

South Australia

## **Second-hand Vehicle Dealers (Simplify) Variation Regulations 2017**

under the *Second-hand Vehicle Dealers Act 1995*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Second-hand Vehicle Dealers (Simplify) Variation Regulations 2017*.

#### **2—Commencement**

- (1) These regulations will come into operation on the day on which Part 30 of the *Statutes Amendment and Repeal (Simplify) Act 2017* comes into operation.
- (2) In the event that these regulations come into operation on the same day as the *Second-hand Vehicle Dealers (Fees) Variation Regulations 2017*, these regulations will come into operation immediately after the *Second-hand Vehicle Dealers (Fees) Variation Regulations 2017* come into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

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## **Part 2—Variation of *Second-hand Vehicle Dealers Regulations 2010***

### **4—Variation of regulation 7—Annual fee and return (section 11 of Act)**

Regulation 7(2)—delete subregulation (2)

### **5—Substitution of regulations 9 and 10**

Regulations 9 and 10—delete regulations 9 and 10 and substitute:

#### **9—Return etc of licence**

- (1) If the licence of a dealer is surrendered, suspended or cancelled, the dealer must, at the direction of the District Court or the Commissioner, return the licence to the Commissioner.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (2) If on an application under section 8 of the Act a licence has been issued to a dealer but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the dealer must, at the direction of the Commissioner, return the licence to the Commissioner.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) The Commissioner may issue to a licensed dealer a licence in replacement of a current licence if satisfied that—
  - (a) the current licence has been lost, destroyed or damaged; or
  - (b) any particulars appearing on the current licence are incorrect.
- (4) If the Commissioner issues to a licensed dealer a replacement licence, the dealer must, at the direction of the Commissioner, return the original (or previous duplicate) licence to the Commissioner.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

#### **10—Display of licences etc**

A licensed dealer must ensure—

- (a) that a copy of the dealer's licence is prominently displayed at each of the notified premises of the dealer in an area accessible to the public; and
- (b) that—
  - (i) the name under which the dealer carries on business as a dealer; and

- (ii) the words "Licensed Second-hand Vehicle Dealer" (which may be abbreviated to "LVD") immediately followed by the dealer's licence number, or, if 2 or more licensed dealers are conducting a business in partnership, the licence number of each of the partners,

are prominently and permanently displayed at the main public entrance to each of the notified premises of the dealer.

Maximum penalty: \$5 000.

#### **6—Variation of regulation 10A—Dealer to retain employee records**

Regulation 10A(1)(a) and (b)—delete "registered" wherever occurring and substitute in each case:

notified

#### **7—Variation of regulation 12A—Dealer to retain copy of contract**

Regulation 12A(1)(a) and (b)—delete "registered" wherever occurring and substitute in each case:

notified

#### **8—Variation of regulation 14—Sale of vehicle and Dealer's Copy of Section 16 Notice**

Regulation 14(2)(a) and (b)—delete "registered" wherever occurring and substitute in each case:

notified

#### **9—Variation of regulation 23—Waiver of rights (section 33 of Act)**

Regulation 23(5)(a) and (b)—delete "registered" wherever occurring and substitute in each case:

notified

#### **10—Variation of Schedule 1—Fees**

- (1) Schedule 1, items 4, 5 and 6—delete items 4, 5 and 6
- (2) Schedule 1, item 8—delete "or certificate of registration"

## 11—Substitution of Schedule 5

Schedule 5—delete the Schedule and substitute:

### **Schedule 5—Contributions to second-hand vehicles compensation fund**

(regulation 22)

- 1 Subject to this Schedule, a contribution of the prescribed amount for each notified premises from which a licensed dealer carries on business as a dealer must be paid to the Commissioner by the dealer by the due date each year.
- 2 If notified premises are used by more than 1 licensed dealer, only 1 contribution is payable annually in respect of those premises but the dealers are jointly and severally liable for the payment of that contribution.
- 3 If 11 complete months or less would elapse from the date of payment of the contribution first payable by a licensed dealer in respect of any notified premises until the next due date, the contribution is a proportion of the prescribed amount, 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 contribution and the next due date bears to 12.
- 4 In this Schedule—  
*due date* means the date on which a licensed dealer must pay an annual fee and lodge an annual return under regulation 7;  
*prescribed amount* means—
  - (a) in relation to a licensed dealer who carries on the business of buying or selling second-hand vehicles consisting only of motorcycles—\$100; or
  - (b) in any other case—\$350.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 22 June 2017

No 96 of 2017

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