

**Sale of Motor Vehicles (Amendment)
Ordinance 1983**

No. 16 of 1983

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 11 August 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

TOM UREN
Minister of State for Territories and Local Government

An Ordinance to amend the *Sale of Motor Vehicles Ordinance 1977*

Short title

1. This Ordinance may be cited as the *Sale of Motor Vehicles (Amendment) Ordinance 1983*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Sale of Motor Vehicles Ordinance 1977*.²

3. Sections 27 to 30 (inclusive) of the Principal Ordinance are repealed and the following section is substituted:

Registrar may give opinion on disputes

"27. (1) Subject to this section, where in respect of the sale of a motor vehicle by a licensed dealer after the commencement of the *Sale of Motor Vehicles (Amendment) Ordinance 1983*—

- (a) a dispute arises between the purchaser and the licensed dealer; and
- (b) the purchaser or the licensed dealer requests the Registrar to give his opinion in relation to the dispute,

the Registrar shall—

- (c) consider the request and any books, documents or writings submitted to him, and any oral or written submissions made to him, by the purchaser or the licensed dealer; and
- (d) give his opinion in relation to the dispute.

“(2) A request under sub-section (1) shall be in writing signed by the person making the request and shall contain full details of the subject-matter of the dispute in respect of which the opinion of the Registrar is sought.

“(3) For the purpose of giving an opinion under sub-section (1), the Registrar may consult with any person who, in the opinion of the Registrar, has knowledge or skills that would be of assistance to the Registrar.

“(4) An opinion of the Registrar under sub-section (1) shall be in writing signed by the Registrar and shall contain a statement of the Registrar’s findings in relation to the dispute and the action that he recommends should be taken to determine the dispute.

“(5) Where the Registrar gives an opinion under sub-section (1), he shall cause a copy of the opinion to be sent by post to each of the purchaser and the licensed dealer at his place of residence or business last known to the Registrar.

“(6) The Registrar shall not give an opinion under sub-section (1) in relation to a dispute if—

- (a) proceedings in relation to that dispute are pending in a court; or
- (b) the subject-matter of the dispute has previously been determined by a court.

“(7) An action or proceeding, civil or criminal, does not lie against the Registrar or the Deputy Registrar of Motor Vehicles for or in respect of any act or thing done in good faith by the Registrar or the Deputy Registrar in, or in connection with, the giving of an opinion under this section.”

Fees and expenses to witnesses

4. Section 55 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) “Fees and travelling expenses” and substituting “Subject to this section, fees and travelling expenses”; and
- (b) by adding at the end thereof the following sub-sections:

“(3) Where, in a case to which paragraph (2) (a) applies, it was, in the opinion of the Registrar, reasonable for the request by reason of which the person attended before the Registrar to have been made, the Registrar may order that the fees and expenses of the person shall be paid, in whole or in part, by the Commonwealth.

“(4) Where the Registrar makes an order under sub-section (3) for the payment of fees and expenses, the fees and expenses are payable by the Commonwealth.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 19 August 1983.
2. No. 29, 1977 as amended by No. 46, 1978; No. 39, 1980; No. 38, 1982.