the Dealer's Copy of the section 18 notice shall be completed by the dealer in accordance with the instructions contained in the eighth schedule;

and

(c) the Dealer's Copy of the section 18 notice shall be kept by the dealer for a period of not less than 12 months from the date of sale of the vehicle.

(2) A dealer who fails to comply with subregulation (1)(b) or (c) shall be guilty of an offence.

19. For the purposes of section 19 of the Act—

(a) the particulars to be contained in a contract for the sale of a second-hand vehicle must be set out in the contract in the manner shown in the ninth schedule;

and

(b) the particulars required to be included in the contract are those referred to in that schedule.

DIVISION II—SALES BY AUCTION

20. For the purposes of section 22 of the Act—

(a) where an auctioneer is conducting an auction on the auctioneer's own behalf or on behalf of a dealer—

(i) the form of the Auction notice is the form set out in the tenth schedule—

(A) completed in accordance with the instructions contained in that schedule;

and

(B) containing no particulars or statements other than those required under section 22 and these regulations;

and

(ii) the particulars and statements required to be included in the notice are those referred to in the tenth schedule;

(b) where an auctioneer is conducting an auction on behalf of another person (not being a dealer)—

(i) the form of the Auction notice is the form set out in the twelfth schedule—

(A) completed in accordance with the instructions contained in that schedule;

and

(B) containing no particulars or statements other than those required under section 22 and these regulations;

and

(ii) the particulars and statements required to be included in the notice are those referred to in the twelfth schedule.

21. (1) Where an auctioneer is required to attach an Auction notice to a second-hand vehicle in pursuance of section 22 of the Act, the auctioneer shall ensure that the following provisions are complied with:

(a) three copies of the notice shall be prepared;

(b) the copy to be attached to the vehicle shall—

(i) be endorsed with the statement "Display Copy";

and

10.

- (ii) be attached to the inside of the nearside front window of the vehicle to which it relates (or, if there is no nearside front window, inside of the windscreen as near as practicable to the nearside of the vehicle to which it relates) and in such a manner that the contents of the notice are clearly visible through the window or windscreen as the case may be;
 - (c) one of the other copies shall—
 - (i) be endorsed with the statement "Purchaser's Copy";and
 - (ii) have printed on the reverse side—
 - (A) where the auctioneer is conducting the auction on the auctioneer's own behalf or on behalf of a dealer—a notice in the form set out in the eleventh schedule;
 - (B) where the auctioneer is conducting the auction on behalf of another person (not being a dealer)—a notice in the form set out in the thirteenth schedule;
 - (d) the third copy shall—
 - (i) be endorsed with the statement "Auctioneer's Copy";and
 - (ii) have printed on the reverse side—
 - (A) where the auctioneer is conducting the auction on the auctioneer's own behalf or on behalf of a dealer—a notice in the form of Part 1 of the form set out in the eleventh schedule;
 - (B) where the auctioneer is conducting the auction on behalf of another person (not being a dealer)—a notice in the form of Part 1 of the form set out in the thirteenth schedule;
 - (e) the copies referred to in paragraphs (c) and (d) (in these regulations referred to as "the Purchaser's Copy" and "the Auctioneer's Copy", respectively) shall—
 - (i) at all times be completed with the same particulars and statements as those with which the copy referred to in paragraph (b) is completed;and
 - (ii) be kept at the premises of the auctioneer at which the second-hand vehicle to which they relate is available for inspection by prospective bidders.
- (2) An auctioneer who fails to comply with subregulation (1) shall be guilty of an offence.

22. (1) Where a second-hand vehicle is sold to a person other than a dealer by auction or a sale negotiated immediately after the conduct of an auction for the sale of the vehicle, then—

- (a) for the purposes of section 23 of the Act, the form of the notice required to be provided to the purchaser before the purchaser takes possession of the vehicle is—
 - (i) where the vehicle was sold on the auctioneer's own behalf or on behalf of a dealer—the form set out in the eleventh schedule printed on the reverse side of the Purchaser's Copy of the Auction notice and completed in accordance with the instructions contained in that schedule;
 - (ii) where the vehicle was sold on behalf of another person (not being a dealer)—the form set out in the thirteenth schedule printed on the reverse side of the Purchaser's Copy of the Auction notice and completed in accordance with the instructions contained in that schedule;
- (b) the form printed on the reverse side of the Auctioneer's Copy of the Auction notice shall be completed by the auctioneer in accordance with the instructions contained in the schedule in which the form is set out;

and

- (c) the Auctioneer's Copy of the Auction notice shall be kept by the auctioneer for a period of not less than 12 months from the date of sale of the vehicle.

(2) An auctioneer who fails to comply with subregulation (1)(b) or (c) shall be guilty of an offence.

23. (1) For the purposes of section 24 of the Act—

- (a) the form of the notice required to be attached to a second-hand vehicle to be offered for sale at a trade auction is the form set out in the fourteenth schedule;

and

- (b) the form of the statement required to be included in any advertisement of a trade auction is—
 - (i) where the advertisement is in a newspaper, magazine, leaflet or other printed or written material—the statement "Trade Auction—Bids Accepted from Dealers Only" in print, type or letters no smaller than the largest print, type or letters used elsewhere in the advertisement excepting the print, type or letters used in spelling the name or the business name of the person so advertising;
 - (ii) in any other case—the statement referred to in subparagraph (i) included in such a way and with such prominence that it is likely to come to the attention of the persons seeing or hearing the advertisement.

12.

(2) Where an auctioneer is required to attach a notice to a second-hand vehicle in pursuance of section 24(1) of the Act, the auctioneer shall ensure that the notice is attached to the inside of the windscreen of the vehicle as near as practicable to the nearside of the vehicle and in such a manner that the contents of the notice are clearly visible through the windscreen.

(3) An auctioneer who fails to comply with subregulation (2) shall be guilty of an offence.

DIVISION III—SALES BETWEEN DEALERS

24. (1) Where a second-hand vehicle is sold by a dealer to another dealer the following provisions shall be complied with:

- (a) the sale shall be evidenced by instrument in writing in the form set out in the fifteenth schedule (in this regulation referred to as a "Dealer Sale Form") completed and signed by the dealers in duplicate in accordance with the instructions contained in the schedule within 7 days of the purchasing dealer taking possession of the vehicle pursuant to the sale;
- (b) one copy of the Dealer Sale Form shall be kept by the selling dealer for a period not less than 2 years from the date of sale of the vehicle;

and

- (c) the other copy of the Dealer Sale Form shall be kept by the purchasing dealer for the period for which the dealer retains ownership of the vehicle and, where the vehicle is subsequently sold by the purchasing dealer, for a period of not less than 12 months from the date of the subsequent sale of the vehicle.

(2) A dealer who fails to comply with the provisions of subregulation (1) shall be guilty of an offence.

DIVISION IV—ADVERTISING OF SECOND-HAND VEHICLES

25. (1) An advertisement relating to the sale of a second-hand vehicle by a dealer must contain the information and particulars referred to in the sixteenth schedule.

(2) An advertisement relating to the sale of a second-hand vehicle by a person other than a dealer must contain the information and particulars referred to in Part 2 of the sixteenth schedule.

(3) A person who publishes an advertisement relating to the sale of a second-hand vehicle that does not comply with subregulation (1) or (2), or who causes or permits such an advertisement to be published, shall be guilty of an offence.

14.

PART IV

DUTY OF DEALERS TO REPAIR SECOND-HAND VEHICLES

26. (1) For the purposes of section 25 of the Act—

(a) the prescribed range of amounts is from and including \$3 001 up to and including \$6 000;

and

(b) the prescribed amount is \$3 000.

(2) Section 25 of the Act does not apply where a dealer has complied with the conditions set out in Part 1 or 2 of the seventeenth schedule, to a defect listed in that part of that schedule.

15.

PART V

COMPENSATION FUND

27. Pursuant to section 29 of the Act, each licensee is required to pay to the Commissioner the contribution referred to in the eighteenth schedule in accordance with the provisions of that schedule.

PART VI

MISCELLANEOUS

28. (1) For the purposes of section 33 of the Act, the form of the certificate referred to in that section is the form set out in the nineteenth schedule completed in accordance with the instructions contained in that schedule.

(2) A prospective purchaser seeking to obtain a certificate referred to in section 33 of the Act must make an application to the Commissioner in the form set out in the twentieth schedule completed in accordance with the instructions contained in that schedule and, for the purposes of that section, the particulars required to be supplied to the Commissioner by a prospective purchaser are those referred to in that schedule.

29. (1) A licensee shall within one month of changing residential address, if an individual, or the address of the registered office, if a body corporate, give written notice to the Registrar of that fact stating the address of the previous residential address or registered office and the address of the new residential address or registered office.

(2) A licensee shall within one month of changing the address for service give written notice to the Registrar of that fact stating the previous address for service and the new address for service.

(3) If there is a change in the directors of a body corporate, the licensee shall within one month give written notice to the Registrar of that fact stating the full name of the new director or directors.

(4) A licensee who fails to comply with a requirement of this regulation is guilty of an offence.

30. Fees are payable to the Registrar in accordance with the twenty-first schedule.

31. Where any of these regulations provide that the form of a notice is the form set out in a schedule to these regulations, a notice shall not be regarded as being in the form set out in that schedule unless—

(a) the printing of the contents of that schedule in the notice is in characters not smaller than the corresponding characters in that schedule as printed in the *Gazette*;

and

(b) all particulars and statements included in the notice are in printing or handwriting that is clear and legible.

32. A person who is guilty of an offence against a provision of these regulations shall be liable to a penalty not exceeding \$1 000.

FIRST SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 6

(Regulation 5)

EXEMPTIONS

All exemptions are from the whole of the Act unless otherwise specified.

1. *Exempt Vehicles*

- (1) Vehicles of which the unladen mass exceeds 3 000 kg.
- (2) Vehicles manufactured or adapted solely for agricultural or industrial use.

* * * * *

- (4) Motorcycles.

2. *Exempt Transactions*—The selling or exposing for sale of a second-hand vehicle by an executor or trustee on behalf of the estate of a deceased person.

3. *Exempt Persons*

(1) A dealer is exempt from section 18(3)(c), 18(3)(d), 22(2)(e) or 22(2)(f) of the Act in relation to a vehicle if—

- (a) the dealer has been instructed in writing by the person ("**the relevant person**") whose name and address would otherwise have been required under that provision to be disclosed on the Section 18 Notice or the Auction Notice (as the case may be) not to disclose his or her name and address on the notice;
- (b) in the space on the notice where the name and address of the relevant person would otherwise have been required to be set out, the dealer has written the following:

"Available from office, before purchase, on request";

and

- (c) on the request of any potential purchaser of the vehicle, the name and address of the relevant person is disclosed to the potential purchaser before any contract is made for the purchase of the vehicle.

(2) A dealer is exempt from the provisions of section 25(1) of the Act in relation to the sale of a vehicle if—

- (a) a period of 15 years or more has elapsed between the last day of the year of first registration of the vehicle and the first day of the year in which the sale takes place;

and

- (b) at all times when, during the year in which the sale takes place, the vehicle is offered or exposed for sale by the dealer, or, in the case of a sale by auction, is available for inspection by prospective bidders, the notice attached to the vehicle pursuant to section 18 or 22 of the Act (as the case may be) has been marked—

18.

- (i) by including in the notice alongside the heading "DUTY TO REPAIR" a statement consisting of the words "NO DUTY TO REPAIR—FIRST REGISTERED....." followed by the vehicle's year of first registration;

and

- (ii) by drawing a line through the remainder of the notice occurring under that heading.

SECOND SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 10(1)

(Regulation 6)

FORM OF APPLICATION TO THE COMMERCIAL TRIBUNAL FOR:

- A DEALER'S LICENCE
- REGISTRATION OF PREMISES
- REGISTRATION OF A PLACE OF REPAIR

PART 1—NATURE OF APPLICATION

NOTES

This application form can be used to apply for a licence, or to change registered premises or a registered place of repair.

If an applicant is applying for a licence, Part 2A or 2B must also be completed.
USE BLOCK LETTERS.

* Delete if not applicable.

If space is not sufficient, continue on attachment

1. Full Name

Address for service of notices

.....

Person to be contacted for further information

..... Telephone

2. I apply/I apply on behalf of the above company for a licence as a dealer under the *Second-hand Motor Vehicles Act, 1983*

.....

3. I apply/I apply on behalf of the above company to register the following premises for the purpose of carrying on the business of dealing in second-hand vehicles

.....

4. I apply/I apply on behalf of the above company to register the following premises as places of repair

.....

Information provided in this application must be true and correct to the signatory's knowledge and belief. A penalty of up to \$1 000 may be imposed if false information is given.

Date Signed

INFORMATION

"The Act" means the *Second-hand Motor Vehicles Act, 1983*.

"Address for service of notices" means the address at which any notice or document required or authorized by the Act or the *Commercial Tribunal Act, 1982*, may be given to or served upon the applicant.

Addresses should show the actual addresses of premises (not a post office box) and postcode.

The form must be signed by the applicant, or, if the applicant, is a body corporate, by a director or secretary authorized by the body corporate to sign on its behalf.

A brief description of each premises to be registered should be given on the attachment. Include details such as the size of the land and building and the number of vehicles which can be displayed or repaired at one time.

The applicant's copy should be retained and the remaining copies filed, accompanied by the appropriate fees with:

The Commercial Registrar,
25 Grenfell Street,
ADELAIDE, S.A. 5000
(G.P.O. Box 1719,
ADELAIDE, S.A. 5001)

PART 2A—PARTICULARS (NATURAL PERSON)

Answer yes or no

USE BLOCK LETTERS

If space is not sufficient, continue on attachment

Full Name

Date of Birth

Residential Address (must be actual address, not post office box)

..... Postcode

Telephone

1. Have you had any experience in the business of selling new or used vehicles?

2. Do you intend carrying on business as a dealer in partnership with any other person (individual or corporate)? If "yes", give the full names and addresses of partners.

.....
.....
.....
.....

3. Are you, or have you ever been, a bankrupt or a person whose affairs have been or are being administered under the laws relating to bankruptcy? If "yes", give details and include relevant dates.

.....
.....
.....

4. Have you ever been convicted or found guilty of any offence involving dishonesty or have you been a director or officer of a body corporate so convicted or found guilty, or are any such proceedings pending? If "yes", give details of the offence, the relevant court and the penalty. If proceedings are pending, give details of the nature of the allegations, the present position of the proceedings, the relevant court and the date of the hearing of the proceedings. If applicable, give details of your position in any body corporate so convicted or found guilty or in respect of which such proceedings are pending.

.....
.....
.....
.....

5. Have you ever previously applied for a licence to deal in second-hand vehicles in this State or elsewhere or have you been a Director or officer of a body corporate which has applied for such a licence? If "yes", give details, including, if applicable, the full name of the body corporate, the State, whether the application was granted, and details of your position with any body corporate which has made an application.

.....
.....
.....
.....

6. Have you ever been reprimanded, fined or disqualified by any court, tribunal, board or other authority in respect of dealing in second-hand vehicles in this State or elsewhere or have you been a director or officer of a body corporate so reprimanded, fined or disqualified, or are any such proceedings pending? If "yes", give the full name of the body or person reprimanded, fined or disqualified (if applicable) and details of the conduct for which you or the body corporate was disciplined, the name of the relevant court, tribunal, board or other authority and the penalty. If proceedings are pending, give the full name of the body or person in respect of which the proceedings are pending and give details of the nature of the allegations, the present position of the proceedings, the name of the relevant court, tribunal, board or authority and the date of the hearing of the proceedings.

.....

The following information is required to enable the Tribunal to be satisfied (as required by the Act) that the applicant has sufficient financial resources to carry on business in a proper manner under the licence. If assets or liabilities are jointly owned or owed, show applicant's share only.

I,
 (name)

hereby declare, my assets and liabilities to be as follows:

Assets (Details required)	Liabilities	Net Amount
Real estate:	\$	Less mortgage owing \$
Motor vehicles:	\$	Less amounts owing \$
Plant and Equipment:		
Other assets (excluding house contents and personal effects)	\$	Less amount owing \$
<hr/>		
Sub-total	\$	Less (sub-total) \$
Total credit account balances (incl. bank, building society, credit union, cash on hand)	\$	Less total debit account balances (incl. over-draft, charge accounts, etc., but not trade accounts) \$
Trade debtors (incl. amounts owing for work in progress, if applicable)	\$	Less trade creditors (exclude amounts owed on stock on hand) \$
Stock on hand	\$	Less amount owing \$
<hr/>		
TOTAL ASSETS	\$	LESS TOTAL LIABILITIES \$

Net Worth

Information provided in this statement must be true and correct to the signatory's knowledge and belief. A penalty of up to \$1 000 may be imposed if false information is given.

Date Signed

PART 2B—PARTICULARS (BODY CORPORATE)

Answer yes or no

USE BLOCK LETTERS

If space is not sufficient, continue on attachment

DIRECTORS (Full Names)	RESIDENTIAL ADDRESS
.....
Date of Birth
.....
Date of Birth
.....
Date of Birth
.....
Date of Birth
Secretary (Full Name)
Residential Address
.....
Date of Birth

1. Is any other person (natural person or body corporate), other than the Directors and Secretary listed above, in a position to control the affairs of the applicant? If "yes", give the full name of the person and the nature of the control.
.....
.....
.....

2. Has any person referred to above had any experience in the business of selling new or used vehicles? If "yes", give the name of those who have had the experience and relevant dates.
.....
.....
.....

3. Does the body corporate intend carrying on business as a dealer in partnership with any person (natural person or body corporate)? If "yes", give the full names of the partner or partners.
.....
.....
.....

4. Have any other persons listed above or on the attachment been in receivership or liquidation or been bankrupt, or had their affairs administered under the laws relating to bankruptcy? If "yes", give details and relevant dates.
.....
.....
.....

5. Has the body corporate or any of the persons listed above or on the attachment ever been convicted or found guilty of any offence involving dishonesty or have any of those persons been a director or officer of a body corporate so convicted or found guilty, or are any such proceedings pending? If "yes", give the full name of the body or person convicted or found guilty and details of the offence, the court and the penalty. If proceedings are pending, give the full name of the body or person in respect of which the proceedings are pending and give details of the nature of the allegations, the present position of the proceedings, the relevant court and the date of the hearing of the proceedings.

.....
.....
.....
.....

6. Has the body corporate or any of the persons listed above or on the attachment previously applied for a licence to deal in second-hand vehicles in this State or elsewhere or have any of those persons been a Director or a body corporate which has applied for such a licence? If "yes", give the full name of the person who applied and details of the State and whether the application was granted.

.....
.....
.....
.....

7. Has the body corporate or any of the persons listed above or on the attachment ever been reprimanded, fined or disqualified by any court, tribunal, board or other authority in respect of dealing in second-hand vehicles in this State or elsewhere or have any of those persons been a director or officer of a body corporate so reprimanded, fined or disqualified, or are any such proceedings pending? If "yes", give the full name of the body or person reprimanded, fined or disqualified and details of the conduct for which the body or person was disciplined, the name of the court, tribunal, board or authority and the penalty. If proceedings are pending, give the full name of the body or person in respect of which the proceedings are pending and give details of the nature of the allegations, the present position of the proceedings, the name of the relevant court, tribunal, board or authority and the date of the hearing of the proceedings.

.....
.....
.....
.....

Information provided in this application must be true and correct to the signatory's knowledge and belief. A penalty of up to \$ 1 000 may be imposed if false information is given.

Date Signed

The form must be signed by a Director or Secretary authorised by the body corporate to sign on its behalf. A true copy of each of the following documents relating to the body corporate must be lodged with this application:

- Certificate of incorporation
- Balance sheet and detailed profit and loss statement for the last financial year.

* * * * *

FOURTH SCHEDULE

ANNUAL RETURN BY A NATURAL PERSON

(Regulation 7)

Answer yes or no

USE BLOCK LETTERS

If space is not sufficient, continue on attachment

Licensee's Full Name
Address for Service
..... Postcode

Registered Premises

Registered Place of Repair

Since your last Annual Return was lodged (or, if this is your first return, since your licence was granted):

1. Has there been any change to your address for service or residential address? If "yes", give the new address and indicate whether it is an address for service or a residential address.
.....
.....
.....
2. Has there been any change to the address of your registered premises? If "yes", give details.
.....
.....
.....
3. Has there been any change to the address of your registered place of repair? If "yes", give the new address.
.....
.....
4. Has there been any change to any partnership under which you carry on business or has any new partnership commenced? If "yes", give the full names of partners.
.....
.....
.....
5. Have you become a bankrupt or have you had your affairs administered under the laws relating to bankruptcy? If "yes", give details.
.....
.....
.....
.....

6. Have you been convicted or found guilty of any offence against the Act or of conduct that constituted a breach of any other Act or law, or of any offence involving dishonesty, or have you been disciplined, whether in this State or elsewhere, by any Tribunal, Court or other Authority or are any such proceedings pending? If "yes", give details of the offence or the conduct for which you were disciplined, the relevant Tribunal, Court or Authority and the penalty. If proceedings are pending, give details of the nature of the allegations and the present position of the proceedings.

.....

The following information is required to enable the Tribunal to be satisfied (as required by the Act) that the applicant has sufficient financial resources to carry on business in a proper manner under the licence. If assets or liabilities are jointly owned or owed, show applicant's share only.

I,
 (name)

hereby declare my assets and liabilities to be as follows:

Assets (Details required)		Liabilities	Net Amount
Real estate:	\$	Less mortgage owing	\$
Motor vehicles:	\$	Less amounts owing	\$
Plant and Equipment:			
Other assets (excluding house contents and personal effects)	\$	Less amount owing	\$
<hr/>			
Sub-total	\$	Less (sub-total)	\$
Total credit account balances (incl. bank, building society, credit union, cash on hand)	\$	Less total debit account balances (incl. over-draft, charge accounts, etc., but not trade accounts)	\$
Trade debtors (incl. amounts owing for work in progress, if applicable)	\$	Less trade creditors (exclude amounts owed on stock on hand)	\$
Stock on hand	\$	Less amount owing	\$
<hr/>			
TOTAL ASSETS	\$	LESS TOTAL LIABILITIES	\$
<hr/>			

Net Worth

Information provided in this Annual Return must be true and correct to the signatory's knowledge and belief. A penalty of up to \$1 000 may be imposed if false information is given.

Date Signed

FIFTH SCHEDULE

ANNUAL RETURN BY A BODY CORPORATE

(Regulation 7)

Answer yes or no

USE BLOCK LETTERS

If space is not sufficient, continue on attachment

Licensee's Full Name

Address for Service

..... Postcode

Registered Premises

Registered Place of Repair

Since the Corporation's last Annual Return was lodged (or, if this is the first return, since the licence was granted):

1. Has there been any change in the address for service of the body corporate or registered principle office under the Companies (South Australia) Code? If "yes", give the new address and indicate whether it is an address for service or a registered/principle office under the Companies (South Australia) Code.

.....
.....
.....
.....

2. Has there been any change to the address of the registered premises of the body corporate. If "yes", give details.

.....
.....
.....

3. Has there been any change to the address of the registered place of repair of the body corporate? If "yes", give details.

.....
.....
.....

4. Has there been any change to the partnership under which the body corporate carries on business or has a new partnership commenced? If "yes", give the full names of partners.

.....
.....
.....

5. Has the body corporate or any of its Directors, Secretary or any person in a position to control its affairs, gone into receivership or liquidation or become bankrupt or had affairs administered under the laws relating to bankruptcy? If "yes", give details including relevant dates.

.....
.....
.....

- 6. Has the body corporate or any of its Directors or Secretary or any person in a position to control its affairs been convicted or found guilty of any offence against the Act or of conduct that constituted a breach of any other Act or law or of any offence involving dishonesty or been disciplined, whether in this State or any other State, by any Tribunal, Court or other Authority or are any such proceedings pending? If "yes", give the full name of the person convicted or disciplined and the details of the offence or conduct for which the person was convicted or disciplined. If proceedings are pending, give details of the nature of the allegations and the present position of the proceedings.

.....

Information provided in this Annual Return must be true and correct to the signatory's knowledge and belief. A penalty of up to \$1 000 may be imposed if false information is given.

Date Signed

The form must be signed by a Director or Secretary authorized by the body corporate to sign on its behalf.

A true copy of the balance sheet of the body corporate and detailed profit and loss statement for its last financial year must be lodged with this Annual Return.

* * * * *

SEVENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTIONS 18(1) AND (3)

(Regulation 16)

SECTION 18 NOTICE—SALE OF SECOND-HAND VEHICLE

THE PRICE

This vehicle is offered for sale in its present condition for \$

This price includes all dealer charges

THE VEHICLE

Manufacturer and model

Year of manufacture Year of first registration

Registration No Engine No. (if not registered).....

Odometer reading when the vehicle was acquired from the last owner who was not a dealer
..... *miles/kilometres

May this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

To the best of the dealer's knowledge, information or belief, has the vehicle been used as a taxi-cab, rental car or hire car? (Yes or No)

THE LAST OWNER

The last owner of the vehicle who was not a dealer was:

Name:

Address:

If that owner carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement:

#Name of that other person (where known):

Address:

THE DEALER

Dealer's name:

Business Address:

If the vehicle is being offered or exposed for sale on behalf of another dealer:

#Name of selling dealer:

Business Address:

Note: If two dealers are referred to above, it is the second dealer who is liable to carry out any repairs under the duty to repair.

DUTY TO REPAIR

The following is only a *brief summary* of the extent of the duty to repair. Full details must be given to a purchaser by the dealer at the time of sale (as well as a copy of this notice).

Sale Price	Duty to Repair
Under \$3 000	No duty to repair—but vehicle must be roadworthy at time of sale.
\$3 000 — \$3 001	One month or 1 500 kilometres, whichever occurs first.
\$3 001 — \$6 000	Two months or 3 000 kilometres, whichever occurs first.
Over \$6 000	Three months or 5 000 kilometres, whichever occurs first.

This vehicle cannot be registered until it is converted to right-hand configuration to the standard required by the Registrar of Motor Vehicles, and the dealer does not accept a duty to perform that work as part of a duty to repair under the *Second-hand Motor Vehicles Act 1983*.*

.....

The dealer does *not* accept a duty to repair any defect in the following accessories fitted to this vehicle:

.....
.....
.....

Where a dealer is under a duty to repair a defect in the vehicle the purchaser must deliver the vehicle to the following registered place of repair (unless a different address is subsequently agreed):

.....

*Strike out whichever does not apply.

Insert N/A if not applicable.

EIGHTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 20(b)

(Regulations 17 and 18)

NOTICE TO PURCHASER

PART 1

The vehicle referred to in the "Section 18 Notice" on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$ Date of sale:

Odometer reading at the time of the sale: *Miles/Kilometres

Certificate by Dealer

I certify that the vehicle sold to the above purchaser is correctly described in the Section 18 Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the dealer or an employer or agent authorized to sign on his behalf:

.....

Name of the person signing this certificate

.....

BLOCK LETTERS

*Strike out whichever does not apply.

PART 2

THIS NOTICE CONTAINS IMPORTANT INFORMATION PLEASE READ IT CAREFULLY AND KEEP IT FOR FUTURE REFERENCE

The Second-hand Motor Vehicles Act provides for a duty to repair second-hand vehicles sold for \$3 000 or more. (There are some exceptions, but all passenger vehicles first registered within the last 16 years are covered.)

The period during which there is a duty to repair depends on the price you paid for the vehicle. There is a summary of these periods on the other side of this form. If a "defect" appears in the vehicle in the period during which there is a duty to repair, the dealer must arrange for it to be repaired.

Not every fault is a defect covered by the duty to repair. For example, if there are problems with the paintwork or upholstery that you should have noticed when you inspected the vehicle, these are not covered. Some accessories (for example radios, tape players and airconditioners) are not covered if the dealer has listed them on the other side of this form. A brochure available from the Department of Public and Consumer Affairs gives a full list of those accessories which the dealer may list on the other side of this form. It also explains what other defects arising after sale may not be covered by a duty to repair.

If a vehicle is sold for less than \$3 000 the duty to repair does not apply, but the vehicle must be in roadworthy condition. There may also be other duties or remedies available under other legislation.

If you want the dealer to repair your vehicle, you must deliver it to the registered place of repair listed at the foot of the other side of this form, or to whatever place you and the dealer have agreed to. In some cases you might not have to return the vehicle to that address, and you might be able to have it repaired by someone else. However, you should seek advice about this before you do anything. No matter what you may have signed, your rights under the *Second-hand Motor Vehicles Act, 1983*, are protected. You can give away your rights only if you have obtained a certificate from the Commissioner for Consumer Affairs.

Some disputes between dealers and purchasers can be resolved by an order of the Tribunal. If a purchaser has a valid claim against a dealer and the dealer cannot pay the claim, the Tribunal may order that payment be made to the purchaser out of a special compensation fund. Before making any application to the Tribunal you should seek advice from the Department of Public and Consumer Affairs.

The Department will assist with any enquiries about your purchase. It can also give you the brochure mentioned above which explains everything in much more detail than is possible in this notice. Check under "Consumer Affairs" in your telephone book for the address and telephone number of the Department's nearest office.

NINTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 19(1)
(Regulation 19)
PARTICULARS TO BE INCLUDED IN A CONTRACT FOR THE SALE OF A
SECOND-HAND VEHICLE BY A DEALER

Make	Model	Body Type	Colour: Body— Trim—
Year of Manufacture	Year of first Registration	Registration No.	Expiry Date Engine No.
DETAILS OF PURCHASE		\$ c	METHOD OF PAYMENT
Cash Price			\$ c
Additional options, accessories, etc*			Deposit
Total price of vehicle			Trade-in allowance*
Registration	6 or 12 mths		Less pay-out
3rd Party compulsory insurance			Equity (Deficiency)
Stamp duty and/or transfer fee			Less refund to purchaser
Dealer to arrange above YES/NO			Nett equity (or deficiency)
If Yes—Dealer handling fee			Total deposit and trade-in
Vehicle insurance: Company			Payable on delivery
Other (give full details including			(Amount payable on delivery
other parties to whom payment			includes amount to be financed
must be made)			where applicable)
.
.
TOTAL PAYABLE			TOTAL PAYMENT
Options/accessories/additional work included in this amount		\$ c	*Trade-in details
			Make:
			Model:
			Colour:
			Body:
			Trim:
			Body Type:
			Year of Manuf:
			Year of 1st Regn:
			Regn. No.
			Expiry Date:
			Engine No:
			Odometer: kms
			Payout to:
			Account No:
			Valid until:
TOTAL			

**Address to which vehicle is to be
delivered for repair of defects
under the Second-hand Motor
Vehicles Act** (complete only **if not** the
dealer's registered place of repair.)
REPAIRER'S NAME:
ADDRESS:
.

I acknowledge that, *before* the signing of the contract for the purchase of the vehicle, I was informed of/I did not request* the name and address of—

- (a) the last owner of the vehicle (who was not a dealer)*;
- (b) the person who leased the vehicle from the last owner of the vehicle (who was not a dealer) under a vehicle leasing agreement*.

.....
Signature of purchaser

* Strike out whichever does not apply.

TENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTIONS 22(1) AND (2)

(Regulations 21 and 22)

AUCTION NOTICE—FORM A—VEHICLE OWNED BY THE AUCTIONEER OR TO BE AUCTIONED ON BEHALF OF A DEALER

THE DEALER

Manufacturer and model
Year of manufacture Year of first registration
Registration No. Engine No. (if not registered)
Odometer reading when the vehicle was acquired from the last owner who was not a dealer
..... *miles/kilometres

May this odometer reading be regarded as reasonably accurate? (Yes or No)
If not, why not?
To the best of the dealer's knowledge, information or belief, has the vehicle been used as a taxi-cab, rental car or hire car? (Yes or No)

THE LAST OWNER

The last owner of the vehicle who was not a dealer was:

Name:
Address:

If that owner carried on a vehicle leasing business and let the vehicle on hire to another person under a vehicle leasing agreement:

#Name of that other person (where known):
Address:

THE SELLER

Auctioneer's name:
Business Address:

If the vehicle is to be auctioned on behalf of a dealer:

#Name of selling dealer:
Business Address:

Note: If a dealer is referred to above, the dealer is liable to carry out any repairs under the duty to repair. If not, then this will be the auctioneer's responsibility.

DUTY TO REPAIR

The following is only a *brief summary* of the extent of the duty to repair. Full details must be given to a purchaser by the auctioneer at the time of sale (as well as a copy of this notice).

Sale Price	Duty to Repair
Under \$3 000	No duty to repair—but vehicle must be roadworthy at time of sale.
\$3 000 — \$3 001	One month or 1 500 kilometres, whichever occurs first.
\$3 001 — \$6 000	Two months or 3 000 kilometres, whichever occurs first.
Over \$6 000	Three months or 5 000 kilometres, whichever occurs first.

This vehicle cannot be registered until it is converted to right-hand configuration to the standard required by the Registrar of Motor Vehicles, and the seller does not accept a duty to perform that work as part of a duty to repair under the *Second-hand Motor Vehicles Act 1983*.#

.....

The seller does *not* accept a duty to repair any defect in the following accessories fitted to this vehicle:

.....
.....
.....

Where a dealer is under a duty to repair a defect in the vehicle the purchaser must deliver the vehicle to the following registered place of repair (unless a different address is subsequently agreed):

.....

*Strike out whichever does not apply.

Insert N/A if not applicable.

ELEVENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 23(d)

(Regulations 21 and 22)

NOTICE TO PURCHASER

PART 1

The vehicle referred to in the Auction Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

.....

Purchase price: \$ Date of sale:

Odometer reading at the time of the sale: *Miles/Kilometres

Certificate by Auctioneer

I certify that the vehicle sold to the above purchaser is correctly described in the Auction Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the auctioneer or an employee or agent authorized to sign on his behalf:

Name of the person signing this certificate

.....

BLOCK LETTERS

*Strike out whichever does not apply.

PART 2

THIS NOTICE CONTAINS IMPORTANT INFORMATION
PLEASE READ IT CAREFULLY AND KEEP IT FOR FUTURE REFERENCE

The Second-hand Motor Vehicles Act provides for a duty to repair second-hand vehicles sold for \$3 000 or more. (There are some exceptions, but all passenger vehicles first registered within the last 16 years are covered.)

Check the Auction Notice on the other side of this form. This is a copy of the Notice that was on the vehicle before auction. If there is a dealer's name filled in under the heading "The Seller", then that dealer is under a duty to repair any defect. Otherwise this is the auctioneer's responsibility.

The period during which there is a duty to repair depends on the price you paid for the vehicle. There is a summary of these periods on the other side of this form. If a "defect" appears in the vehicle in the period during which there is a duty to repair, the dealer must arrange for it to be repaired.

Not every fault is a defect covered by the duty to repair. For example, if there are problems with the paintwork or upholstery that you should have noticed when you inspected the vehicle, these are not covered. Some accessories (for example radios, tape players and airconditioners) are not covered if the seller has listed them on the other side of this form. A brochure available from the Department of Public and Consumer Affairs gives a full list of those accessories which the dealer may list on the other side of this form. It also explains what other defects arising after sale may not be covered by a duty to repair.

If a vehicle is sold for less than \$3 000 the duty to repair does not apply, but the vehicle must be in roadworthy condition. There may also be other duties or remedies available under other legislation.

If you want the dealer to repair your vehicle, you must deliver it to the registered place of repair listed at the foot of the other side of this form, or to whatever place you and the seller have agreed to. In some cases you might not have to return the vehicle to that address, and you might be able to have it repaired by someone else. However, you should seek advice about this before you do anything

No matter what you may have signed, your rights under the Second-hand Motor Vehicles Act are protected. You can give away your rights only if you have obtained a certificate from the Commissioner for Consumer Affairs.

Some disputes between sellers and purchasers can be resolved by an order of the Tribunal. If a purchaser has a valid claim against a dealer and the dealer cannot pay the claim, the Tribunal may order that payment be made to the purchaser out of a special compensation fund. Before making any application to the Tribunal you should seek advice from the Department of Public and Consumer Affairs.

The Department will assist with any enquiries about your purchase. It can also give you the brochure mentioned above which explains everything in much more detail than is possible in this notice. Check under "Consumer Affairs" in your telephone book for the address and telephone number of the Department's nearest office.

TWELFTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTIONS 22(1) and (2)

(Regulation 20)

AUCTION NOTICE—FORM B

VEHICLE TO BE AUCTIONED ON BEHALF OF A PERSON WHO IS NOT A DEALER

THE VEHICLE

Manufacturer and model
Year of manufacture Year of first registration
Registration No. Engine No. (if not registered)

Odometer reading when the vehicle was acquired from the last owner who was not a dealer
..... *miles/kilometres
May this odometer reading be regarded as reasonably accurate? (Yes or No)
If not, why not?

To the best of the owner's knowledge, information or belief has the vehicle been used as a taxi-cab, rental car or
hire car? (Yes or No)

THE OWNER

The owner of the vehicle is:
Name:
Address:

If the owner carries on a vehicle leasing business and let the vehicle on hire to another person under a vehicle
leasing agreement:
Name of that other person (where known):
Address:

THE AUCTIONEER

Auctioneer's name:
Business Address:

IMPORTANT

No duty to repair under the Second-hand Motor Vehicles Act, 1983, will apply on the sale of this vehicle because
it is to be auctioned on behalf of a person who is not a dealer.

- * Strike out whichever does not apply.
Insert N/A if not applicable.

THIRTEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 20(b)

(Regulations 21 and 22)

NOTICE TO PURCHASER

PART 1

The vehicle referred to in the Auction Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price \$ Date of sale:

Odometer reading at the time of the sale: *Miles/Kilometres

Certificate by Auctioneer

I certify that the vehicle sold to the above purchaser is correctly described in the Auction Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the dealer or an employee or agent authorised to sign on his behalf:

.....

Name of the person signing this certificate

.....

BLOCK LETTERS

* Strike out whichever does not apply.

PART 2

This vehicle was sold by the auctioneer on behalf of someone who is not a dealer. As with any private sale, this means that the duty to repair under the *Second-hand Motor Vehicles Act, 1983*, does not apply.

You should also note that some other legal rights and remedies which apply to ordinary sales do *not* apply to sales by auction.

41.

FOURTEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 24(1)

(Regulation 23)

TRADE AUCTION NOTICE

This Vehicle Is To Be Sold By

TRADE AUCTION

**Bids Will Be Accepted Only From
Dealers**

FIFTEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 48(2)(e)

(Regulation 24)

DEALER SALE FORM

THE VEHICLE

Manufacturer and model
Year of manufacture Year of first registration
Registration No.
Engine No. (if not registered)
Expiry date of registration
Odometer reading on the date of sale *miles/kilometres
May this odometer reading be regarded as reasonably accurate? (Yes or No)
If not, why not?
To the best of the dealer's knowledge, information or belief, has the vehicle been used as a taxi-cab, rental car or hire car? (Yes or No)

DATE OF SALE

.....

THE LAST OWNER

The last owner of the vehicle who was not a dealer was:

Name:
Address:

If that owner carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement:

#Name of that other person (where known):
Address:

THE SELLING DEALER

Dealer's name and Licence No:
Business Address:

I certify that the above information relating to the vehicle and its last owner is correct. Signed by the selling dealer or an employee or agent authorized to sign on his behalf.

.....

Name of the person signing this certificate.

.....

BLOCK LETTERS

THE PURCHASING DEALER

Dealer's name and Licence No:
Business Address:

Signed by the purchasing dealer or an employee or agent authorized to sign on his behalf.

.....

Name of the person signing above

.....

BLOCK LETTERS

* Strike out whichever does not apply.

Insert N/A if not applicable.

SIXTEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 48(2)(a)

(Regulation 25)

ADVERTISEMENTS RELATING TO SECOND-HAND VEHICLES

PART 1

1. Name of dealer

2. Business address of dealer

3. The words "Licensed Second-hand Vehicle Dealer" (which may be abbreviated to "LVD") immediately followed by the dealer's licence number, or, where two or more licensees are conducting a business in partnership, the licence number of at least one of the licensees.

4. The price at which the vehicle, in the condition which it is offered or exposed for sale, may be purchased for cash, including all dealer charges but not including any statutory charges or fees.

PART 2

5. The registration number of the vehicle or, if the vehicle is not registered, the engine number. Such number is to be printed adjacent to or immediately after any description, photograph or illustration of the vehicle appearing in the advertisement.

SEVENTEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT 1983—SECTION 25(8)

(Regulation 26)

DEFECTS IN VEHICLES

PART 1—DEFECTS IN ACCESSORIES

A dealer is not under a duty to repair a defect in any of the following accessories:

- (a) any camping or recreational accessory;
- (b) a radio;
- (c) a cassette player;
- (d) a compact disc player;
- (e) a refrigerated air-conditioner;
- (f) a sunroof,

where the dealer has stated in the Section 18 Notice or in the Auction Notice (as the case may be) that the dealer does not accept a duty to repair any defect in that accessory.

PART 2—LEFT-HAND DRIVE CONFIGURATION

A dealer is not under a duty to modify a vehicle that is in left-hand drive configuration so that it complies with the *Road Traffic Act 1961* where the dealer has stated in the Section 18 Notice or in the Auction Notice (as the case may be) that the vehicle cannot be registered until it has been converted to right-hand drive configuration to the standard required by the Registrar of Motor Vehicles and that the dealer does not accept a duty to perform those modifications.

EIGHTEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT 1983—SECTION 29

(Regulation 27)

CONTRIBUTIONS TO THE COMPENSATION FUND

1. Subject to this schedule, a contribution of \$350 for each registered premises from which a licensee carries on business as a dealer must be paid to the Commissioner by the licensee of the registered premises within 28 days of the premises being registered under section 12 of the Act.

2. Where a licensee—

(a) notifies the Registrar in writing that the licensee has ceased or will cease within 14 days to carry on business at registered premises;

and

(b) applies to register other premises,

a contribution is not payable under clause 1 in respect of the other premises provided that the licensee does not apply to register a greater number of premises than the number of premises in respect of which the licensee has given notice under section 12(4) of the Act.

3. Where a licensee, on making application to register premises, satisfies the Tribunal that the licensee is joining in partnership with another licensee and the premises the licensee is applying to register are currently registered in the name of the other licensee, a contribution is not payable under clause 1 in respect of the premises.

4. Where 11 complete months or less would elapse from the date of payment of the contribution first payable by a licensee in respect of any registered premises until 30 November next, the contribution is a proportion of \$350, being the proportion that the number of whole months (portion of a month being treated as a whole month) in the period between the date of payment of the fee and 30 November next bears to 12.

5. Subject to clause 6, an additional contribution of \$350 for each of the premises registered in the licensee's name under section 12 of the Act is payable to the Commissioner by the licensee on or before 30 November in each year.

6. Where premises are registered in the name of more than one licensee, only one contribution under clause 5 is payable annually in respect of those premises but the licensees are jointly and severally liable for the payment of that contribution.

NINETEENTH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 33(2)

(Regulation 28)

CERTIFICATE WAIVING RIGHTS

IMPORTANT. THIS CERTIFICATE IS AN IMPORTANT DOCUMENT. IT TAKES AWAY SOME OF YOUR LEGAL RIGHTS. READ IT CAREFULLY.

Under the Second-hand Motor Vehicles Act you have a number of legal rights and protections. These rights and protections cannot be taken away from you unless you agree. If you do agree, then an authorised consumer affairs officer has to explain to you what will happen. This certificate says that you have received an explanation of the affect of you giving away some of your rights and protections. If you still want to buy the vehicle (for the price set out below) after receiving that explanation, give one copy of this certificate to the dealer and keep the other copy for your records. If you do not want to buy the vehicle (for that price) DO NOT GIVE THIS CERTIFICATE TO THE DEALER.

CERTIFICATE

Pursuant to section 33 of the *Second-hand Motor Vehicles Act, 1983*, I CERTIFY that an authorised officer—

(1) has explained to the proposed purchaser the effect of the waiver of the right(s) referred to below in relation to the transaction summarized below; and

(2) is satisfied that the proposed purchaser understands the effect of the waiver.

Right(s) to be waived.

(a) the right to require the dealer to repair any defect in the vehicle pursuant to the dealer’s duty to repair under section 25 of the above Act.

(b)

Date

Commissioner for Consumer Affairs

Particulars of the transaction

Name of proposed purchaser:

Address:

Name of Dealer:

Business address:

Vehicle make and type: Model:

Year of manufacture: Registration No.:

Engine No. (if not registered):

Proposed sale price (including all dealer charges but not including statutory fees and charges)

\$

THIS CERTIFICATE IS ISSUED IN DUPLICATE AND ANY AUTHORISED ALTERATIONS HAVE BEEN INITIALLED BY THE SIGNATORY. IT IS VALID ONLY IN RESPECT OF A TRANSACTION CORRESPONDING TO THE ABOVE PARTICULARS.

TWENTIETH SCHEDULE

SECOND-HAND MOTOR VEHICLES ACT, 1983—SECTION 33(3)

(Regulation 28)

APPLICATION TO WAIVE RIGHTS

TO THE COMMISSIONER FOR CONSUMER AFFAIRS:

Name of Applicant:
Address:
Telephone number: (Home) (Business)

- 1. I am over 18 years of age.
2. I propose to purchase the second-hand vehicle described in this application.
3. I have signed the following documents relating to the proposed purchase:

(If no documents have been signed apart from this application, insert "nothing signed")
*True copies of these documents are attached.

- 4. I wish to waive the following right(s) given to me under the Second-hand Motor Vehicles Act:
(a) The right to require the dealer to repair any defect in the vehicle pursuant to the dealer's duty to repair under section 25 of the Act.
(b)
(If no other rights are to be waived, insert "not applicable" or "N/A").

5. The following information is correct in relation to the proposed sale of that vehicle:

Price at which vehicle last advertised for sale (if not advertised, insert "N/A"; if auctioned, insert "AUCTION") \$
Proposed purchase price (including all dealer charges but not including statutory fees and charges): \$

Less:
Allowance on trade—in described below: \$
Amount to be paid in cash by purchaser: \$ \$

Balance to be payable \$

Trade-in: Make and type Model.

Year of manufacture Registration No. Odometer reading

Date Signature of Applicant

*Delete if not applicable.

Information provided in this application must be true and correct to the signatories' knowledge and belief. A penalty of up to \$1 000 may be imposed if false information is given.

Date Signature.

TWENTY-FIRST SCHEDULE
Fees

	\$
1. On the lodging of an application for a licence (section 10(1))—application fee	134
2. On an order being made for the granting of a licence (section 10(12))—licence fee	208
<p>Where the date for payment of the first annual licence fee is less than 12 months after the grant of the licence, the licence fee is a proportion of the above fee, being the proportion that the number of whole months in the period between the grant of the licence and the date for payment of the first annual licence fee bears to 12.</p>	
3. On the lodging of an annual return (section 11(2))—annual licence fee	208
4. On the filing of a separate application to register premises (section 12(2))—application fee	27
5. On the filing of an application to carry on business as a dealer at a place other than the registered premises of the licensee (section 12(3a))—application fee	27
6. On the filing of a separate application to register a place of repair (section 13(2))—application fee	27
7. On a notice being given to a licensee following default in the payment of an annual licence fee or the lodging of an annual return (section 11(3))—default penalty	186
8. On the lodging of an application with respect to a duty to repair a vehicle (section 26)—application fee	27

APPENDIX**LEGISLATIVE HISTORY**

Regulation 6:	varied by 249, 1990, reg. 2
Regulation 7:	varied by 249, 1990, reg. 3
Regulation 7(e):	revoked by 249, 1990, reg. 3(b)
Regulation 8:	varied and redesignated as reg. 8(1) by 265, 1987, reg. 2
Regulation 8(2):	inserted by 265, 1987, reg. 2(b)
Division IV heading and regulation 15:	revoked by 200, 1987, reg. 2
Regulation 26(1):	varied by 195, 1992, reg. 3(a), (b)
Regulation 26(2):	substituted by 195, 1992, reg. 3(c)
Regulation 29(4):	inserted by 57, 1995, reg. 3
Regulation 30:	substituted by 200, 1987, reg. 3
First schedule	
Item 1(3):	varied by 245, 1985, reg. 3(a); revoked by 99, 1986, reg. 3(a)
Item 3:	varied by 245, 1985, reg. 3(b); substituted by 99, 1986, reg. 3(b)
Item 3(1):	substituted by 233, 1986, reg. 2; 195, 1992, reg. 4
Second schedule	
Part 2A	
Clause 4:	substituted by 195, 1992, reg. 5(a)
Clause 6:	substituted by 195, 1992, reg. 5(b)
Part 2B	
Clause 5:	substituted by 195, 1992, reg. 5(c)
Clause 7:	substituted by 195, 1992, reg. 5(d)
Third schedule:	revoked by 249, 1990, reg. 4
Sixth schedule:	revoked by 249, 1990, reg. 4
Seventh schedule:	varied by 195, 1992, reg. 6
Eighth schedule	
Part 2:	varied by 195, 1992, reg. 7
Ninth schedule:	substituted by 17, 1987, reg. 3; varied by 195, 1992, reg. 8
Tenth schedule:	varied by 195, 1992, reg. 9
Eleventh schedule	
Part 2:	varied by 195, 1992, reg. 10
Seventeenth schedule:	substituted by 195, 1992, reg. 11
Eighteenth schedule:	varied by 265, 1987, reg. 3; 39, 1991, reg. 2; substituted by 195, 1992, reg. 12
Twenty-first schedule:	varied by 69, 1987, reg. 3; 200, 1987, reg. 4; 265, 1987, reg. 4; 153, 1988, reg. 3; 108, 1989, reg. 3; 101, 1990, reg. 3; substituted by 145, 1991, reg. 3; 149, 1992, reg. 3; 142, 1993, reg. 3; 65, 1994, reg. 3; varied by 57, 1995, reg. 4