Australian Capital Territory

Sale of Motor Vehicles Act 1977

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About this republication

The republished law

This is a republication of the *Sale of Motor Vehicles Act 1977* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 January 2026. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 5 January 2026.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

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Sale of Motor Vehicles Act 1977

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Sale of Motor Vehicles Act 1977

An Act relating to the sale of motor vehicles and the licensing of motor vehicle dealers

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Part 1 Preliminary

1 Name of Act

This Act is the *Sale of Motor Vehicles Act 1977*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere in this Act.

For example, the signpost definition '***occupier***, of premises, for part 10A (Enforcement)—see section 70.' means that the term 'occupier' is defined in that section for part 10A.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

2A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

3 When is a motor vehicle *sold* or *manufactured* etc

For this Act—

(a) if—

(i) a motor vehicle is made the subject of a hire-purchase agreement; or

(ii) a person enters into an agreement with another person for the letting out on hire to that person of a new motor vehicle;

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then—

(iii) the motor vehicle shall be deemed to be sold to the hirer by the owner of the motor vehicle; and

(iv) the sale shall be taken to be made when the agreement is entered into; and

(v) the hirer shall be taken to be the purchaser of the vehicle; and

(b) if a financier sells, or is deemed to have sold, a motor vehicle to a person other than a trade owner (the ***purchaser***), any other person—

(i) who sold that vehicle to the financier in the expectation that the financier would sell the vehicle to the purchaser or would, in relation to that vehicle, enter into an agreement with the purchaser of a kind referred to in paragraph (a); or

(ii) by whom or on whose behalf negotiations leading to the making of the sale were carried out; or

(iii) by whom or on whose behalf the transaction leading to the sale was arranged;

shall be deemed to have sold the vehicle to the purchaser as the agent of the financier; and

(c) if—

(i) a corporation enters into an agreement with a person for the letting out on hire to that person of a new motor vehicle; and

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(ii) that corporation is not a dealer but is, for the Corporations Act, deemed to be related to another corporation and that other corporation is a dealer;

the corporation that enters into the agreement shall be liable to the hirer in all respects as if the corporation were a dealer unless, in accordance with paragraph (b), another person who is a dealer is deemed to have sold the vehicle as agent of that corporation; and

(d) a motor vehicle shall be deemed to have been manufactured on or after a particular date if any process in the manufacture of the vehicle is carried out on or after that date; and

(e) a motor vehicle shall be taken to have been sold notwithstanding that all or part of the consideration that passed from the purchaser in relation to the sale is represented by another vehicle or other thing.

4A Application of Act to motor dealings by Territory

(1) This Act does not apply in relation to dealings in motor vehicles by the Territory.

(2) This section has effect despite the *Legislation Act 2001*, section 121 (Binding effect of Acts).

5B Inspectors

(1) The director-general may appoint a public servant as an inspector for this Act.

Note 1 For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

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(2) The following are also inspectors:

(a) the commissioner;

(b) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;

(c) a police officer of or above the rank of sergeant;

(d) a police officer below the rank of sergeant nominated in writing by the chief police officer for this Act.

5C Identity cards

(1) This section applies only to an inspector appointed under section 5B (1).

(2) The director-general must give each inspector an identity card that states the person's name and that the person is an inspector.

(3) The identity card must show—

(a) a recent photograph of the person; and

(b) the card's date of issue and expiry.

(4) A person commits an offence if—

(a) the person stops being an inspector; and

(b) the person does not return the identity card to the director-general as soon as practicable, but no later than 7 days after the day the person stops being an inspector.

Maximum penalty: 1 penalty unit.

(5) An offence against this section is a strict liability offence.

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Part 3 Dealings in motor vehicles

15 Licensees to maintain dealings register

(1) At each place where a licensee carries on business, the licensee shall maintain a dealings register in accordance with this section.

Maximum penalty: 20 penalty units.

(2) A dealings register shall consist of—

(a) a bound book each page of which is numbered consecutively and bears the name of the licensee and the address where it is kept; or

(b) a computer system approved by the commissioner under subsection (4).

(3) If a licensee maintains a dealings register in the form of a bound book, entries in the book shall be made in ink and shall not be erased or made illegible.

(4) The commissioner shall not approve a computer system for the purpose of maintaining a dealings register unless the commissioner is satisfied that the computer system as maintained by the licensee would—

(a) provide for the immediate retrieval of information required by this Act to be recorded in the dealings register and made available for inspection; and

(b) contain a duplicate version of the information referred to in paragraph (a) and provide for the backup or duplication of any alteration in that information.

(5) The information referred to in subsection (4) (a) shall be in the English language and be readable on sight.

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16 Information to be recorded in dealings register

(1) A licensee, on purchasing or otherwise acquiring a second-hand motor vehicle, whether as principal or agent, or on becoming the possessor of a vehicle that the licensee is authorised to sell in accordance with section 31, shall, in relation to that motor vehicle, enter or cause to be entered in his or her dealings register—

(a) the make, model designation and type, year of manufacture (if known), registered number (if any), engine number and body number of the vehicle; and

(b) if the motor vehicle is fitted with an odometer, the distance travelled by the vehicle as recorded on the odometer when the vehicle came into his or her possession; and

(c) the name and address of the person from whom the licensee purchased or otherwise acquired the vehicle; and

(d) the name of the most recent owner of the motor vehicle who was not a trade owner; and

(e) the date when the licensee purchased or otherwise acquired the vehicle; and

(f) the consideration (if any) the licensee gave for the motor vehicle.

Maximum penalty: 20 penalty units.

(2) A licensed dealer or licensed wholesaler, on selling or otherwise disposing of a motor vehicle in other than a demolished or dismantled condition, shall in relation to that motor vehicle enter or cause to be entered in his or her dealings register—

(a) the date when he or she sold or otherwise disposed of the vehicle; and

(b) the name and address of the person to whom he or she sold or otherwise disposed of the vehicle; and

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(c) if the vehicle was not in working condition at the time that it was sold or otherwise disposed of, particulars of the condition of the vehicle at that time.

Maximum penalty: 20 penalty units.

(3) If a licensed dealer or licensed wholesaler demolishes or permanently dismantles a motor vehicle, he or she shall, in relation to that vehicle, enter, or cause to be entered, in his or her dealings register a note of the demolition or dismantling of the vehicle and the date of that demolition or dismantling.

Maximum penalty: 20 penalty units.

(4) In this section:

dealings register means—

(a) in relation to a dealing in a motor vehicle by a licensee who carries on business at more than 1 place—

(i) the dealings register maintained at the place of business where the dealing takes place; or

(ii) if the dealing takes place off the premises of such a place—the dealings register at the place of business that is closest to the place where the dealing takes place; or

(b) in relation to a dealing in a motor vehicle by any other licensee—the dealings register maintained at the place where the licensee carries on business.

17 Giving incorrect information to licensee

A person shall not give incorrect information to a licensee, or to a person acting on behalf of a licensee, in relation to any of the matters that a licensee is required to enter in a dealings register in accordance with section 16.

Maximum penalty: 5 penalty units.

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18 Telling people about Act's requirements

(1) If a person gives information to a licensee in relation to any matter that a licensee must enter in a dealings register, the licensee must tell the person about the requirements of section 17.

(2) In this section:

licensee includes someone acting for the licensee.

19 Dealings with persons under 18 years

(1) A licensed dealer shall not, in relation to a person who is apparently under 18 years old, purchase or otherwise acquire from that person or sell to or otherwise dispose of to that person a second-hand motor vehicle without the written consent of that person's parent or guardian.

Maximum penalty: 20 penalty units.

(2) A licensed wholesaler shall not, in relation to a person who is apparently under 18 years old, purchase or otherwise acquire from that person a second-hand motor vehicle without the written consent of that person's parent or guardian.

Maximum penalty: 20 penalty units.

20 Dealer to attach notice to second-hand vehicle

(1) Subject to this section, a dealer shall not offer or display for sale a second-hand motor vehicle or give possession of a second-hand motor vehicle to a purchaser unless there is attached to that vehicle a notice that—

(a) contains the required particulars; and

(b) complies with the requirements of subsection (3).

Maximum penalty: 10 penalty units.

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(2) The required particulars for subsection (1) are—

(a) the name and business address of the dealer; and

(b) except for a sale by auction or by tender—the cash price of the vehicle; and

(c) if the vehicle was purchased or otherwise acquired by the dealer from a financier who had repossessed the motor vehicle under a hire-purchase agreement—the name of the financier; and

(d) if the vehicle is equipped with an odometer—the distance travelled by the vehicle as recorded by the odometer and entered in the dealings register; and

(e) whether the distance recorded by the vehicle's odometer has been altered by the dealer or on his or her behalf and, if so, the distance to which it was altered; and

(f) whether the dealer has replaced the odometer on the vehicle or it has been replaced on his or her behalf; and

(g) whether, to the knowledge of the dealer, the distance recorded by the vehicle's odometer was altered or the vehicle's odometer replaced at any time before the vehicle came into the dealer's possession; and

(h) if the vehicle was manufactured on or after 1 January 1971—the year of manufacture and the model designation of the vehicle; and

(i) if the vehicle was manufactured before 1971—the year of manufacture and the model designation of that vehicle or, if this information is unknown to the dealer, a statement that the information is unknown; and

(j) the registration number (if any), engine number and body number of the motor vehicle; and

(k) for a sale by tender—a statement that the vehicle is to be sold by tender and the time when tenders are to close; and

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(l) the other particulars that are prescribed.

(3) A notice attached to a motor vehicle under subsection (1)—

(a) shall consist of legible writing on white material or on material of the colour approved by the commissioner; and

(b) shall be written in letters and figures at least 2mm in height; and

(c) shall be attached to the vehicle in such a place as to be clearly visible and readily legible from outside the vehicle.

(4) A dealer shall not represent to the purchaser or to a prospective purchaser of a second-hand motor vehicle that he or she offers or displays for sale that the motor vehicle is a demonstrator vehicle unless the notice attached to the vehicle in accordance with subsection (1) contains, in addition to the required particulars, a statement that the vehicle is a demonstrator vehicle.

Maximum penalty: 30 penalty units.

(5) A dealer shall not include in a notice attached to a motor vehicle under subsection (1) any false or misleading information in relation to the motor vehicle.

Maximum penalty: 50 penalty units.

(6) A dealer who offers or displays for sale a second-hand motor vehicle shall, if requested by a person who is a prospective purchaser of the vehicle to give him or her information relating to the past or present ownership of the vehicle, inform that person of—

(a) except if paragraph (b) applies—the name of the most recent owner of the vehicle who was not a trade owner; or

(b) if the dealer is acting in accordance with a written authority given to him or her under section 31—the name of the person who gave him or her that authority.

Maximum penalty: 10 penalty units.

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(7) This section does not apply if a dealer offers or displays a vehicle for sale only to a trade owner or gives possession of a vehicle to a purchaser who is a trade owner.

21 Action by dealer on sale of second-hand motor vehicle

(1) If a dealer sells a second-hand motor vehicle to which a notice has been attached in accordance with section 20 (1) to a purchaser who is not a trade owner, the dealer shall—

(a) endorse on 2 copies of the notice—

(i) the date of the sale; and

(ii) the date of delivery of the vehicle to the purchaser; and

(iii) the cash price for which the vehicle was sold; and

(iv) for a second-hand motor vehicle that is not a demonstrator motorcycle—a statement that the dealer is not obliged by this Act to repair defects in the vehicle; and

(v) the name and address of the purchaser; and

(b) sign those copies; and

(c) keep 1 copy of the notice for 3 years from the date of the sale; and

(d) within 14 days of the date of the delivery of the vehicle or of the sale, whichever is the later, give the purchaser the other copy of the notice.

Maximum penalty: 10 penalty units.

(2) For subsection (1)—

(a) a dealer may give a copy of a notice to a purchaser by posting it by certified mail to the purchaser at the address given by the purchaser and endorsed on the notice; and

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(b) if the motor vehicle has been sold to the purchaser by an employee or agent of the dealer—compliance by the employee or agent with a requirement of that subsection shall be deemed to be compliance by the dealer with that requirement.

22 Sale of vehicle if odometer replaced or distance altered

A dealer shall not, without the written consent of the commissioner, offer or display for sale a motor vehicle if—

(a) he or she has replaced, or caused to be replaced, the vehicle's odometer; or

(b) he or she has altered, or caused to be altered, the distance recorded by the vehicle's odometer.

Maximum penalty: 50 penalty units.

23 Obligations of dealer to repair defects in motor vehicles

(1) Except as provided in this section and sections 24 and 25, if a motor vehicle described in schedule 1, column 2 is sold by a dealer and before—

(a) the vehicle has been driven for the number of kilometres after being manufactured or sold, as the case may be, specified opposite the description of the vehicle in schedule 1, column 3; or

(b) the end of the period, specified opposite the description of the vehicle in schedule 1, column 4, after the vehicle is so sold;

whichever first occurs, a defect appears or occurs in the vehicle, the dealer shall, whether or not the defect existed at the time of the sale, at the dealer's own expense, repair or make good, or cause to be repaired or made good the defect so as to place the vehicle in a reasonable condition having regard to its age.

(2) The dealer's obligation under subsection (1) shall be taken to be a term of the contract of sale relating to the vehicle.

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(3) For subsection (1), a defect that occurs in a vehicle includes a defect—

(a) that existed in the vehicle at any time before the occurrence of an event referred to in subsection (1) (a) or (b); and

(b) that first became apparent after the event occurred;

but only if the defect is reported to the dealer within a reasonable period after it becomes apparent.

(4) For the purposes of calculating the period referred to in subsection (1) (b), no regard shall be paid to any period during which the dealer has the motor vehicle in his or her possession for the purpose or purported purpose of ascertaining or carrying out his or her obligations under subsection (1).

(5) The obligation of a dealer under subsection (1) in relation to a new motor vehicle sold by the dealer is extinguished if, subsequent to that sale, the dealer or another dealer acquires ownership of the vehicle, or the vehicle is repossessed by a financier.

(6) Subject to subsection (5), the obligation of a dealer under subsection (1) in relation to a new motor vehicle sold by the dealer subsists for the benefit of the owner, from time to time, of the vehicle and, for this purpose, the owner from time to time shall be taken to have entered into a contract of sale with the dealer in relation to the vehicle.

(7) The obligation of a dealer under subsection (1) in relation to a second-hand motor vehicle sold by the dealer is an obligation only to the person who purchased the vehicle from the dealer.

(8) The fact that a dealer's licence has been revoked, or that a dealer is not the holder of a dealer's licence or has ceased to be a dealer, does not affect the dealer's obligation under subsection (1).

(9) If the holder of a dealer's licence sells a motor vehicle on behalf of another dealer, this section does not apply to the other dealer.

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24 Excluded defects

(1) In this section:

attach includes cause to be attached.

defect notice means a notice in accordance with the defect notice form approved under section 93 (Approved forms) that complies with the requirements of subsection (6).

(2) If a dealer offers or displays for sale a second-hand motor vehicle, the dealer may attach to the vehicle a defect notice.

(3) If—

(a) a defect notice has been attached to a second-hand motor vehicle at all material times when the vehicle is offered or displayed for sale by the dealer; and

(b) at or before the time of sale of the vehicle, the notice, or a copy of the notice, has been signed by the dealer and the purchaser and has been delivered to the purchaser for retention by the purchaser;

section 23 (1) does not apply in relation to the defects set out in the notice.

(4) If, at or before the time of sale of a demonstrator motor vehicle, a defect notice has been signed by the dealer and the purchaser and has been delivered to the purchaser for retention by the purchaser, section 23 (1) does not apply in relation to any defect specified in the notice.

(5) If the reasonable cost of repairing a defect specified in a defect notice is greater than the amount specified in that notice, the purchaser may recover the difference between those amounts from the licensed dealer.

(6) A defect notice—

(a) shall consist of legible writing on white material or on material of a colour approved by the commissioner; and

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(b) shall be written in letters and figures at least 2mm in height; and

(c) shall be attached to the vehicle in such a place as to be clearly visible and readily legible from outside the vehicle.

25 Exceptions

(1) In this section:

relevant sale means a sale referred to in section 23 (1).

(2) Section 23 (1) does not apply in relation to a defect—

(a) occurring in—

(i) a tyre or battery (other than a high-voltage battery used to power a motor vehicle propelled wholly or partly by an electric motor); or

Examples—battery used to power motor vehicle with electric motor

1 hybrid battery

2 traction battery

(ii) an accessory fitted to a motor vehicle; or

(b) arising from or incidental to any accidental damage to a motor vehicle that occurred after the relevant sale when the vehicle was not in the possession of the dealer; or

(c) arising from misuse or negligence on the part of a driver of a motor vehicle, or arising from the use of a motor vehicle for motor racing or motor rallying, that occurred after the relevant sale of the vehicle; or

(d) appearing or occurring in an accessory that was not fitted to or supplied with a motor vehicle at the time of the relevant sale of the vehicle.

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(3) For a second-hand motor vehicle, section 23 (1) does not apply in relation to any superficial damage to the paintwork or upholstery of the vehicle that would have been apparent on a reasonable inspection of the vehicle carried out at the time of the relevant sale of the vehicle.

(4) Section 23 (1) does not apply in relation to the sale of—

(a) a second-hand motor vehicle if the purchaser has been in possession of the vehicle for not less than 3 months immediately before the day of the relevant sale; or

(b) a commercial vehicle; or

(c) a substantially demolished or substantially dismantled motor vehicle.

(5) If the proposed purchaser (the ***buyer***) of a new motor vehicle is in possession of the vehicle for a period immediately before the day when the buyer purchases the vehicle from a dealer then, for section 23 (1), the buyer shall be taken to have purchased the vehicle on the day when the buyer first acquired that possession.

(6) Section 23 (1) does not apply in relation to a motor vehicle if—

(a) the motor vehicle or a class of motor vehicles that include the motor vehicle has been declared by the Minister, in writing, to be a motor vehicle or a class of motor vehicles in relation to which section 23 (1) does not apply; and

(b) a copy of the notice is attached to the vehicle at all material times when the vehicle is offered or displayed for sale by the dealer.

(7) A declaration is a notifiable instrument.

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(8) If, because of a declaration by the Minister under subsection (6), a dealer would not be liable under section 23 (1) in relation to a defect in a motor vehicle if the dealer were to sell that vehicle, a licensed dealer shall not offer or display that vehicle for sale unless a notice in accordance with the exemption notice form approved under section 93 (Approved forms) that complies with the requirements of subsection (9) is attached to the motor vehicle.

Maximum penalty: 10 penalty units.

(9) The notice shall contain letters at least 5mm in height and shall in all other respects comply with the requirements of section 24 (6) as if it were a notice attached to a motor vehicle in accordance with section 24 (2).

(10) If a licensed dealer sells a motor vehicle referred to in subsection (8), the dealer shall—

(a) sign 2 copies of the notice referred to in that subsection; and

(b) keep 1 copy of the notice for 3 years from the date of the sale; and

(c) give the purchaser the other copy of the notice.

Maximum penalty: 5 penalty units.

(11) For subsection (10), if the motor vehicle has been sold to the purchaser by the employee or agent of the dealer, compliance by the employee or agent with a requirement of that subsection shall be taken to be compliance by the dealer with that requirement.

25A Obligations of dealer to repair defects in motorcycles

(1) Subject to this section, if—

(a) a dealer sells to a person a new motorcycle or a demonstrator motorcycle; and

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(b) before—

(i) the motorcycle has been ridden for 10 000km after the sale; or

(ii) the end of 6 months next following the date of the sale;

whichever is the earlier;

a defect in the motorcycle occurs or becomes apparent to the purchaser the dealer shall, at the dealer's own expense, repair or make good, or cause to be repaired or made good, the defect so as to place the motorcycle in a reasonable condition having regard to its age.

(2) Subsection (1) applies to a defect whether or not that defect existed at the time of the sale.

(3) The dealer's obligation under subsection (1) shall be taken to be a term of the contract of sale relating to the motorcycle.

(4) A dealer is not liable under this section in relation to a defect in a motorcycle if the defect—

(a) arises from, or is incidental to, accidental damage suffered by the motorcycle after the purchaser took delivery of the motorcycle from the dealer; or

(b) arises from misuse of the motorcycle or negligence by a rider of the motorcycle, or from the use of the motorcycle for motorcycle racing or motorcycle rallying, after the purchaser took delivery of the motorcycle from the dealer; or

(c) consists of damage to, or wear of, tyres or any accessory of the motorcycle; or

(d) consists of superficial damage to the paintwork or upholstery of the vehicle that would have been apparent on a reasonable inspection of the motorcycle carried out at the time of delivery of the motorcycle from the dealer or of the sale, whichever is the earlier.

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(5) A dealer is not liable under this section in relation to a defect in a motorcycle sold by the dealer where the motorcycle is—

(a) a motorcycle that has been in the possession, or under the control, of the purchaser continuously for not less than 3 months immediately before the date of the sale; or

(b) a motorcycle that is sold by auction; or

(c) a motorcycle or a motorcycle included in a class of motorcycles that has been declared by the Minister, in writing, to be a motorcycle or a class of motorcycle in relation to which this section does not apply; or

(d) a motorcycle that is sold to a person who is a trade owner.

(6) A declaration under subsection (5) (c) is a notifiable instrument.

(7) This section does not apply to a sale to the Territory.

25B Cooling-off period

(1) A purchaser (other than a dealer or a corporation) under an agreement for the sale of a motor vehicle may, at any time before the end of 3 clear business days after the purchaser signs the agreement, terminate the agreement by giving to or serving on the dealer or an agent of the dealer written notice to the effect that the purchaser terminates the agreement.

(2) Subsection (1) ceases to apply if the purchaser immediately before accepting delivery signs an instrument in accordance with the loss of right to terminate form approved under section 93 (Approved forms) acknowledging that the right to terminate the agreement no longer applies.

(3) A dealer shall not sell, give in exchange or otherwise dispose of a motor vehicle given or agreed to be given by a purchaser under an agreement for the sale of another motor vehicle in satisfaction of part of the purchase price during the period during which the purchaser may terminate the agreement under this section.

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(4) If an agreement for the sale of a motor vehicle has been terminated in accordance with this section—

(a) the vendor under the agreement—

(i) shall pay to the purchaser all money received by the vendor under the agreement less the sum of $100 or 1% of the purchase price under the agreement (whichever is the greater); and

(ii) shall return to the purchaser any motor vehicle given in satisfaction of any part of the purchase price; and

(b) any collateral credit agreement is discharged to the extent that it was entered into for the purposes of the payment for the motor vehicle supplied or to be supplied under the agreement; and

(c) any security interest in the motor vehicle arising under the collateral credit agreement is extinguished to the extent that it secures the payment of a debt or other pecuniary obligation or performance of any other obligation under the collateral credit agreement; and

(d) a purchaser who has accepted delivery of the motor vehicle before the agreement was terminated—

(i) is liable to the dealer for any damage (other than fair wear and tear) occurring to the motor vehicle while it was in the purchaser's possession; and

(ii) subject to subsection (5), shall return the motor vehicle to the dealer.

(5) A purchaser is not liable under subsection (4) (d) to return the motor vehicle to the dealer if, before the agreement was terminated, a defect appeared in the motor vehicle for reasons beyond the control of the purchaser making the motor vehicle—

(a) incapable of being driven; or

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(b) unroadworthy;

but shall permit the dealer to collect, or arrange for the collection of, the motor vehicle.

(6) The National Credit Code, section 135 does not apply to the termination of agreements under this section.

(7) This section does not apply to an agreement for the sale of a commercial vehicle or a motor vehicle purchased at a public auction.

26 Sales between dealers and wholesalers

(1) In this section:

trade vendor means a licensed dealer or a licensed wholesaler.

(2) If a trade vendor (the ***seller***) sells a second-hand motor vehicle to another trade vendor (the ***buyer***), the seller shall, at the time of the sale or of giving possession of the vehicle to the buyer, whichever is the earlier, give the buyer or cause to be given to the buyer a notice containing the required particulars.

Maximum penalty: 5 penalty units.

(3) A trade vendor who gives a notice under subsection (2) shall make or cause to be made a copy of the notice which the trade vendor shall keep for not less than 3 years after the sale.

Maximum penalty: 5 penalty units.

(4) The required particulars for subsection (2) are—

(a) the name and business address of the vendor; and

(b) the name and business address of the purchaser; and

(c) the registration number (if any), engine number and body number of the motor vehicle; and

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(d) if the vehicle was manufactured on or after 1 January 1971—the year of manufacture and the model designation of the vehicle; and

(e) if the vehicle was manufactured before 1971—the year of manufacture and the model designation of that vehicle or, if this information is unknown to the vendor, a statement that the information is unknown; and

(f) the name and address of the most recent owner of the vehicle who was not a trade owner; and

(g) if the motor vehicle is equipped with an odometer—the distance travelled by the vehicle as recorded by the odometer; and

(h) whether the distance recorded by the vehicle's odometer has been altered by the vendor or on his or her behalf and, if so, the distance to which it was altered; and

(i) whether the vendor has replaced the odometer on the vehicle or it has been replaced on his or her behalf; and

(j) whether, to the knowledge of the vendor, the distance recorded by the vehicle's odometer was altered or the vehicle's odometer replaced at any time before the vehicle came into the vendor's possession.

31 Authority to dealer to sell as agent

(1) A dealer shall not—

(a) sell a second-hand motor vehicle or an interest in a second-hand motor vehicle for or on behalf of a person who is not a trade owner; or

(b) offer or display for sale a second-hand motor vehicle for or on behalf of such a person;

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unless he or she is authorised in writing in that behalf in accordance with this section by the owner of the vehicle or interest.

Maximum penalty: 10 penalty units.

(2) A written authority under this section shall be prepared in duplicate and shall—

(a) be signed by the owner and by or on behalf of the dealer; and

(b) bear the date when it is signed by the owner; and

(c) contain a full statement of the terms of the authority to sell the motor vehicle or interest; and

(d) sufficiently describe the vehicle; and

(e) contain a full statement of the commission or other remuneration to which the dealer is or is to be entitled.

(3) A dealer who is given a written authority under this section—

(a) shall return 1 copy to the owner; and

(b) shall keep 1 copy until the end of 3 years after any sale is effected by him or her in reliance on the written authority.

Maximum penalty: 5 penalty units.

(4) A written authority under this section shall cease to have effect on the end of 90 days from the day when it is signed by the owner.

(5) A dealer shall not be entitled to any commission or other remuneration in relation to a sale of a second-hand motor vehicle or an interest in a second-hand motor vehicle effected by the dealer for or on behalf of another person unless—

(a) the sale is effected in accordance with a written authority complying with this section; and

(b) the dealer, in relation to that sale has complied with subsection (3) (a).

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Part 4 Sale of second-hand motor vehicles generally

32 Offences by vendors

(1) A person (the ***vendor***) shall not, in relation to a second-hand motor vehicle that the vendor offers or displays for sale—

(a) make any statement to a purchaser or prospective purchaser of the vehicle that the vendor knows, or ought reasonably to know, is false; or

(b) if the vendor is not a dealer and an odometer is fitted to the vehicle—alter the distance recorded on the odometer or replace the odometer without disclosing the alteration or replacement to a purchaser or prospective purchaser of the vehicle.

Maximum penalty: 50 penalty units.

(2) For subsection (1) (a), a statement made by an agent or employee of a dealer in his or her business of a dealer shall be deemed to be the statement of the dealer.

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Part 4A Security interests in motor vehicles

32A Liability of dealer to creditor if security interest defeated

(1) This section applies if—

(a) a motor vehicle is purchased from a dealer by a non-dealer; and

(b) at any time before payment of the purchase price, the dealer had notice that the vehicle was subject to a security interest within the meaning of the PPS Act; and

(c) immediately before payment of the purchase price, the security interest had not been discharged or cancelled.

(2) The dealer is liable to the person who had the security interest for any loss of the person because of the operation of the PPS Act, part 2.5 (Taking personal property free of security interests) in relation to the interest.

(3) However, the dealer is not liable to the person if the dealer purchased the motor vehicle free from the security interest of the person because of the operation of the PPS Act, part 2.5 in relation to the interest.

(4) In this section:

non-dealer means a person who is not a dealer.

payment, of a purchase price, means—

(a) if the purchase is not by an exchange—giving valuable consideration for the purchase price; or

(b) if all of the purchase price is not paid at the same time—the first payment of part of the purchase price; or

(c) if the purchase is by an exchange—making the exchange.

PPS Act means the *Personal Property Securities Act 2009* (Cwlth)

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purchase, of a motor vehicle, means acquiring the vehicle from a person selling or exchanging the vehicle who has, or appears to have, authority to dispose of the vehicle in that way.

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Part 5 Trust accounts

33 Payment of money into trust account

(1) If a licensed dealer sells a motor vehicle or an interest in a motor vehicle for or on behalf of a person, all money received by the dealer in relation to that sale shall, for all purposes, be deemed to be held in trust for that person and shall be dealt with by the dealer in accordance with this section.

(2) A licensed dealer shall, before the close of business on the next day when banks are open for business after the day when any such money is received, pay the money into a trust account maintained in accordance with subsection (3) at a bank, credit union or building society in the ACT.

Maximum penalty: 10 penalty units.

(3) The trust account referred to in subsection (2) shall be maintained by the licensed dealer.

(4) The trust account referred to in subsection (2) shall bear a title that includes—

(a) the name of the dealer or, if the dealer carries on business under a registered business name, that name; and

(b) the words 'Trust Account'.

34 Procedure if part of consideration is not money

If a licensed dealer acquires a motor vehicle or other goods as part of the consideration for the sale of a motor vehicle or an interest in a motor vehicle for or on behalf of a person, the dealer shall pay an amount equal to the amount allowed in relation to the motor vehicle or other goods into the trust account referred to in section 33 as if that amount had been received by the dealer in relation to that sale.

Maximum penalty: 10 penalty units.

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35 Application of money in trust account

(1) A licensed dealer shall not apply money paid into a trust account in accordance with this part except in payment to the person for whom or on whose behalf the money was received or as directed by that person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) A licensed dealer shall not pay money out of a trust account except by means of a cheque made payable to a specified person, being a cheque that is crossed 'not negotiable'.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

36 Protection of trust money

(1) Subject to this section, money standing to the credit of a trust account maintained in accordance with this part is not available for the payment of debts of the dealer, and subject to subsection (2), is not liable to be attached or taken in execution for the purposes of satisfying a judgment against the dealer.

(2) Nothing in subsection (1) prevents trust money to the extent that the licensed dealer holds the trust money in trust for the person for whom or on whose behalf the money was received from being available for the discharge of the liability of the licensed dealer to that person.

37 Provisions applying to banks etc

(1) A bank, credit union or building society where a trust account is maintained is not under any obligation to control or supervise transactions in relation to the trust account or to see to the application of money paid out of the account.

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(2) A bank, credit union or building society where a dealer maintains a trust account in accordance with this part does not have, in relation to any liability of the dealer to the bank, credit union or building society, any recourse or right, whether by way of set-off, counterclaim, charge or otherwise, against money standing to the credit of the account.

(3) Nothing in this section relieves a bank, credit union or building society from any liability to which it is subject apart from this Act.

38 Accounting records

(1) A licensed dealer shall keep the accounting and other records that disclose particulars of all trust money received or paid by the dealer.

Maximum penalty: 20 penalty.

(2) A licensed dealer shall—

(a) keep those records—

(i) at the place where the dealer carries on business in the ACT; or

(ii) if the dealer carries on business at more than 1 place of business in the ACT—at the dealer's principal place of business in the ACT; or

(iii) with the approval of the commissioner, at another place in the ACT; and

(b) cause those records to be kept in a way that they can be conveniently and properly audited; and

(c) preserve those records for a period of 7 years.

Maximum penalty: 20 penalty.

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(3) It is sufficient compliance with subsection (1) if a licensed dealer, within 7 days after the day when any trust money is received or paid, enters in the records referred to in that subsection the particulars of the money.

39 Receipts for trust money

(1) If a licensed dealer receives trust money from a person, the dealer must give the person a receipt that—

(a) complies with subsections (3) and (4); and

(b) states briefly the subject matter or purpose for which the money was received.

Maximum penalty: 10 penalty units.

(2) If a licensed dealer gives a person a receipt under subsection (1), the dealer must keep a legible carbon duplicate of the receipt that complies with subsections (3) and (4).

Maximum penalty: 10 penalty units.

(3) A receipt relating to trust money shall be taken from a bound book bearing a number or mark identifying the book and containing not less than 50 receipt forms arranged so that a carbon duplicate of each receipt remains in the book.

(4) A receipt and the carbon duplicate shall—

(a) have the words 'Trust Account' printed or stamped on it; and

(b) bear such a number or mark as will enable the receipt to be identified by reference to that number or mark and so that the receipt and carbon duplicate bear the same number or mark.

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40 Audit of trust accounts

Within 3 months after the end of each financial year or at any other time that the commissioner may require, a licensed dealer shall cause to be audited his or her accounting and other records relating to trust money received and paid by the dealer during that financial year.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

41 Auditor's report

(1) As soon as is reasonably practicable after the completion of an audit, the auditor shall prepare a report of the result of the audit and shall give the report to the licensed dealer and a copy of the report to the commissioner.

(2) An auditor's report shall include a statement indicating whether in the auditor's opinion—

(a) the licensed dealer has kept, in accordance with this Act, accounting and other records relating to trust money; and

(b) there has been any loss or deficiency of trust money or any failure to pay or account for trust money.

42 Qualification of auditors

A licensed dealer shall not engage a person as auditor or permit his or her accounting and other records relating to trust money to be audited by a person—

(a) who is not a registered company auditor within the meaning of the Corporations Act; or

(b) who is an employee of, or is the domestic partner of, the licensed dealer; or

Note For the meaning of ***domestic partner***, see Legislation Act, s 169.

(c) who is an employee of any other licensed dealer; or

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(d) who is engaged in keeping and entering those records or has those records in his or her custody or control; or

(e) who is also a licensed dealer; or

(f) who is an officer or employee of a corporation that is a licensed dealer.

43 Withdrawals—deficiency suspected

(1) If it appears to the commissioner that there may be a deficiency in the trust account of a licensed dealer or dealers, the commissioner may, by written notice to the manager or other principal officer of the bank, credit union or building society where the trust account is maintained, direct the manager or other principal officer not to pay any money out of the trust account without the commissioner's authority.

(2) The manager or other principal officer shall comply with a direction given under subsection (1).

Maximum penalty: 50 penalty units.

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Part 8 Notification and review of decisions

50 Meaning of *reviewable decision*—pt 8

In this part:

reviewable decision means a decision mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

51 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

Note The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

52 Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

(a) an entity mentioned in schedule 2, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

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Part 9 Motor vehicle dealers compensation fund

60 Certain persons may apply for compensation

(1) A person, other than a trade owner, who suffers financial loss in connection with a motor vehicle because of the failure of a licensed dealer to comply with an obligation imposed on him or her by this Act or because of the failure of a licensed dealer to pass an unencumbered title to the vehicle may apply to the commissioner for compensation under this part in relation to that loss.

(2) An application for compensation under this part shall be made by giving the commissioner written particulars of the claim.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

(3) An application for compensation under this part shall not be accepted by the commissioner unless it is made within a period of 6 months after the applicant becomes aware of the loss or within the further time (if any) that the commissioner, either before or after the end of that period, allows.

61 Commissioner to determine applications

(1) Subject to subsection (2), the commissioner shall consider each application made in accordance with this part and shall determine—

(a) the amount of the loss in relation to which compensation may be paid to the applicant under this part; or

(b) that there is no pecuniary loss in relation to which compensation may be so paid.

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(2) The commissioner shall not determine an application under subsection (1) unless the commissioner is satisfied that the applicant has taken all reasonable steps to enforce any remedies that the applicant may have against the dealer referred to in section 60 (1) in relation to the loss that the applicant has incurred.

62 Commissioner to notify applicant of determination

(1) The commissioner shall give to an applicant for compensation under this part written notice stating—

(a) the amount that the commissioner has determined to be the loss in relation to which compensation may be paid to the applicant under this part; or

(b) that the commissioner has determined that there is no loss in relation to which compensation may be so paid.

(2) In a notice given under this section, the commissioner shall state the grounds on which he or she has made the determination referred to in the notice.

63 Review of determination

(1) An applicant for compensation under this part to whom the commissioner gives notice under section 62 (1) may, within 21 days after the date when notice is so given, make application to the Magistrates Court for an order under this section.

(2) The court, on application under this section, may, if it considers appropriate, by order, vary a determination of the commissioner under section 61 (1).

64 Payment of compensation

(1) Subject to subsection (2), if an amount has been determined under this part as the amount of loss in relation to which compensation may be paid to an applicant under this part, the Territory shall pay to the applicant an amount equal to the amount so determined.

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(2) If, at any time, the amount standing to the credit of the compensation fund is insufficient for the payment of all amounts that the Territory would, apart from this subsection, be required by this section to pay, the amount standing to the credit of the compensation fund shall be divided among the persons to whom it would be required to pay those amounts in proportion to those amounts.

65 Subrogation

If the Territory has paid compensation to a person under this part, the Territory is, to the extent of the payment, subrogated to the rights of that person against the licensed dealer in relation to whom the application for compensation was made.

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Part 10 Offences

68 Offence by employee—liability of employer

(1) If an employee contravenes any provision of this Act, the employer shall be deemed to have contravened the same provision (whether or not the employee contravened the provision without the employer's authority or contrary to the employer's orders or instructions).

(2) It is a defence in proceedings against an employer for such a contravention if it is established that the employer—

(a) had no knowledge of the contravention; and

(b) could not, by the exercise of due diligence, have prevented the contravention.

(3) An employer may be proceeded against and convicted under a provision under subsection (1) whether or not the employee has been proceeded against or convicted under that provision.

69 Institution of proceedings

A prosecution for an offence against this Act may be begun within 3 years after the commission of the offence.

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Part 10A Enforcement

Division 10A.1 General

70 Definitions—pt 10A

In this part:

connected—a thing is ***connected*** with an offence if—

(a) the offence has been committed in relation to it; or

(b) it will provide evidence of the commission of the offence; or

(c) it was used, is being used, or is intended to be used, to commit the offence.

occupier, of premises, includes—

(a) a person believed on reasonable grounds to be an occupier of the premises; and

(b) a person apparently in charge of the premises.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be, committed.

Division 10A.2 Powers of inspectors

70A Power to enter premises

(1) For this Act, an inspector may—

(a) at any reasonable time, enter premises to which a licence relates to carry out an inspection authorised under the licence; or

(b) at any reasonable time, enter premises where the inspector suspects on reasonable grounds that a person is carrying on any of the following businesses without a licence:

(i) the business of a dealer;

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(ii) the business of a wholesaler; or

(c) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or

(d) at any time, enter premises with the occupier's consent; or

(e) enter premises in accordance with a search warrant.

(2) However, subsection (1) (a), (b) or (c) does not authorise entry into a part of premises that is being used for residential purposes.

(3) An inspector may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.

(4) To remove any doubt, an inspector may enter premises under subsection (1) without payment of an entry fee or other charge.

(5) In this section:

at any reasonable time includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment of money).

70B Production of identity card

(1) An inspector must not remain at premises entered under this part if the inspector does not produce the inspector's identity card when asked by the occupier.

(2) This section does not apply in relation to an inspector who is a police officer in uniform.

70C Consent to entry

(1) When seeking the consent of an occupier of premises to enter premises under section 70A (1) (d), an inspector must—

(a) produce the inspector's identity card; and

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(b) tell the occupier—

(i) the purpose of the entry; and

(ii) that anything found and seized under this part may be used in evidence in court; and

(iii) that consent may be refused.

(2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment (an ***acknowledgment of consent***)—

(a) that the occupier was told—

(i) the purpose of the entry; and

(ii) that anything found and seized under this part may be used in evidence in court; and

(iii) that consent may be refused; and

(b) that the occupier consented to the entry; and

(c) stating the time and date when consent was given.

(3) If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.

(4) A court may find that the occupier did not consent to entry to the premises by the inspector under this part if—

(a) the question arises in a proceeding in the court whether the occupier consented to the entry; and

(b) an acknowledgment of consent is not produced in evidence; and

(c) it is not proved that the occupier consented to the entry.

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70D General powers on entry to premises

(1) An inspector who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything at the premises:

(a) inspect or examine;

(b) take measurements or conduct tests;

(c) take samples;

(d) take photographs, films, or audio, video or other recordings;

(e) take copies of, or an extract from, any document relating to the business being carried out at the premises or the sale of a motor vehicle;

(f) require the occupier, or anyone apparently working at the premises, to give the inspector reasonable help to exercise a power under this part.

Examples—par (a)

1 inspect or examine motor vehicles or motor vehicle parts

2 inspect or examine a register required to be kept under this Act

Example—par (f)

producing a register required to be kept under this Act

Note The Legislation Act, s 170 and s 171 deal with the application of the privilege against self incrimination and client legal privilege.

(2) A person must take all reasonable steps to comply with a requirement made of the person under subsection (1) (f).

Maximum penalty: 50 penalty units.

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70E Power to seize things

(1) An inspector who enters premises under this part with the occupier's consent may seize anything at the premises if—

(a) the inspector is satisfied on reasonable grounds that the thing is connected with an offence against this Act; and

(b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.

(2) An inspector who enters premises under a warrant under this part may seize anything at the premises that the inspector is authorised to seize under the warrant.

(3) An inspector who enters premises under this part (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the premises if satisfied on reasonable grounds that—

(a) the thing is connected with an offence against this Act; and

(b) the seizure is necessary to prevent the thing from being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

(4) Subsections (1) and (3) do not apply to the seizure of a computer, or data storage device, for use in carrying on a licensed dealer's business if—

(a) the only reason for the seizure is to access data held in or accessible from the computer or device; and

(b) the data is accessible—

(i) with the occupier's consent; or

(ii) under section 70D (General powers on entry to premises).

(5) The powers of an inspector under subsection (3) are additional to any powers of an inspector under subsection (1) or subsection (2) or any other territory law.

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(6) Having seized a thing, an inspector may—

(a) remove the thing from the premises where it was seized (the ***place of seizure***) to another place; or

(b) leave the thing at the place of seizure but restrict access to it.

(7) A person commits an offence if—

(a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (6); and

(b) the person does not have an inspector's approval to interfere with the thing.

Maximum penalty: 50 penalty units.

(8) An offence against this section is a strict liability offence.

70F Power to require name and address

(1) An inspector may require a person to state the person's name and home address if the inspector believes on reasonable grounds that the person is committing or has just committed an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

(2) The inspector must tell the person the reason for the requirement and, as soon as practicable, record the reason.

(3) The person may ask the inspector to produce the inspector's identity card for inspection by the person.

(4) Subsection (3) does not apply in relation to an inspector who is a police officer in uniform.

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(5) A person must comply with a requirement made of the person under subsection (1) if the inspector—

(a) tells the person the reason for the requirement; and

(b) complies with any request made by the person under subsection (3).

Maximum penalty: 10 penalty units.

(6) An offence against this section is a strict liability offence.

Division 10A.3 Search Warrants

70G Warrants generally

(1) An inspector may apply to a magistrate for a warrant to enter premises.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

(4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—

(a) there is a particular thing or activity connected with an offence against this Act; and

(b) the thing or activity—

(i) is, or is being engaged in, at the premises; or

(ii) may be, or may be engaged in, at the premises within the next 7 days.

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(5) The warrant must state—

(a) that an inspector may, with any necessary assistance and force, enter the premises and exercise the inspector's powers under this part; and

(b) the offence for which the warrant is issued; and

(c) the things that may be seized under the warrant; and

(d) the hours when the premises may be entered; and

(e) the date, within 7 days after the day of the warrant's issue, the warrant ends.

70H Warrants—application made other than in person

(1) An inspector may apply for a warrant by phone, fax, radio or other form of communication if the inspector considers it necessary because of—

(a) urgent circumstances; or

(b) other special circumstances.

(2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.

(3) The inspector may apply for the warrant before the application is sworn.

(4) If the magistrate issues the warrant, the magistrate must immediately provide a written copy to the inspector if it is practicable to do so.

(5) If it is not practicable to provide a written copy to the inspector—

(a) the magistrate must tell the inspector—

(i) the terms of the warrant; and

(ii) the date and time the warrant was issued; and

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(b) the inspector must complete a form of warrant (the ***warrant form***) and write on it—

(i) the magistrate's name; and

(ii) the date and time the magistrate issued the warrant; and

(iii) the warrant's terms.

(6) The written copy of the warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the inspector's powers under the warrant.

(7) The inspector must, at the first reasonable opportunity, send to the magistrate—

(a) the sworn application; and

(b) if the inspector completed a warrant form—the completed warrant form.

(8) On receiving the documents, the magistrate must attach them to the warrant.

(9) A court must find that a power exercised by the inspector was not authorised by a warrant under this section if—

(a) the question arises in a proceeding in the court whether the exercise of power was authorised by a warrant; and

(b) the warrant is not produced in evidence; and

(c) it is not proved that the exercise of power was authorised by a warrant under this section.

70I Search warrants—announcement before entry

(1) An inspector must, before anyone enters premises under a search warrant—

(a) announce that the inspector is authorised to enter the premises; and

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(b) give anyone at the premises an opportunity to allow entry to the premises; and

(c) if an occupier is present at the premises—identify himself or herself to the person.

(2) The inspector is not required to comply with subsection (1) if the inspector believes on reasonable grounds that immediate entry to the premises is required to ensure—

(a) the safety of anyone (including the inspector or any person assisting); or

(b) that the effective execution of the warrant is not frustrated.

70J Details of search warrant to be given to occupier etc

If the occupier of premises is present at the premises while a search warrant is being executed, the inspector or a person assisting must make available to the person—

(a) a copy of the warrant; and

(b) a document setting out the rights and obligations of the person.

70K Occupier entitled to be present during search etc

(1) If the occupier of premises is present at the premises while a search warrant is being executed, the person is entitled to observe the search being conducted.

(2) However, the person is not entitled to observe the search if—

(a) to do so would impede the search; or

(b) the person is under arrest, and allowing the person to observe the search being conducted would interfere with the objectives of the search.

(3) This section does not prevent 2 or more areas of the premises being searched at the same time.

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70L Use of electronic equipment at premises

(1) An inspector or a person assisting may operate electronic equipment at premises entered under a search warrant to access data (including data not held at the premises) if the inspector or person believes on reasonable grounds that—

(a) the data might be something to which the warrant relates; and

(b) the equipment can be operated without damaging the data.

(2) If the inspector or person assisting believes on reasonable grounds that any data accessed by operating the electronic equipment might be something to which the warrant relates, the inspector or person may—

(a) copy the data to a data storage device brought to the premises; or

(b) if a person in charge of the premises agrees in writing—copy the data to a data storage device at the premises.

(3) The inspector or person assisting may take the device from the premises.

(4) The inspector or person assisting may do the following things if the inspector or person finds that anything to which the warrant relates (the ***material***) is accessible using the equipment:

(a) seize the equipment and any data storage device;

(b) if the material can, by using facilities at the premises, be put in documentary form—operate the facilities to put the material in that form and seize the documents produced.

(5) An inspector may seize equipment under subsection (4) (a) only if—

(a) it is not practicable to copy the data as mentioned in subsection (2) or to put the material in documentary form as mentioned in subsection (4) (b); or

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(b) possession of the equipment by a person in charge of the premises or someone else could be an offence.

70M Person with knowledge of computer or computer system to assist access etc

(1) An inspector may apply to a magistrate for an order requiring a stated person to give any information or assistance that is reasonably necessary to allow the inspector or a person assisting to do 1 or more of the following:

(a) access data held in or accessible from a computer that is at the premises;

(b) copy the data to a data storage device;

(c) convert the data into documentary form.

(2) The magistrate may make an order if satisfied that—

(a) there are reasonable grounds for suspecting that something to which the warrant relates is accessible from the computer; and

(b) the stated person is—

(i) reasonably suspected of possessing, or having under the person's control, something to which the warrant relates; or

(ii) the owner or lessee of the computer; or

(iii) an employee or agent of the owner or lessee of the computer; and

(c) the stated person has knowledge of—

(i) the computer or a computer network of which the computer forms a part; or

(ii) measures applied to protect data held in or accessible from the computer.

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(3) A person commits an offence if the person contravenes an order under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(4) The provisions of this part relating to the issue of search warrants apply, with any necessary changes, to the making of an order under this section.

70N Securing electronic equipment

(1) This section applies if an inspector or a person assisting believes on reasonable grounds that—

(a) something to which a warrant relates (the ***material***) may be accessible by operating electronic equipment at the premises; and

(b) expert assistance is required to operate the equipment; and

(c) the material may be destroyed, altered or otherwise interfered with if the inspector or person does not take action.

(2) The inspector or person may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or otherwise.

(3) The inspector or a person assisting must give written notice to a person in charge of the premises of—

(a) the inspector's or person's intention to secure the equipment; and

(b) the fact that the equipment may be secured for up to 24 hours.

(4) The equipment may be secured until the earlier of the following events happens:

(a) the end of the 24-hour period;

(b) the equipment is operated by the expert.

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(5) If the inspector or a person assisting believes on reasonable grounds that the expert assistance will not be available within the 24-hour period, the inspector or person may apply to a magistrate to extend the period.

(6) The inspector or a person assisting must tell a person in charge of the premises of the intention to apply for an extension, and the person is entitled to be heard on the application.

(7) The provisions of this part relating to the issue of search warrants apply, with any necessary changes, to the giving of an extension under this section.

70O Copies of seized things to be provided

(1) This section applies if—

(a) the occupier of premises is present at the premises while a search warrant is executed; and

(b) the inspector seizes—

(i) a document, film, computer file or something else that can be readily copied; or

(ii) a data storage device containing information that can be readily copied.

(2) The person in charge or other person may ask the inspector to give the person a copy of the thing or information.

(3) The inspector must give the person the copy as soon as practicable after the seizure.

(4) However, the inspector is not required to give the copy if—

(a) the thing was seized under section 70L (Use of electronic equipment at premises); or

(b) possession of the thing or information by a person in charge of the premises or someone else would be an offence.

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Division 10A.4 Return and forfeiture of things seized

70P Receipt for things seized

(1) If an inspector seizes a thing under this part, the inspector must give a receipt for it to the person from whom it was seized.

(2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt, secured conspicuously, at the place of seizure under section 70E (Power to seize things).

(3) A receipt under this section must include the following:

(a) a description of the thing seized;

(b) an explanation of why the thing was seized;

(c) the inspector's name, and how to contact the inspector;

(d) if the thing is moved from the premises where it is seized—where the thing is to be taken.

70Q Moving things to another place for examination or processing under search warrant

(1) A thing found at premises entered under a search warrant may be moved to another place for examination or processing to decide whether it may be seized under the warrant if—

(a) both of the following apply:

(i) there are reasonable grounds for believing that the thing is or contains something to which the warrant relates;

(ii) it is significantly more practicable to do so having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance; or

(b) the occupier of the premises agrees in writing.

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(2) The thing may be moved to another place for examination or processing for not longer than 3 business days.

(3) An inspector may apply to a magistrate for an extension of time if the inspector believes on reasonable grounds that the thing cannot be examined or processed within 3 business days.

(4) The inspector must give notice of the application to the occupier of the premises, and the occupier is entitled to be heard on the application.

(5) If a thing is moved to another place under this section, the inspector must, if practicable—

(a) tell the occupier of the premises the address of the place where, and time when, the examination or processing will be carried out; and

(b) allow the occupier or the occupier's representative to be present during the examination or processing.

(6) The provisions of this part relating to the issue of search warrants apply, with any necessary changes, to the giving of an extension under this section.

70R Access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under this part may—

(a) inspect it; and

(b) if it is a document—take extracts from it or make copies of it.

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70S Return of things seized

(1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid by the Territory to the owner for the loss of the thing, if—

(a) an infringement notice for an offence relating to the thing is not served on the owner within 90 days after the day of the seizure and a prosecution for an offence relating to the thing—

(i) is not started within the 90-day period; or

(ii) is started within the 90-day period but the court does not find the offence proved; or

(b) an infringement notice for an offence relating to the thing is served on the owner within 90 days after the day of the seizure, the infringement notice is withdrawn and a prosecution for an offence relating to the thing—

(i) is not started within the 90-day period; or

(ii) is started within the 90-day period but the court does not find the offence proved; or

(c) an infringement notice for an offence relating to the thing is served on the owner and not withdrawn within 90 days after the day of the seizure, liability for the offence is disputed under the *Magistrates Court Act 1930*, section 132 (Disputing liability for infringement notice offence) and an information—

(i) is not laid in the Magistrates Court against the person for the offence within 60 days after the day notice is given under section 132 of that Act that liability is disputed; or

(ii) is laid in the Magistrates Court against the person for the offence within the 60-day period, but the Magistrates Court does not find the offence proved; or

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(d) before the thing is forfeited to the Territory under section 70T, the director-general—

(i) becomes satisfied that there has been no offence against this Act with which the thing was connected; or

(ii) decides not to prosecute or have an infringement notice served for the offence.

(2) However, this section does not apply to a thing if—

(a) the director-general believes on reasonable grounds that the only practical use of the thing in relation to the premises where it was seized would be an offence against this Act; or

(b) possession of the thing by its owner would be an offence.

70T Forfeiture of seized things

(1) This section applies if—

(a) anything seized under this part has not been returned under section 70S; and

(b) an application for disallowance of the seizure under section 70U—

(i) has not been made within 10 days after the day of the seizure; or

(ii) has been made within that period, but the application has been refused or has been withdrawn before a decision in relation to the application had been made.

(2) If this section applies to the seized thing—

(a) it is forfeited to the Territory; and

(b) it may be sold, destroyed or otherwise disposed of as the director-general directs.

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70U Application for order disallowing seizure

(1) A person claiming to be entitled to anything seized under this part may apply to the Magistrates Court within 10 days after the day of the seizure for an order disallowing the seizure.

(2) The application may be heard only if the applicant has served a copy of the application on the director-general.

(3) The director-general is entitled to appear as respondent at the hearing of the application.

70V Order for return of seized thing

(1) This section applies if a person claiming to be entitled to anything seized under this part applies to the Magistrates Court under section 70U for an order disallowing the seizure.

(2) The Magistrates Court must make an order disallowing the seizure if the court is satisfied that—

(a) the applicant would, apart from the seizure, be entitled to the return of the seized thing; and

(b) the thing is not connected with an offence against this Act; and

(c) possession of the thing by the person would not be an offence.

(3) The Magistrates Court may also make an order disallowing the seizure if satisfied there are exceptional circumstances justifying the making of the order.

(4) If the Magistrates Court makes an order disallowing the seizure, the court may make 1 or more of the following ancillary orders:

(a) an order directing the director-general to return the thing to the applicant or to someone else who appears to be entitled to it;

(b) if the thing cannot be returned or has depreciated in value because of the seizure—an order directing the Territory to pay reasonable compensation;

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(c) an order about the payment of costs in relation to the application.

Division 10A.5 Miscellaneous

70W Damage etc to be minimised

(1) In the exercise, or purported exercise, of a function under this part, an inspector must take all reasonable steps to ensure that the inspector, and any person assisting the inspector, causes as little inconvenience, detriment and damage as practicable.

(2) If an inspector, or a person assisting an inspector, damages anything in the exercise or purported exercise of a function under this part, the inspector must give written notice of the particulars of the damage to the person the inspector believes on reasonable grounds is the owner of the thing.

(3) If the damage happens at premises entered under this part in the absence of the occupier, the notice may be given by leaving it, secured conspicuously, at the premises.

70X Compensation for exercise of enforcement powers

(1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by an inspector or a person assisting an inspector.

(2) Compensation may be claimed and ordered in a proceeding for—

(a) compensation brought in a court of competent jurisdiction; or

(b) an offence against this Act brought against the person making the claim for compensation.

(3) A court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.

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(4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

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Part 11 Miscellaneous

79 Advertisements by licensed dealers

(1) A licensed dealer shall not, in an advertisement that the dealer causes or permits to be published in relation to, or in connection with, the business of the dealer, make any statement that is false or misleading.

Maximum penalty: 30 penalty units.

(2) A licensed dealer shall not in an advertisement that the dealer causes or permits to be published in relation to, or in connection with, the sale of second-hand vehicles—

(a) convey any information in relation to a motor vehicle that the dealer offers for sale that is inconsistent with information relating to that vehicle contained in the dealer's dealings register or in the notice attached to the vehicle under section 20; or

(b) refer to or describe a motor vehicle unless the vehicle is identified by its registered number or, if the vehicle has no registered number, by its engine number; or

(c) specify the deposit payable on, or periodical payments payable in relation to, a motor vehicle unless the cash price in relation to the vehicle is also specified.

Maximum penalty: 30 penalty units.

81 Submission of documents for signature

A licensed dealer shall not, in relation to the sale of a motor vehicle, submit a document to another person for the person's signature unless at the time of submitting the document all material particulars in the document have been completed and any other matter contained in the document that is not relevant in relation to that sale has been deleted.

Maximum penalty: 10 penalty units.

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82 Licensed dealer not to be indemnified by antecedent owner

(1) Subject to subsection (2), if a licensed dealer incurs any costs or expenses because of the operation of this Act or the *Traders (Licensing) Act 2016* in relation to the sale of a motor vehicle, the dealer is not entitled to be indemnified in relation to those costs or expenses by any antecedent owner and any contract or agreement providing, directly or indirectly, for the licensed dealer to be so indemnified is, to the extent that it does so, void.

(2) Subsection (1) does not apply to a contract or agreement providing for a licensed dealer to be so indemnified if the antecedent owner is a trade owner.

83 Contracting out

A term of an agreement, other than if the parties to the agreement are a licensee and a corporation, that purports to exclude or limit the operation of this Act or the *Traders (Licensing) Act 2016*, or to preclude any right of action or any defence based on or arising out of any failure to comply with this Act or the *Traders (Licensing) Act 2016*, is void.

84 Other rights and remedies preserved

Except as is expressly provided by this Act, nothing in this Act shall limit, restrict or otherwise affect any right or remedy a person would have had if this Act had not been made.

89 Requirement by commissioner or inspector

If the commissioner or an inspector is empowered by this Act to require a person to do anything, the commissioner or the inspector may make the requirement orally or in writing served on that person.

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91 Determination of fees and charges

(1) The Minister may, in writing, determine fees and charges for this Act.

(2) Without limiting subsection (1), the Minister may determine the charge payable as contribution to the compensation fund in relation to the issue of a licence to a dealer or the renewal of a licence held by a dealer.

(3) A determination is a disallowable instrument.

92 Exemption of vehicles from Act

(1) The Minister may, in writing, declare that a vehicle is not a motor vehicle for this Act.

(2) A declaration is a notifiable instrument.

93 Approved forms

(1) The commissioner may, in writing, approve forms for this Act.

(2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

95 Regulation-making power

The Executive may make regulations for this Act.

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Schedule 1 Obligation of dealer to repair defects

(see s 23 (1))

column 1 item	column 2 description of motor vehicle	column 3 kilometres	column 4 period
1	new motor vehicle (other than a motorcycle) that has been driven for less than 15 000km at the time it is sold by dealer	20 000 (after manufacture)	12 months less 1 month for each 2 000 km that the vehicle has been driven before sold by dealer
2	new motor vehicle (other than a motorcycle) that has been driven for 15 000km or more at the time it is sold by dealer	5 000 (after sale)	3 months
3	second-hand motor vehicle (other than a motorcycle) that has been driven for not more than 160 000 km and was manufactured not more than 10 years before the time it is sold by dealer	5 000 (after sale)	3 months

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Schedule 2 Reviewable decisions

(see pt 8)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	15 (4)	refuse to approve computer system for maintaining dealings register	licensee proposing to use computer system

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Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- ACT
- Australian Consumer Law (ACT)
- civil partnership
- civil union
- corporation
- director-general (see s 163)
- disallowable instrument (see s 9)
- Executive
- home address
- individual
- lawyer
- Minister (see s 162)
- National Credit Code
- notifiable instrument (see s 10)
- occupational discipline order
- penalty unit (see s 133)
- police officer
- reviewable decision notice
- State
- the Territory.

accessory, in relation to a motor vehicle, means any of the following:

(a) a radio;

(b) a cassette player;

(c) a compact disc player;

(d) a telephone and in-car telephone kit;

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(e) a car aerial;

(f) a clock;

(g) a cigarette lighter;

(h) body hardware that is not standard to the motor vehicle;

(i) a power outlet, including a cigarette light socket;

(j) tools, other than a jack or wheel brace;

(k) a light globe;

(l) sealed beam lights;

(m) fog lights that are not standard to the motor vehicle;

(n) an alarm that is not standard to the motor vehicle;

(o) a digital video disc player or video display panel;

(p) MP3 or MP4 player and dock;

(q) a computerised navigation system;

Examples

- global positioning system
- satellite navigation system

(r) a keyless entry system and remote key pad that is not standard to the motor vehicle;

(s) anything else prescribed by regulation.

body number, in relation to a motor vehicle, means the figures, letters or other symbols (if any) recorded on the body of a vehicle by the manufacturer of the vehicle as a means of identification of that vehicle.

business, in relation to—

(a) a person who is the holder of a licence—means the business carried on under the licence; or

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(b) a person who is an applicant for a licence—means the business that the person would be entitled to carry on if the person were granted that licence.

cash price—

(a) in relation to a motor vehicle (including all accessories fitted, carried in or attached to the vehicle at the time of the offer or display) offered or displayed for sale—means the price at which the vendor is willing to sell the vehicle for cash; and

(b) in relation to the sale of a motor vehicle—

(i) means the price at which the vehicle is sold; or

(ii) if any part of the consideration that passes or is to pass from the purchaser is represented by another motor vehicle or other thing—means the amount that is equal to the sum of the price paid, or that is to be paid, by the purchaser and the value of the other vehicle or thing as ascribed to it for the purposes of the sale by the parties or, if no agreed value is so ascribed, the market value of the other vehicle or thing at the time of the sale; or

(iii) if all of the consideration that passes or is to pass from the purchaser is represented by another motor vehicle or other thing—means the value of the other vehicle or thing as ascribed to it for the purposes of the sale by the parties or, if no agreed value is so ascribed, the market value of the other vehicle or thing at the time of the sale.

charge means a charge that has not been dealt with by a court, but does not include a charge that has been withdrawn or otherwise not proceeded with.

commercial vehicle means a motor vehicle for use wholly or principally for—

(a) the carriage of goods; or

(b) the carriage of more than 10 adult persons; or

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(c) industrial or agricultural purposes;

and includes a motor vehicle, or a motor vehicle included in a class of motor vehicles, prescribed for this definition but does not include—

(d) a motor vehicle—

(i) of a kind known as a utility, station wagon or panel van that is the same make as a factory-produced motor car; and

(ii) in which the front part of the body, and the mechanical equipment of which, are the same, or substantially the same, as in that motor vehicle;

(e) a motor vehicle that is adapted for camping use; or

(f) a four-wheel drive motor vehicle with at least 1 forward-facing rear passenger seat (other than a motor vehicle of a kind known as a dual cab or a crew-cab); or

(g) a motor vehicle, or a class of motor vehicles, prescribed not to be a motor vehicle, or a class of motor vehicles, as the case may be, for this definition.

commissioner means the commissioner for fair trading.

compensation fund means the motor vehicle dealers compensation fund.

connected with an offence, for part 10A (Enforcement)—see section 70.

corporate licensee means a corporation that holds a licence.

dealer—

(a) means a person who—

(i) buys, sells or exchanges motor vehicles as a business; or

(ii) sells more than 6 vehicles in any 12-month period; but

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(b) does not include—

(i) a person whose business consists exclusively of buying motor vehicles for the purpose of demolishing or dismantling those vehicles; or

(ii) a wholesaler; or

(iii) a financier; or

(iv) a person who is exempted by the commissioner by written notice.

Note A person must not carry on the activities of a dealer unless the person is licensed as a motor vehicle dealer under the *Traders (Licensing) Act 2016*.

dealings register, of a licensed dealer, means a dealings register maintained by the dealer under section 15 (Licensees to maintain dealings register).

demonstrator, in relation to a motor vehicle, means a vehicle—

(a) that has been sold only to a dealer or wholesaler; and

(b) that has been registered only in the name of any 1 of the following persons:

(i) a dealer or wholesaler or any person on behalf of a dealer or wholesaler;

(ii) a person in anticipation of the sale of the vehicle to that person; and

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(c) that has not been used for any purpose other than—

(i) a purpose in connection with its manufacture or sale; or

(ii) the purpose of demonstrating the motor vehicle, or another vehicle of the same type, to a potential buyer of that vehicle.

executive officer, of a corporation, means a person, by whatever named called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

Examples

1 A director of the corporation

2 An employee of, or a person associated with, the corporation who is involved in activities that involve policy and decision making, related to the business affairs of the corporation, to the extent that the consequences of the formation of the policies, or the making of the decisions, may have some significant bearing on the financial standing of the corporation or the conduct of its affairs.

financier means a person who carries on the business of buying, selling or exchanging motor vehicles only—

(a) for the purpose of hiring motor vehicles under hire-purchase agreements; or

(b) for the purpose of selling motor vehicles on instalment terms; or

(c) for the purpose of taking or enforcing securities over motor vehicles; or

(d) for the purpose of letting out on hire motor vehicles without granting a right to purchase them; or

(e) for any purpose that may be prescribed; or

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(f) for the purpose of disposing of motor vehicles acquired by him or her in connection with any of the purposes referred to in, or prescribed in relation to, this definition;

or for 2 or more of those purposes, but does not include—

(g) a person who, otherwise than by an agent who is a licensed dealer, offers or displays motor vehicles for sale to the public, other than for the purpose referred to in paragraph (f); or

(h) a person who holds himself or herself out as ready to purchase motor vehicles from the public; or

(i) a person or a person included in a class of persons declared by the regulations to be excluded from this definition.

hire-purchase agreement, in relation to a motor vehicle, means—

(a) a letting of the vehicle with an option to purchase the vehicle; or

(b) an agreement for the purchase of the vehicle by instalments (whether described as rent or hire or otherwise), other than an agreement under which the property in the vehicle passes at the time of the agreement or on, or at any time before, delivery of the vehicle.

individual licensee means an individual who holds a licence.

inspector means an inspector under section 5B.

licence means a licence under the *Traders (Licensing) Act 2016*.

licensed means licensed under the *Traders (Licensing) Act 2016*.

light rail vehicle—see the *Road Transport (General) Act 1999*, dictionary.

manufacturer means a person who carries on the business of making or assembling motor vehicles.

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model designation means, in relation to a motor vehicle of a particular model, the words, figures, letters or other symbols (if any) applied by the manufacturer of that motor vehicle to describe or identify a motor vehicle of that model.

motorcycle means a motor vehicle that has less than 4 wheels and is steered by means of handlebars.

motor vehicle means any motor car, motorcycle, or other vehicle used on land that is propelled wholly or partly by any volatile spirit, steam, gas, oil or electricity, or by any means other than human or animal power, whether or not that vehicle is in working condition or is incomplete but does not include a light rail vehicle or any other vehicle used on a railway or tramway or a vehicle included in a class of vehicles that the Minister has, under section 92, declared not to be a motor vehicle for this Act.

new motor vehicle means a motor vehicle other than a second-hand motor vehicle.

occupier, of premises, for part 10A (Enforcement)—see section 70.

odometer means an instrument or device that measures and records the distance travelled by a motor vehicle, but does not include an instrument or device that is designed so as to permit, as part of its normal functioning, manual alteration of the distance so recorded.

offence, for part 10A (Enforcement)—see section 70.

owner, in relation to a motor vehicle—

(a) includes a person—

(i) who is the sole owner, joint owner or part owner of the motor vehicle; or

(ii) who has possession of the motor vehicle under a hire-purchase agreement, or bill of sale or similar instrument; or

(iii) who has possession of the motor vehicle under a contract or hire; but

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(b) does not include a person—

(i) mentioned in paragraph (a) (i) who does not have possession of the motor vehicle; or

(ii) who is entitled under a contract of hire, hire-purchase agreement, or bill or sale of similar instrument, to possession of the motor vehicle but who does not have possession of it.

premises includes a parcel of vacant land.

qualified accountant means—

(a) a member of the Institute of Chartered Accountants in Australia, the Institute of Public Accountants or CPA Australia; or

(b) a person registered as a registered company auditor under the Corporations Act.

reviewable decision, for part 8 (Notification and review of decisions)—see section 50.

sell, in relation to a motor vehicle, means to sell as principal or agent.

trade owner means—

(a) a dealer; or

(b) a financier.

wholesaler means a person who carries on the business of buying motor vehicles from any person and selling those vehicles to, or exchanging those vehicles with, persons who are financiers or holders of licences and only those persons.

Note A person must not carry on the activities of a wholesaler unless the person is licensed as a motor vehicle dealer under the *Traders (Licensing) Act 2016*.

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Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

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3 Legislation history

This Act was originally a Commonwealth ordinance—the *Sale of Motor Vehicles Ordinance 1977* A1977-29) (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Sale of Motor Vehicles Act 1977 A1977-29

notified 4 July 1977
s 1, s 2 commenced 4 July 1977 (s 2 (1))
ss 3, 5, 6, 32, 76-78, 84, 85, 89, 90 and 92 commenced 18 July 1977 (Cwlth Gaz 1977 No S140)
ss 4, 7-14, 33-65, 72, 73, 75, 79 (2), 80, 86-88 and 91 commenced 2 September 1977 (Cwlth Gaz 1977 No S181)
ss 15-26, 31 and 81-83 commenced 4 October 1977 (Cwlth Gaz 1977 No S210)
ss 27 and 66-71 sub before commencement
ss 28-30 om before commencement
ss 74, 79 (1) commenced 24 April 1978 (Cwlth Gaz 1978 No S70)

as amended by

Ordinances Revision Ordinance 1978 Ord1978-46 sch 2

notified 28 December 1978
commenced 28 December 1978

Sale of Motor Vehicles (Amendment) Ordinance 1980 Ord1980-39

notified 17 October 1980
commenced 17 October 1980

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Ordinances Revision (Companies Amendments) Ordinance 1982
Ord1982-38 sch 4
notified 30 June 1982
commenced 1 July 1982 (s 2)

Sale of Motor Vehicles (Amendment) Ordinance 1983 **Ord1983-16**
notified 19 August 1983
commenced 19 August 1983

Sale of Motor Vehicles (Amendment) Ordinance (No 2) 1983
Ord1983-38
notified 29 September 1983
commenced 1 October 1983 (s 2)

Magistrates Court Ordinance 1985 **Ord1985-67 sch pt 1**
notified 19 December 1985
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Sale of Motor Vehicles (Amendment) Ordinance 1985 **Ord1985-70**
notified 19 December 1985
commenced 19 December 1985

Self-Government (Consequential Amendments) Ordinance 1989
Ord1989-38 sch 1
notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Acts Revision (Position of Crown) Act 1993 **A1993-44 sch 1**
notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2 and see Gaz 1993 No S165)

Administrative Appeals (Consequential Amendments) Act 1994
A1994-60 sch 1
notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

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Statutory Offices (Miscellaneous Provisions) Act 1994 A1994-97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Annual Reports (Government Agencies) (Consequential Provisions) Act 1995 A1995-25 sch

notified 5 September 1995 (Gaz 1995 No S212)
commenced 5 September 1995 (s 2)

Statute Law Revision Act 1995 A1995-46 sch

notified 18 December 1995 (Gaz 1995 No S306)
commenced 18 December 1995 (s 2)

Sale of Motor Vehicles (Amendment) Act 1995 A1995-48

notified 18 December 1995 (Gaz 1995 No S306)
ss 1-23, 24 (1), 25-68 commenced 18 December 1995 (s 2 (1))
s 24 (2) commenced 1 November 1996 (s 2 (2))

Financial Institutions (Removal of Discrimination) Act 1997 A1997-88 sch

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch commenced 31 December 1997 (s 2 (2) and Gaz 1997 No S442)

Legal Practitioners (Consequential Amendments) Act 1997 A1997-96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 1 commenced 1 June 1998 (s 2 (2))

Statute Law Revision (Penalties) Act 1998 A1998-54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Road Transport Legislation Amendment Act 1999 A1999-79 sch 3

notified 23 December 1999 (Gaz 1999 No S65)
s 1, s 2 commenced 23 December 1999 (IA s 10B)
sch 3 commenced 1 March 2000 (s 2 and see Gaz 2000 No S5)

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Sale of Motor Vehicles Amendment Act 2001 A2001-13

notified 5 April 2001 (Gaz 2001 No 14)
s 1, s 2 commenced 5 April 2001 (IA s 10B)
s 3, s 4 and s 6 commenced 5 April 2001 (s 2 (2))
s 5 commenced 5 October 2001 (s 2 (1) and LA s 79)

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 355

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
amdt 1.3842, amdt 1.3845, amdt 1.3850, amdts 1.3863-1.3866 commenced 14 March 2002 (amdt 1.3842, amdt 1.3845, amdt 1.3850, amdts 1.3863-1.3866)
pt 355 remainder commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Justice and Community Safety Legislation Amendment Act 2001 A2001-70 sch 1

notified LR 14 September 2001
sch 1 commenced 14 March 2002 (s 2 (1) and LA s 79)

Legislation Amendment Act 2002 A2002-11 pt 2.44

notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.44 commenced 28 May 2002 (s 2 (2))

Statute Law Amendment Act 2002 A2002-30 pt 3.76

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.76 commenced 17 September 2002 (s 2 (1))

Planning and Land (Consequential Amendments) Act 2002 A2002-56 sch 3 pt 3.15

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
sch 3 pt 3.15 commenced 1 July 2003 (s 2 and see Planning and Land Act 2002 A2002-55, s 2)

Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch 1 pt 1.32

notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
sch 1 pt 1.32 commenced 28 March 2003 (s 2)

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Agents Act 2003 A2003-20 sch 3 pt 3.3
notified LR 19 May 2003
s 1, s 2 commenced 19 May 2003 (LA s 75 (1))
sch 3 pt 3.3 commenced 1 November 2003 (s 2 and CN2003-12)

Justice and Community Safety Legislation Amendment Act 2003 (No 2) A2003-47 pt 9
notified LR 31 October 2003
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))
pt 9 commenced 1 November 2003 (s 2)

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.22
notified LR 5 December 2003
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))
sch 3 pt 3.22 commenced 19 December 2003 (s 2)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.83
notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.83 commenced 9 April 2004 (s 2 (1))

Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.17
notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
sch 3 pt 3.17 commenced 25 August 2004 (s 2 (1))

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.61
notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
amdts 3.399-3.401 commenced 12 November 2005 (s 2 (2) and LA s 79)
sch 3 pt 3.61 remainder commenced 2 June 2005 (s 2 (1))

Civil Unions Act 2006 A2006-22 sch 1 pt 1.27
notified LR 19 May 2006
s 1, s 2 commenced 19 May 2006 (LA s 75 (1))
sch 1 pt 1.27 never commenced

Note Act repealed by disallowance 14 June 2006 (see Cwlth Gaz 2006 No S93)

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Justice and Community Safety Legislation Amendment Act 2006 A2006-40 sch 1 pt 1.13
notified LR 28 September 2006
s 1, s 2 commenced 28 September 2006 (LA s 75 (1))
sch 1 pt 1.13 commenced 29 September 2006 (s 2 (1))

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.90
notified LR 22 March 2007
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
sch 3 pt 3.90 commenced 12 April 2007 (s 2 (1))

Regulatory Services Legislation Amendment Act 2008 A2008-5 pt 7
notified LR 15 April 2008
s 1, s 2 commenced 15 April 2008 (LA s 75 (1))
pt 7 commenced 1 July 2008 (s 2 and CN2008-7)

Civil Partnerships Act 2008 A2008-14 sch 1 pt 1.23
notified LR 15 May 2008
s 1, s 2 commenced 15 May 2008 (LA s 75 (1))
sch 1 pt 1.23 commenced 19 May 2008 (s 2 and CN2008-8)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.46
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.46 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.67
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.67 commenced 22 September 2009 (s 2)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.67
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.67 commenced 17 December 2009 (s 2)

Personal Property Securities Act 2010 A2010-15 sch 3 pt 3.4
notified LR 1 April 2010
s 1, s 2 commenced 1 April 2010 (LA s 75 (1))
sch 3 pt 3.4 commenced 30 January 2012 (s 2 (2) (b))

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Justice and Community Safety Legislation Amendment Act 2010 (No 3) A2010-40 sch 1 pt 1.10

notified LR 5 October 2010
s 1, s 2 commenced 5 October 2010 (LA s 75 (1))
s 3, sch 1 pt 1.10 commenced 6 October 2010 (s 2 (1))

Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.22

notified LR 16 December 2010
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))
sch 3 pt 3.22 commenced 1 January 2011 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2011 A2011-16 sch 1 pt 1.9

notified LR 17 May 2011
s 1, s 2 commenced 17 May 2011 (LA s 75 (a))
sch 1 pt 1.9 commenced 17 November 2011 (s 2 and LA s 79)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.140

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.140 commenced 1 July 2011 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2011 (No 2) A2011-27 sch 1 pt 1.7

notified LR 30 August 2011
s 1, s 2 taken to have commenced 29 July 2008 (LA s 75 (2))
sch 1 pt 1.7 commenced 13 September 2011 (s 2 (1))

Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.33

notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.33 commenced 1 March 2012 (s 2 (1) and see Evidence Act 2011 A2011-12, s 2 and CN2012-4)

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Justice and Community Safety Legislation Amendment Act 2011 (No 3) A2011-49 sch 1 pt 1.10

notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.10 commenced 12 December 2011 (s 2 (2) (a) and see Statute Law Amendment Act 2011 (No 3) A2011-52 s 2)

Business Names Registration (Transition to Commonwealth) Act 2012 A2012-2 sch 2 pt 2.6

notified LR 28 February 2012
s 1, s 2 commenced 28 February 2012 (LA s 75 (1))
sch 2 pt 2.6 commenced 28 May 2012 (s 2 (2))

Statute Law Amendment Act 2012 A2012-21 sch 3 pt 3.42

notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
sch 3 pt 3.42 commenced 5 June 2012 (s 2 (1))

Civil Unions Act 2012 A2012-40 sch 3 pt 3.24

notified LR 4 September 2012
s 1, s 2 commenced 4 September 2012 (LA s 75 (1))
sch 3 pt 3.24 commenced 11 September 2012 (s 2)

Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Act 2013 A2013-28 pt 8

notified LR 21 August 2013
s 1, s 2 commenced 21 August 2013 (LA s 75 (1))
pt 8 commenced 22 August 2013 (s 2)

Marriage Equality (Same Sex) Act 2013 A2013-39 sch 2 pt 2.23

notified LR 4 November 2013
s 1, s 2 commenced 4 November 2013 (LA s 75 (1))
sch 2 pt 2.23 commenced 7 November 2013 (s 2 and CN2013-11)

Note The High Court held this Act to be of no effect (see *Commonwealth v Australian Capital Territory* [2013] HCA 55)

Red Tape Reduction Legislation Amendment Act 2014 A2014-47 pt 13

notified LR 6 November 2014
s 1, s 2 commenced 6 November 2014 (LA s 75 (1))
pt 13 commenced 7 November 2014 (s 2)

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Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.59

notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 1 pt 1.59 commenced 14 October 2015 (s 2)

Spent Convictions (Historical Homosexual Convictions Extinguishment) Amendment Act 2015 A2015-45 sch 1 pt 1.8

notified LR 6 November 2015
s 1, s 2 commenced 6 November 2015 (LA s 75 (1))
sch 1 pt 1.8 commenced 7 November 2015 (s 2)

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.42, sch 4 pt 4.8

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 3 pt 3.42, sch 4 pt 4.8 commenced 27 April 2016 (s 2)

Traders (Licensing) Act 2016 A2016-46 sch 2 pt 2.4

notified LR 22 August 2016
s 1, s 2 commenced 22 August 2016 (LA s 75 (1))
sch 2 pt 2.4 commenced 22 August 2017 (s 2)

Road Transport Reform (Light Rail) Legislation Amendment Act 2017 A2017-21 sch 1 pt 1.14

notified LR 8 August 2017
s 1, s 2 commenced 8 August 2017 (LA s 75 (1))
sch 1 pt 1.14 commenced 15 August 2017 (s 2)

Red Tape Reduction Legislation Amendment Act 2018 A2018-33 pt 11, sch 1 pt 1.34

notified LR 25 September 2018
s 1, s 2 commenced 25 September 2018 (LA s 75 (1))
pt 11 commenced 2 October 2018 (s 2 (1))
sch 1 pt 1.34 commenced 23 October 2018 (s 2 (4))

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.59

notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.59 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

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Statute Law Amendment Act 2025 A2025-29 sch 4 pt 4.162

notified LR 6 November 2025

s 1, s 2 commenced 6 November 2025 (LA s 75 (1))

sch 4 pt 4.162 commenced 5 January 2026 (s 2 (8))

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4 Amendment history

Name of Act

s 1 sub A2001-70 amdt 1.74

Dictionary

s 2 sub A2001-70 amdt 1.74
am A2016-46 amdt 2.24

Notes

s 2A (prev s 4) ins A2001-70 amdt 1.80
reloc and renum as s 2A A2007-3 amdt 3.461

When is a motor vehicle sold or manufactured etc

s 3 hdg sub A2001-70 amdt 1.75, amdt 1.79
s 3 orig s 3 am Ord1982-38 sch 4
def ***car market operator licence*** ins A1995-48 s 4
om A2001-70 amdt 1.76
def ***chief police officer*** ins A1995-48 s 4
om A2001-70 amdt 1.76
def ***committee*** om A2001-70 amdt 1.76
def ***convicted*** ins A1995-48 s 4
om A2001-70 amdt 1.76
def ***dealer*** sub A1995-48 s 4
om A2001-70 amdt 1.76
def ***dealings register*** om A2001-70 amdt 1.76
def ***demonstrator vehicle*** om A1995-48 s 4
def ***director*** om A2001-70 amdt 1.76
def ***exempt trader*** om A1995-48 s 4
def ***good fame and character*** ins A1995-48 s 4
om A2001-70 amdt 1.76
def ***inspector*** sub A1994-97 sch
om A2001-70 amdt 1.76
def ***prescribed fee*** ins Ord1983-38 s 4
om A1995-48 s 4
defs reloc to dict A2001-70 amdt 1.77
am A2001-70 amdt 1.78
s 3 (2) renum as s 3 A2001-70 amdt 1.79

Position of Crown

s 3A ins A1993-44 sch 1
renum as s 4A A2001-70 amdt 1.81

Notes

s 4 **orig s 4**
om A1995-48 s 5
prev s 4
reloc and renum as s 2A

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Application of Act to motor dealings by Territory

s 4A hdg	sub A2001-70 amdt 1.82
s 4A	(prev s 3A) ins A1993-44 sch 1 renum A2001-70 amdt 1.81 sub A2002-11 amdt 2.89

Registrar of Motor Vehicle Dealers

s 5	am Ord1989-38 sch 1 sub A1994-97 sch am A2001-70 amdt 1.83 sub A2003-56 amdt 3.202 (2)-(4) exp 19 December 2004 (s 5 (4)) sub A2005-20 amdt 3.397 am A2011-22 amdt 1.402 om A2011-16 amdt 1.32

Deputy Registrar of Motor Vehicle Dealers

s 5A	ins A1994-97 sch am A2001-70 amdt 1.83 sub A2003-56 amdt 3.202 (3)-(5) exp 19 December 2004 (s 5A (5)) sub A2005-20 amdt 3.397 am A2011-22 amdt 1.402 om A2011-16 amdt 1.32

Inspectors

s 5B	ins A1994-97 sch am A1995-48 s 6; A2001-70 amdt 1.83 sub A2003-56 amdt 3.203 (3)-(5) exp 19 December 2004 (s 5B (5)) am A2011-22 amdt 1.402; A2011-16 amdt 1.33

Identity cards

s 5C	ins A1994-97 sch am A1998-54 sch; A2011-22 amdt 1.399, amdt 1.402 sub A2011-16 amdt 1.34

Register of licences

s 6	sub A2008-5 s 35 am A2011-16 amdt 1.38 om A2016-46 amdt 2.25

Keeping of register

s 6AA	ins A2008-5 s 35 am A2011-16 amdt 1.38 om A2016-46 amdt 2.25

Licences to carry on business as dealer, wholesaler or car market operator

pt 2 hdg	am A1995-48 s 7 om A2016-46 amdt 2.26

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Meaning of *dealer*

s 6A ins A1995-48 s 8
am A2001-70 amdt 1.84; A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Meaning of relevant chief executive in pt 2

s 6B hdg sub A2001-70 amdt 1.85

s 6B ins A1995-48 s 8
am A2001-70 amdt 1.86
om A2002-56 amdt 3.51

Licensing of dealers

s 7 sub A1995-48 s 9
am A2001-70 amdt 1.87
om A2016-46 amdt 2.26

Licensing of wholesalers

s 7A ins A1995-48 s 9
am A2001-70 amdt 1.87
om A2016-46 amdt 2.26

Licensing of car market operators

s 7B ins A1995-48 s 9
am A2001-70 amdt 1.87
om A2016-46 amdt 2.26

Eligibility for grant of licences to individuals

s 8 hdg sub A2008-5 s 36

s 8 sub A1995-48 s 9
am A2001-70 amdt 1.88; A2008-5 s 37
om A2016-46 amdt 2.26

Eligibility for the grant of licences to corporations

s 9 sub A1995-48 s 9
am A2001-70 amdt 1.89, amdt 1.90
om A2016-46 amdt 2.26

Applications for licences by individuals

s 10 am A1995-48 s 10; A2001-70 amdts 1.91-1.93; pars renum R4 LA; A2002-56 amdt 3.52; A2003-56 amdt 3.204; A2008-5 s 38, s 39; pars renum R20 LA; A2009-49 amdt 3.173; A2011-16 amdt 1.38; A2012-2 amdt 2.9; A2013-28 s 15
om A2016-46 amdt 2.26

Applications for licences by corporations

s 11 am A1995-48 s 11 and sch 3; A2001-70 amdts 1.94-1.99; pars renum R4 LA; A2002-56 amdt 3.53; A2003-56 amdts 3.204-3.206; A2008-5 s 40, s 41; A2009-49 amdt 3.173; A2011-16 amdt 1.38; A2012-2 amdt 2.10; A2013-28 s 16
om A2016-46 amdt 2.26

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Identification of applicant or executive officer

s 11A hdg — am A2001-70 amdt 1.100

s 11A — ins A1995-48 s 12
am A2001-70 amdt 1.101; A2003-56 amdt 3.207; A2006-22 amdt 1.115 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93)); A2008-14 amdt 1.81; A2011-16 amdt 1.38; A2012-40 amdt 3.100
om A2016-46 amdt 2.26

Notification of application

s 11B — ins A1995-48 s 12
am A2009-20 amdt 3.191; A2009-49 amdt 3.174; A2011-16 amdt 1.38; A2015-33 amdt 1.210
om A2016-46 amdt 2.26

Certificates of convictions

s 12 — am Ord1978-46 sch 2
sub A1995-48 s 12
om A2008-5 s 42

Grant or refusal of licence

s 13 — am A1994-60 sch 1; A1995-48 s 13 and sch 3; A2001-70 amdts 1.102-1.105; A2008-5 s 43
sub A2008-36 amdt 1.597
am A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Decision about licence application—requirement for further information etc

s 13A — ins A2008-36 amdt 1.597
am A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Issue of licences

s 14 — am A1995-48 s 14; A2001-44 amdt 1.3839; ss renum R4 LA; A2011-16 amdt 1.38; A2013-28 s 17
om A2016-46 amdt 2.26

Eligibility for renewal of licences

s 14A — ins A1995-48 s 15
am A2001-70 amdt 1.106, amdt 1.107; A2008-5 s 44
om A2016-46 amdt 2.26

Applications for renewal of licences

s 14B — ins A1995-48 s 15
am A2001-70 amdt 1.108; A2002-56 amdt 3.54; A2008-5 s 45; A2013-28 s 18
om A2016-46 amdt 2.26

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Grant or refusal of renewal of licences

s 14C ins A1995-48 s 15
am A2001-70 amdt 1.109, amdt 1.110
sub A2008-36 amdt 1.598
am A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Decision about renewal application—requirement for further information etc

s 14CA ins A2008-36 amdt 1.598
am A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Renewal of licences

s 14D ins A1995-48 s 15
am A2001-44 amdts 1.3839-1.3841; A2001-70 amdt 1.111; A2011-16 amdt 1.38; A2013-28 s 19
om A2016-46 amdt 2.26

Variation of licences

s 14E ins A1995-48 s 15
am A2008-36 amdt 1.599; A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Licensees to maintain dealings register

s 15 sub A1995-48 s 16
am A2001-70 amdt 1.112; A2011-16 amdt 1.38

Information to be recorded in dealings register

s 16 am A1995-48 s 17 and sch 3; A2001-70 amdt 1.112; A2018-33 s 109; ss renum R43 LA

Giving incorrect information to licensee

s 17 am A1995-48 s 18; A2001-70 amdt 1.113

Telling people about Act's requirements

s 18 am A1995-48 s 19
sub A2003-56 amdt 3.208

Dealings with persons under 18 years

s 19 am A1995-48 s 20; A2001-70 amdt 1.114, amdt 1.115

Dealer to attach notice to second-hand vehicle

s 20 am A1995-48 s 21 and sch 3; A2001-70 amdts 1.116-1.119; A2011-16 amdt 1.38

Action by dealer on sale of second-hand motor vehicle

s 21 am Ord1985-70 s 4; A1995-48 s 22; A2001-70 amdt 1.119; pars renum R4 LA

Sale of vehicle if odometer replaced or distance altered

s 22 am A1995-48 s 23; A2001-70 amdt 1.120; A2011-16 amdt 1.38

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Obligations of dealer to repair defects in motor vehicles

s 23 am Ord1980-39 s 2; Ord1985-70 s 5; Ord1989-38 sch 1
sub A1995-48 s 24

Excluded defects

s 24 sub A1995-48 s 24
am A2001-44 amdt 1.3842; A2001-70 amdt 1.121; A2003-56 amdt 3.209; A2011-16 amdt 1.38

Exceptions

s 25 sub A1995-48 s 24
am A2001-44 amdts 1.3843-1.3845; ss renum R4 LA (see A2001-44 amdt 1.3846); A2001-70 amdts 1.122-1.124; A2016-18 amdt 4.10, amdt 4.11; A2025-29 amdt 4.163

Obligations of dealer to repair defects in motorcycles

s 25A ins A1995-48 s 24
am A2001-44 amdts 1.3847-1.3849; A2003-20 amdt 3.16; A2025-29 amdt 4.163

Cooling-off period

s 25B ins A1995-48 s 24
am A1995-48 s 24; A2001-70 amdt 1.125; A2001-44 amdt 1.3850; A2010-40 amdt 1.32

Sales between dealers and wholesalers

s 26 am A1995-48 s 25 and sch 3; A2001-70 amdt 1.126; ss renum R4 LA

Registrar may give opinion on disputes

s 27 sub Ord1983-16 s 3
am A1995-48 sch 3; A1999-79 sch 3; A2001-70 amdt 1.127; A2003-56 amdt 3.210
om A2008-36 amdt 1.600

Registrar may refer dispute to court of petty sessions

s 28 om Ord1983-16 s 3

Appeal to the court of petty sessions

s 29 om Ord1983-16 s 3

Appeal to the Supreme Court

s 30 om Ord1983-16 s 3

Authority to dealer to sell as agent

s 31 am A1995-48 s 26 and sch 3; A2001-70 amdt 1.128, amdt 1.129

Offences by vendors

s 32 am A1995-48 s 27 and sch 3; A2001-70 amdt 1.130

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Security interests in motor vehicles

pt 4A hdg sub A2012-21 amdt 3.171

Liability of dealer to creditor if security interest defeated

s 32A ins A2001-13 s 4
sub A2010-15 amdt 3.4
def ***creditor*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***debtor*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***director-general*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***hire-purchase agreement*** ins A2001-13 s 4
reloc to dict A2002-30 amdt 3.784
def ***hirer*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***lease*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***non-dealer*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***notice*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***NSW Act*** ins A2003-56 amdt 3.211
om A2010-15 amdt 3.4
def ***owner*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***participating State*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***payment*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***purchase*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***register of interests*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***registered*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***registrable interest*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***security interest*** ins A2001-13 s 4
om A2010-15 amdt 3.4
def ***the NSW Act*** ins A2001-13 s 4
om A2003-56 amdt 3.212

Expressions in pt 4A have same meanings as in NSW Act

s 32B ins A2001-13 s 4
om A2010-15 amdt 3.4

Registration of interests

s 32C ins A2001-13 s 4

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om A2010-15 amdt 3.4

Search certificates and notice
s 32D ins A2001-13 s 4
om A2010-15 amdt 3.4

Purchasing motor vehicle with registrable interest
s 32E ins A2001-13 s 4
om A2010-15 amdt 3.4

Liability of dealer to creditor if registrable interest defeated
s 32F ins A2001-13 s 4
om A2010-15 amdt 3.4

Effect of part payment at time of acquisition
s 32G ins A2001-13 s 4
om A2012-21 amdt 3.172

Revival of registrable interest on rescission of contract
s 32H ins A2001-13 s 4
om A2012-21 amdt 3.172

Contracting out of operation of pt 4A etc
s 32I ins A2001-13 s 4
am A2001-44 amdt 1.3851
om A2012-21 amdt 3.172

Payment of money into trust account
s 33 am A1995-48 s 28 and sch 3; A1997-88 sch; A2001-70 amdt 1.131

Procedure if part of consideration is not money
s 34 am A1995-48 s 29 and sch 3; A2001-70 amdt 1.132

Application of money in trust account
s 35 am A1995-48 s 30; A2001-70 amdts 1.133-1.135

Provisions applying to banks etc
s 37 hdg sub A2001-70 amdt 1.136
s 37 am A1997-88 sch

Accounting records
s 38 am A1995-48 s 31 and sch 3; A2001-70 amdt 1.137; A2011-16 amdt 1.38

Receipts for trust money
s 39 am A1995-48 s 32 and sch 3; A2001-70 amdts 1.138-1.140

Audit of trust accounts
s 40 am A1995-48 s 33 and sch 3; A2001-70 amdt 1.141; A2011-16 amdt 1.38

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Auditor's report

s 41 am A1995-48 s 34 and sch 3; ss renum R4 LA; A2011-16 amdt 1.38

Qualification of auditors

s 42 am Ord1982-38 sch 4; A1995-46 sch; A1995-48 s 35 and sch 3; A2003-14 amdt 1.102

Withdrawals—deficiency suspected

s 43 am A1995-48 s 36; A1997-88 sch; A2001-70 amdt 1.142; A2011-16 amdt 1.38

Offences against this part

s 44 om A1998-54 sch

Change of executive officers of corporate licensees

pt 6 hdg sub A2001-70 amdt 1.143
om A2016-46 amdt 2.26

Intended change of executive officers—notification and objection

s 45 am A1995-48 s 37
sub A2001-70 amdt 1.143
am A2008-5 s 46, s 47; A2008-36 amdt 1.601; A2009-20 amdt 3.191; A2009-49 amdt 3.174; A2011-16 amdt 1.38; A2015-33 amdt 1.211
om A2016-46 amdt 2.26

Intended change of directors—notification and objection

s 45A ins A1995-48 s 38
om A2001-70 amdt 1.143

Change of executive officers

s 46 hdg sub A2008-5 s 48
s 46 am A1995-48 s 39
sub A2001-70 amdt 1.143
am A2008-5 s 49, s 50; A2009-49 amdt 3.175; A2011-16 amdt 1.38
om A2016-46 amdt 2.26

Cancellation of licences by registrar

s 47 am A1995-48 s 40 and sch 3
sub A2001-70 amdt 1.143
ss renum R4 LA
om A2008-36 amdt 1.602

Disciplinary proceedings

pt 6A hdg ins A2001-70 amdt 1.143
om A2008-36 amdt 1.603

Occupational discipline—licensees

pt 7 hdg sub A2008-36 amdt 1.603
om A2016-46 amdt 2.26

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Grounds for occupational discipline—licensees

s 48 hdg	am A1995-48 notes
s 48	am A1994-60 sch 1; A1995-48 sch 3 sub A2001-70 amdt 1.143 am A2008-5 s 51 sub A2008-36 amdt 1.603 om A2016-46 amdt 2.26

Procedures for registrar taking action in relation to licences

s 48A	ins A2001-70 amdt 1.143 om A2008-36 amdt 1.603

Commissioner may apply to ACAT for occupational discipline

s 49 hdg	am A2011-16 amdt 1.38
s 49	am Ord1989-38 sch 1; A1995-48 s 41 and sch 3; A1997-96 sch 1; A2001-70 amdt 1.144; A2007-3 amdt 3.462 sub A2008-36 amdt 1.603 am A2011-16 amdt 1.38 om A2016-46 amdt 2.26

Notification and review of decisions

pt 8 hdg	sub A2008-36 amdt 1.603

Meaning of *reviewable decision*—pt 8

s 50	am A1995-48 sch 3 sub A2008-36 amdt 1.603

Reviewable decision notices

s 51	am A1995-48 s 42 and sch 3; A2001-70 amdt 1.145; A2003-56 amdt 3.213, amdt 3.214 sub A2008-36 amdt 1.603 am A2025-29 amdt 4.163

Applications for review

s 52	am A1995-48 s 43 and sch 3; A2001-70 amdt 1.145; A2005-20 amdt 3.398 sub A2008-36 amdt 1.603 am A2025-29 amdt 4.163

Protection of representatives, witnesses etc

s 53	am A1997-96 sch 1; A2001-70 amdt 1.146 om A2008-36 amdt 1.603

Protection of registrar and deputy registrar

s 54	am A2001-70 amdt 1.147 sub A2003-56 amdt 3.215 om A2008-36 amdt 1.603

Fees and expenses to witnesses

s 55	am Ord1983-16 s 4; Ord1989-38 sch 1; A1995-48 s 44 om A2008-36 amdt 1.603

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Registrar may inspect books etc
s 56 am A1995-48 sch 3
om A2008-36 amdt 1.603

Review by administrative appeals tribunal
s 57 am Ord1989-38 sch 1; A1994-60 sch 1
sub A1995-48 s 45
am A2001-70 amdts 1.148-1.150; pars renum R4 LA; A2002-56 amdt 3.55; A2008-5 s 52
om A2008-36 amdt 1.603

The compensation fund
s 58 am A1995-48 s 46
om A2001-70 amdt 1.151

Contributions to the compensation fund by dealers
s 59 am Ord1983-38 s 5; A1995-48 s 47
om A2001-44 amdt 1.3852

Certain persons may apply for compensation
s 60 am A2003-56 amdt 3.216; A2011-16 amdt 1.38; A2016-18 amdt 3.208, amdt 3.209

Commissioner to determine applications
s 61 hdg am A2011-16 amdt 1.38
s 61 am A1995-48 sch 3; A2011-16 amdt 1.38

Commissioner to notify applicant of determination
s 62 hdg am A2011-16 amdt 1.38
s 62 am A1995-48 sch 3; A2011-16 amdt 1.38

Review of determination
s 63 am Ord1985-67 sch pt 1; A2011-16 amdt 1.38

Payment of compensation
s 64 am A1995-48 s 48

Subrogation
s 65 am A1995-48 s 49

Offences
pt 10 hdg sub A1995-48 s 50; A2008-5 s 53

Definitions for pt 10
s 66 sub A1995-48 s 50
am A2001-44 amdt 1.3853; A2001-70 amdt 1.152, amdt 1.153
om A2005-20 amdt 3.399

Hindering of registrar etc
s 67 sub A1995-48 s 50; A2001-70 amdt 1.154
om A2004-15 amdt 2.173

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Offence by employee—liability of employer
s 68 sub A1995-48 s 50

Institution of proceedings
s 69 sub A1995-48 s 50

Enforcement
pt 10A hdg ins A2008-5 s 54

General
div 10A.1 hdg ins A2008-5 s 54

Definitions—pt 10A
s 70 sub A1995-48 s 50
am A2001-44 amdt 1.3854, amdt 1.3855
om A2005-20 amdt 3.399
ins A2008-5 s 54
def ***connected*** ins A2008-5 s 54
def ***occupier*** ins A2008-5 s 54
def ***offence*** ins A2008-5 s 54

Powers of inspectors
div 10A.2 hdg ins A2008-5 s 54

Power to enter premises
s 70A ins A1995-48 s 50
am A2001-44 amdts 1.3856-1.3858; pars renum R4 LA
om A2005-20 amdt 3.399
ins A2008-5 s 54
am A2018-33 s 110

Production of identity card
s 70B ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54

Consent to entry
s 70C ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54

General powers on entry to premises
s 70D ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54

Power to seize things
s 70E ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54

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Power to require name and address
s 70F ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54
am A2009-49 amdt 3.176

Search Warrants
div 10A.3 hdg ins A2008-5 s 54

Warrants generally
s 70G ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54

Warrants—application made other than in person
s 70H ins A1995-48 s 50
om A2005-20 amdt 3.399
ins A2008-5 s 54
am A2018-33 amdt 1.65, amdt 1.66

Search warrants—announcement before entry
s 70I ins A2008-5 s 54

Details of search warrant to be given to occupier etc
s 70J ins A2008-5 s 54

Occupier entitled to be present during search etc
s 70K ins A2008-5 s 54

Use of electronic equipment at premises
s 70L ins A2008-5 s 54

Person with knowledge of computer or computer system to assist access etc
s 70M ins A2008-5 s 54

Securing electronic equipment
s 70N ins A2008-5 s 54

Copies of seized things to be provided
s 70O ins A2008-5 s 54

Return and forfeiture of things seized
div 10A.4 hdg ins A2008-5 s 54

Receipt for things seized
s 70P ins A2008-5 s 54

Moving things to another place for examination or processing under search warrant
s 70Q ins A2008-5 s 54

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Access to things seized
s 70R ins A2008-5 s 54

Return of things seized
s 70S ins A2008-5 s 54
am A2011-22 amdt 1.402

Forfeiture of seized things
s 70T ins A2008-5 s 54
am A2011-22 amdt 1.402

Application for order disallowing seizure
s 70U ins A2008-5 s 54
am A2011-22 amdt 1.402

Order for return of seized thing
s 70V ins A2008-5 s 54
am A2011-22 amdt 1.402

Miscellaneous
div 10A.5 hdg ins A2008-5 s 54

Damage etc to be minimised
s 70W ins A2008-5 s 54

Compensation for exercise of enforcement powers
s 70X ins A2008-5 s 54

Working out whether person suitable or unsuitable
s 71 sub A1995-48 s 51; A2001-70 amdt 1.155
pars renum R4 LA
am A2003-56 amdts 3.217-3.222; A2010-54 amdt 3.52; A2011-16 amdt 1.38
om A2016-46 amdt 2.27

Issue of copy of licence
s 72 am A1995-48 s 52 and sch 3; A2001-44 amdt 1.3859, amdt 1.3860; A2011-16 amdt 1.38
om A2016-46 amdt 2.27

Display of licence and notice
s 73 sub A1995-48 s 53
am A2001-70 amdt 1.156; A2011-16 amdt 1.38; A2014-47 ss 22-24; ss renum R37 LA
om A2016-46 amdt 2.27

Return of licence
s 73A ins A2001-70 amdt 1.157
am A2011-16 amdt 1.38
om A2016-46 amdt 2.27

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Notification of beginning or ceasing business at a place

s 74 sub A1995-48 s 53
am A2001-70 amdt 1.158, amdt 1.159; A2011-16 amdt 1.38
om A2016-46 amdt 2.27

Licensed dealer to notify registrar of cessation or commencement of business at a place

s 75 om A1995-48 s 53

Inspection

s 76 sub A1995-48 s 54
am A2001-70 amdt 1.160
om A2008-5 s 55

Production of identity cards

s 77 sub A1994-97 sch
am A1995-48 s 55
om A2008-5 s 55

Inspection of register

s 78 am A1995-48 s 56; A2001-44 amdt 1.3859, amdt 1.3860
om A2008-5 s 55

Advertisements by licensed dealers

s 79 sub A1995-48 s 57
am A2001-70 amdts 1.161-1.163; A2014-47 s 25, s 26; ss renum R37 LA

Advertisements by licensed car market operators

s 79A ins A1995-48 s 57
am A2001-70 amdt 1.164
om A2014-47 s 27

List of licensed dealers

s 80 sub A1995-48 s 57; A2001-44 amdt 1.3861
om A2008-5 s 55

Submission of documents for signature

s 81 am A1995-48 s 58 and sch 3; A2001-70 amdt 1.165

Licensed dealer not to be indemnified by antecedent owner

s 82 am A2016-46 amdt 2.28

Contracting out

s 83 am A1995-48 s 59; A2016-46 amdt 2.28

Obstruction etc of registrar or inspector

s 85 om A1995-48 s 60

Notice of dissolution of partnership

s 86 om A1995-48 s 60

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Service on licensees and applicants for licences

s 87 am A1995-48 s 61 and sch 3; A2001-70 amdt 1.166
om A2003-56 amdt 3.223

Evidence of licensing

s 88 am A2011-16 amdt 1.38; A2011-48 amdt 1.50
om A2016-46 amdt 2.29

Requirement by commissioner or inspector

s 89 hdg am A2011-16 amdt 1.38

s 89 am A2011-16 amdt 1.38

Temporary revival of licence following death of licensee

s 89A ins A1995-48 s 62
am A2001-44 amdt 1.3862 ; A2001-70 amdts 1.167-1.170; A2003-56 amdt 3.224, amdt 3.225; A2008-36 amdt 1.604; ss renum R21 LA; A2009-49 amdt 3.177 A2011-16 amdt 1.38
om A2016-46 amdt 2.29

Annual report

s 90 om A1995-25 sch

Power of Minister to determine fees

s 90A ins Ord1983-38 s 6
sub A2001-70 amdt 1.171
om A2001-44 amdt 1.3863

Determination of fees and charges

s 91 am A1994-60 sch 1
om A1995-48 s 63
ins A2001-70 amdt 1.171
sub A2001-44 amdt 1.3863
am A2025-29 amdt 4.163

Exemption of vehicles from Act

s 92 **orig s 92**
renum as s 94 and then s 95
pres s 92
ins A2001-44 amdt 1.3863
am A2025-29 amdt 4.163

Approved forms

s 93 ins A2001-44 amdt 1.3863
am A2011-16 amdt 1.38; A2025-29 amdt 4.163

Delegation by registrar

s 94 **orig s 94**
(prev s 92) renum as s 94 and then s 95
pres s 94
ins A2006-40 amdt 1.36
om A2011-16 amdt 1.35

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Regulation-making power

s 95 (prev s 92) am Ord1989-38 sch 1
sub A2001-70 amdt 1.172
renum and sub as s 94 A2001-44 amdt 1.3864
renum as s 95 A2006-40 amdt 1.37
am A2025-29 amdt 4.163

Obligation of dealer to repair defects

sch 1 ins A1995-48 s 64

Reviewable decisions

sch 2 hdg (prev sch hdg) am A1995-48 s 65
sch 2 (prev sch) am Ord1989-38 sch 1; A1995-48 s 65
om A2001-70 amdt 1.173
ins A2008-36 amdt 1.605
am A2011-16 amdt 1.38; A2016-46 amdt 2.30; items renum R42 LA

On-the-spot fines

sch 3 ins A1995-48 s 66
sub A2003-47 s 31
om A2005-20 amdt 3.400

Dictionary

dict ins A2001-70 amdt 1.174
am A2003-56 amdt 3.226; A2006-22 amdt 1.116 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93)); A2008-14 amdt 1.82; A2008-36 amdts 1.606-1.608; A2009-20 amdt 3.192; A2009-49 amdt 3.178; A2010-40 amdt 1.33; A2010-54 amdt 3.53; A2011-22 amdt 1.400, amdt 1.401; A2011-49 amdt 1.19; A2012-40 amdt 3.101, A2013-39 amdt 2.58 (A2013-39 never effective (see *Commonwealth v Australian Capital Territory* [2013] HCA 55)); A2015-33 amdt 1.212; A2016-46 amdt 2.31
def ***accessory*** sub A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
am A2016-18 amdt 4.12
def ***ACTPLA certificate*** ins A2008-5 s 56
om A2023-36 amdt 1.337
def ***body number*** reloc from s 3 A2001-70 amdt 1.77
def ***business*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***car market operator*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77;
am A2016-46 amdt 2.32
om A2018-33 s 111
def ***cash price*** am A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***charge*** ins A1995-48 s 4

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reloc from s 3 A2001-70 amdt 1.77
def ***commercial vehicle*** sub A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***commissioner*** ins A2011-16 amdt 1.36
def ***compensation fund*** ins A2001-70 amdt 1.174
def ***connected*** ins A2008-5 s 56
def ***corporate licensee*** ins A2001-70 amdt 1.174
def ***creditor*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***dealer*** ins A2001-70 amdt 1.174
sub A2016-46 amdt 2.33
am A2018-33 s 112; pars renum R43 LA
def ***dealings register*** ins A2001-70 amdt 1.174
def ***debtor*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***demonstrator*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***deputy registrar*** ins A1994-97 sch
reloc from s 3 A2001-70 amdt 1.77
om A2011-16 amdt 1.37
def ***determined fee*** ins A1995-48 s 4
om A2001-70 amdt 1.76
ins A2001-70 amdt 1.74
om A2001-44 amdt 1.3865
def ***director-general*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***executive officer*** ins A2001-70 amdt 1.174
am A2003-56 amdt 3.227
def ***final infringement notice*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401
def ***financier*** reloc from s 3 A2001-70 amdt 1.77
def ***function*** ins A2001-70 amdt 1.174
om R15 LA
def ***ground for occupational discipline*** ins A2008-36 amdt 1.609
om A2016-46 amdt 2.34
def ***hire-purchase agreement*** reloc from s 3 A2001-70 amdt 1.77
also ins A2001-13 s 5
both om A2002-30 amdt 3.785
reloc from s 32A A2002-30 amdt 3.784

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def ***hirer*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***individual licensee*** ins A2001-70 amdt 1.174
def ***infringement notice*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401
def ***inspector*** ins A2001-70 amdt 1.174
am A2007-3 amdt 3.463
def ***lease*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***licence*** sub A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
sub A2016-46 amdt 2.35
def ***licenced*** ins A2016-46 amdt 2.36
def ***licensed car market operator*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
om A2016-46 amdt 2.37
def ***licensed dealer*** am A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
om A2016-46 amdt 2.37
def ***licensed wholesaler*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
om A2016-46 amdt 2.37
def ***light rail vehicle*** ins A2017-21 amdt 1.34
def ***manufacturer*** reloc from s 3 A2001-70 amdt 1.77
def ***model designation*** reloc from s 3 A2001-70 amdt 1.77
def ***motorcycle*** reloc from s 3 A2001-70 amdt 1.77
def ***motor vehicle*** ins Ord1985-70 s 3
reloc from s 3 A2001-70 amdt 1.77
am A2001-44 amdt 1.3866; A2017-21 amdt 1.35
def ***new motor vehicle*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***non-dealer*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***notice*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.5
def ***notified person*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401

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def ***NSW Act*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
am R15 LA
om A2010-15 amdt 3.5
def ***occupier*** ins A2008-5 s 56
def ***odometer*** reloc from s 3 A2001-70 amdt 1.77
def ***offence*** ins A2008-5 s 56
def ***on-the-spot fine*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401
def ***owner*** reloc from s 3 A2001-70 amdt 1.77
also ins A2001-13 s 5
both om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
sub A2010-15 amdt 3.6
def ***participating State*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7
def ***payment*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7
def ***police certificate*** ins A2008-5 s 56
am A2011-49 amdt 1.20; A2015-45 amdt 1.8
om A2016-46 amdt 2.37
def ***premises*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***purchase*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7
def ***qualified accountant*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
am A2004-42 amdt 3.85; A2011-27 amdt 1.14
def ***register*** reloc from s 3 A2001-70 amdt 1.77
am A2011-16 amdt 1.38
om A2016-46 amdt 2.37
def ***registered*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7
def ***register of interests*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7

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def ***registrar*** sub A1994-97 sch
reloc from s 3 A2001-70 amdt 1.77
om A2011-16 amdt 1.37
def ***registrable interest*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7
def ***relevant amount*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401
def ***relevant chief executive*** ins A2001-70 amdt 1.174
om A2002-56 amdt 3.56
def ***relevant period for payment*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401
def ***reviewable decision*** ins A2008-36 amdt 1.609
def ***security interest*** ins A2001-13 s 5
om A2002-30 amdt 3.785
ins A2002-30 amdt 3.786
om A2010-15 amdt 3.7
def ***sell*** reloc from s 3 A2001-70 amdt 1.77
def ***schedule 3 offence*** ins A2001-70 amdt 1.174
om A2005-20 amdt 3.401
def ***suitable person*** ins A2001-70 amdt 1.174
om A2016-46 amdt 2.37
def ***the NSW Act*** see ***NSW Act***
def ***trade owner*** am A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
def ***tribunal*** sub Ord1989-38 sch 1
om A1994-60 sch 1
def ***unsuitable person*** ins A2001-70 amdt 1.174
om A2016-46 amdt 2.37
def ***vehicle sale licence*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
om A2016-46 amdt 2.37
def ***wholesaler*** ins A1995-48 s 4
reloc from s 3 A2001-70 amdt 1.77
am A2016-46 amdt 2.38; A2018-33 s 113

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5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord1989-38	30 June 1991
2	A1995-48	31 January 1996
3	A1998-54	31 March 1999
4	A2001-70	13 March 2002
5	A2001-70	14 March 2002
6	A2002-11	29 May 2002
7	A2002-30	16 October 2002
8	A2003-14	28 March 2003
9	A2003-14	1 July 2003
10	A2003-47	1 November 2003
11	A2003-56	19 December 2003
12	A2004-15	9 April 2004
13	A2004-42	25 August 2004
14*	A2004-42	20 December 2004
15	A2005-20	2 June 2005
16	A2005-20	12 November 2005
17	A2006-40	29 September 2006
18	A2007-3	12 April 2007
19	A2008-14	19 May 2008
20	A2008-14	1 July 2008
21	A2008-36	2 February 2009
22	A2009-20	22 September 2009

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Republication No	Amendments to	Republication date
23	A2009-49	17 December 2009
24	A2010-40	6 October 2010
25	A2010-54	1 January 2011
26	A2011-22	1 July 2011
27	A2011-27	13 September 2011
28	A2011-27	17 November 2011
29	A2011-49	12 December 2011
30	A2011-49	30 January 2012
31	A2011-49	1 March 2012
32	A2012-2	28 May 2012
33	A2012-21	5 June 2012
34	A2012-40	11 September 2012
35	A2013-28	22 August 2013
36	A2013-39 (never effective)	7 November 2013
36 (RI)	A2013-39 (never effective) ≠	24 February 2014
37	A2014-47	7 November 2014
38	A2015-33	14 October 2015
39	A2015-45	7 November 2015
40	A2016-18	27 April 2016
41	A2017-21	15 August 2017
42	A2017-21	22 August 2017
43	A2018-33	2 October 2018
44	A2018-33	23 October 2018
45	A2023-36	27 November 2023

≠ reissue because of High Court decision in relation to A2013-39

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