

No. 29 of 1977

SALE OF MOTOR VEHICLES ORDINANCE 1977

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SCHEDULE

No. 29 of 1977

AN ORDINANCE

Relating to the Sale of Motor Vehicles and the Licensing of Motor Vehicle Dealers.

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 this thirtieth day of June, 1977.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

SALE OF MOTOR VEHICLES ORDINANCE 1977

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Sale of Motor Vehicles Ordinance 1977*.^{*} Short title.

2. (1) This section and section 1 shall come into operation on the day on which this Ordinance is notified in the *Gazette*. Commencement.

(2) The remaining provisions of this Ordinance shall come into operation on such date as is, or such dates as respectively are, fixed by the Minister by notice published in the *Gazette*.

3. (1) In this Ordinance, unless the contrary intention appears— Interpretation.

“accessory”, in relation to a motor vehicle, means a wireless fitted to a motor vehicle, equipment fitted to a motor vehicle for the playing of sound recordings, a spare wheel carried in or attached to a motor vehicle or a tool or any other thing carried in or attached to a motor vehicle for use in connexion with the motor vehicle;

“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;

^{*} Notified in the *Commonwealth of Australia Gazette* on 4 July 1977.

“ cash price ”—

- (a) in relation to a motor vehicle 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;
 - (ii) where 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 thereto 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) where 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 thereto or, if no agreed value is so ascribed, the market value of the other vehicle or thing at the time of the sale;

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

- (a) the carriage of goods;
- (b) the carriage of more than 10 adult persons; or
- (c) industrial or agricultural purposes,

but does not include a motor vehicle that is of a kind known as a utility, station wagon or panel van, the front part of the body, and the mechanical equipment, of which are substantially the same as in passenger cars manufactured by the manufacturer of the motor vehicle;

“ Committee ” means the Registrar’s Advisory Committee constituted by sub-section 66 (1);

“ dealer ” means a person who, either alone or in partnership with another person or other persons, buys, sells or exchanges motor vehicles as a business but does not include—

- (a) such a person whose business consists exclusively of buying motor vehicles for the purpose of demolishing or dismantling those vehicles;
- (b) a financier; or
- (c) an exempt trader;

- “Dealings Register” means a Dealings Register kept by a licensed dealer in pursuance of section 15;
- “demonstrator vehicle” means a motor vehicle that has been used by a dealer for the purpose of exemplifying motor vehicles, other than second-hand motor vehicles, of the same model as that vehicle to prospective purchasers;
- “director” means a person responsible for the management of a corporation;
- “exempt trader” means a person (other than a financier) who, though he carries on the business of buying, selling or exchanging motor vehicles, does not, otherwise than by an agent who is a licensed dealer, offer or display motor vehicles for sale to the public or hold himself out as ready to purchase motor vehicles from the public;
- “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;
 - (b) for the purpose of selling motor vehicles on instalment terms;
 - (c) for the purpose of taking or enforcing securities over motor vehicles;
 - (d) for the purpose of letting out on hire motor vehicles without granting a right to purchase them;
 - (e) for any purpose that may be prescribed; or
 - (f) for the purpose of disposing of motor vehicles acquired by him in connexion 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);
 - (h) a person who holds himself 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, includes a letting of the motor vehicle with an option to purchase and an agreement the object of which is the sale and purchase of a motor vehicle by instalments (whether the agreement describes the instalments as rent or hire or otherwise), but does not include an agreement under which the property in the motor vehicle comprised in the agreement passes at the time of the agreement or at any time before delivery of the motor vehicle;

- “inspector” means an inspector appointed under section 5;
- “licence” means a licence granted under this Ordinance;
- “licensed dealer” means a person who holds a licence;
- “manufacturer” means a person who carries on the business of making or assembling motor vehicles;
- “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;
- “motor vehicle” means any motor car, motor cycle, 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 any vehicle used on a railway or tramway or a vehicle included in a class of vehicles that the Minister has, by notice in the *Gazette*, declared not to be a motor vehicle for the purposes of this Ordinance;
- “odometer” means an instrument or device that measures and records the distance travelled by a motor vehicle but does not include such an instrument or device that is designed so as to permit, as part of its normal functioning, manual alteration of the distance so recorded;
- “owner”, in relation to a motor vehicle, includes—
- (a) a person who is the sole owner, joint owner or part owner thereof;
 - (b) a person who has the possession thereof under or subject to a hire-purchase agreement or subject to a bill of sale or like instrument; and
 - (c) a person who has the possession thereof under a contract of hire,
- but does not include a person in whom the property in the motor vehicle or any absolute or conditional right or licence to take possession of the motor vehicle is vested under or subject to a contract of hire or hire-purchase agreement or subject to a bill of sale or like instrument but who has not for the time being the possession thereof;
- “Register” means the Register of Motor Vehicle Dealers kept by the Registrar in pursuance of section 6;
- “Registrar” means the Registrar of Motor Vehicle Dealers appointed under section 5;
- “sell”, in relation to a motor vehicle, means to sell as principal or agent and “sale” and “sold” have corresponding meanings;

“trade owner” means—

- (a) a dealer;
- (b) a financier; or
- (c) an exempt trader;

“Tribunal” means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.

(2) For the purposes of this Ordinance—

(a) where—

- (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 motor vehicle other than a second-hand motor vehicle,

then—

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

(b) where a financier sells, or is deemed to have sold, a motor vehicle to a person other than a trade owner (in this paragraph called “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 respect of that vehicle, enter into an agreement with the purchaser of a kind referred to in paragraph (2) (a);
- (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;

(c) where—

- (i) a corporation enters into an agreement with a person for the letting out on hire to that person of a motor vehicle other than a second-hand motor vehicle; and
- (ii) that corporation is not a dealer but is, for the purposes of the *Companies Ordinance 1962*, 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;

- (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 respect of the sale is represented by another vehicle or other thing.

(3) A person shall not, by reason only of anything contained in paragraph (2) (a), be taken, for the purposes of this Ordinance, to be a dealer.

Dealers
carrying on
business in
partnership.

4. (1) Where a licensed dealer carries on the business of a dealer in partnership with one or more other licensed dealers, this Ordinance applies to and in relation to each of those licensed dealers as if—

- (a) the business were carried on by him alone; and
- (b) anything done or omitted to be done by one of the licensed dealers in connexion with that business had been done or omitted to be done by each of those licensed dealers.

(2) Nothing in sub-section (1) renders a licensed dealer guilty of an offence as a result of the doing of an act by a licensed dealer with whom he carries on the business of a dealer in partnership.

Registrar,
Deputy
Registrar,
inspectors.

5. (1) For the purposes of this Ordinance, there shall be—

- (a) a Registrar of Motor Vehicle Dealers; and
- (b) a Deputy Registrar of Motor Vehicle Dealers.

each of whom shall be an officer or employee of the Public Service appointed in writing by the Minister.

(2) The Deputy Registrar of Motor Vehicle Dealers may, subject to the directions of the Registrar, exercise any power or perform any duty of the Registrar.

(3) Where the Deputy Registrar of Motor Vehicle Dealers has exercised a power in pursuance of sub-section (2), this Ordinance applies to and in relation to the exercise of that power as if the power had been exercised by the Registrar.

(4) The Minister may, by instrument in writing, appoint such persons, each of whom shall be an officer or employee of the Public Service, as he considers necessary to be inspectors for the purposes of this Ordinance.

(5) A member of the Police Force of or above the rank of sergeant shall be deemed to be an inspector appointed under this section.

(6) The Registrar shall issue to an inspector other than a police officer a certificate under his hand certifying that he is an inspector under this Ordinance.

(7) The Registrar and the Deputy Registrar of Motor Vehicle Dealers have all the powers and may perform all the functions of an inspector under this Ordinance and the provisions of this Ordinance relating to an inspector apply to the Registrar and the Deputy Registrar accordingly.

6. The Registrar shall keep a Register of Motor Vehicle Dealers in such form as the Minister directs and shall enter therein such particulars as are prescribed or as the Minister directs. Register of dealers.

PART II—LICENCES TO CARRY ON BUSINESS AS DEALERS

7. A person shall not in the Territory carry on the business of a dealer or hold himself out as a dealer unless he is the holder of a licence. Dealers to be licensed.
Penalty: \$2,000.

8. A person, other than a corporation, is eligible for the grant of a licence if— Eligibility for the grant of licences to individuals.

- (a) he has attained the age of 18 years;
- (b) he is of good fame and character;
- (c) having regard to the scope of his proposed business operations and the liabilities he may incur in the course of carrying on business as a dealer, he has sufficient material and financial resources to carry on business as a dealer; and
- (d) he is not a person who is for the time being taking the benefit of any law for the relief of bankrupt or insolvent debtors or a person whose remuneration is, for the time being, assigned for the benefit of his creditors.

9. A corporation is eligible for the grant of a licence if— Eligibility for the grant of licences to corporations.

- (a) each of the directors of the corporation is a person of good fame and character; and
- (b) having regard to the scope of its proposed business operations and the liabilities it may incur in the course of carrying on business as a dealer, it has sufficient material and financial resources to carry on business as a dealer.

10. (1) An application for the grant of a licence by a person other than a corporation— Applications for licences by individuals.

- (a) shall be in writing and signed by the applicant;
- (b) shall be lodged with the Registrar;
- (c) shall state the full name of the applicant, the date and place of his birth, his present residential address and any other addresses at which he has resided during the 3 years immediately preceding the date of the application;
- (d) shall state the period, being a period not exceeding 12 months, for which the licence is sought and may specify the date from and including which the applicant proposes that the licence should take effect;
- (e) shall be accompanied by a statement containing details of that person's material and financial resources;

- (f) shall specify the place or places and, where more than one place is specified, the principal place, at which he proposes to carry on business as a dealer in the Territory;
- (g) shall be accompanied by—
 - (i) a certificate by the Minister that, in the opinion of the Minister, the carrying on of the business of a dealer at that place or those places specified in the application in pursuance of paragraph (f) is not prohibited by the provisions of the lease of the land at which that place or each of those places is situated or by the *City Area Leases Ordinance 1936*; or
 - (ii) a copy of an order of the Supreme Court declaring that the carrying on of the business of a dealer at that place or each of those places is not so prohibited;
- (h) shall state whether he is a bankrupt, or is for the time being taking the benefit of any law for the relief of bankrupt or insolvent debtors, or is a person whose remuneration is, for the time being, assigned for the benefit of his creditors;
- (i) shall be accompanied by certificates by 2 persons certifying with respect to the fame and character of the applicant;
- (j) shall state whether he proposes to carry on business in partnership with any other person or persons and, if so, the name of that person or the names of those persons;
- (k) shall, where the applicant either in the Territory or elsewhere has previously carried on the business of a dealer or has been employed by a dealer, contain details of the business so carried on or of that employment, as the case may be; and
- (l) shall contain such other information as is prescribed.

(2) Jurisdiction to hear and determine an application for an order for the purposes of sub-paragraph (1) (g) (ii) is vested in the Supreme Court.

Applications for licences by corporations.

- 11.** (1) An application by a corporation for the grant of a licence—
- (a) shall be in writing and signed on behalf of the corporation by a director of the corporation;
 - (b) shall be lodged with the Registrar;
 - (c) shall be accompanied by evidence of the due incorporation of the corporation;
 - (d) shall be accompanied by a statement setting out, in respect of each director of the corporation, the director's name, date of birth, present residential address and any other addresses at which he has resided during the 3 years immediately preceding the date of the application;
 - (e) shall be accompanied by a statement containing details of the corporation's material and financial resources;

- (f) shall state the period, being a period not exceeding 12 months, for which the licence is sought and may specify the date from and including which the applicant proposes that the licence should take effect;
- (g) shall specify the place or places and, where more than one place is specified, the principal place, at which the corporation proposes to carry on business as a dealer in the Territory;
- (h) shall be accompanied by—
 - (i) a certificate by the Minister that, in the opinion of the Minister, the carrying on of the business of a dealer at that place or those places specified in the application in pursuance of paragraph (g) is not prohibited by the provisions of the lease of the land at which that place or each of those places is situated or by the *City Area Leases Ordinance 1936*; or
 - (ii) a copy of an order of the Supreme Court declaring that the carrying on of the business of a dealer at that place or each of those places is not so prohibited;
- (i) shall be accompanied by certificates in respect of each of the directors of the corporation by 2 persons certifying with respect to the fame and character of each of the directors;
- (j) shall, where a director either in the Territory or elsewhere has previously carried on the business of a dealer or has been employed by a dealer, contain details of the business so carried on or of that employment, as the case may be; and
- (k) shall contain such other information as is prescribed.

(2) Jurisdiction to hear and determine an application for an order for the purposes of sub-paragraph (1) (h) (ii) is vested in the Supreme Court.

12. Upon receipt of an application for the grant of a licence, the Registrar shall forward a copy of the application and accompanying documents, other than the statement relating to the applicant's material and financial resources, to the Commissioner of Police who may, within 21 days of the receipt of the copy of the application, by notice in writing lodged with the Registrar, object to the application for registration on the ground that the applicant, or, in the case of a corporation, a director of the corporation, is not of good fame and character.

Commissioner of Police may object to application.

13. (1) The Registrar shall grant an application for a licence unless—

Grant or refusal of licence.

- (a) the applicant or, in the case of an application by a corporation, a director of the corporation, refuses or fails to comply with a requirement of the Registrar under sub-section (2);

- (b) the applicant for the grant of a licence fails to establish that he or it is eligible for the grant of the licence; or
- (c) the application does not comply with the requirements of section 10 or 11, as the case requires.

(2) The Registrar may, whether or not an objection to the grant of an application for a licence has been lodged, require an applicant, or in the case of an application by a corporation, all or any of the directors of the corporation, to attend before the Registrar and may require the applicant or such a director to furnish to him, orally or in writing, such further information as he requires to be furnished.

(3) An applicant for a licence who proposes to carry on the business of a dealer in partnership with another person or other persons shall not be ineligible for the grant of a licence on the ground that he has insufficient material or financial resources to carry on the business of a dealer if he and that other person or other persons together have sufficient material and financial resources.

(4) Where an objection is lodged under section 12 or the Registrar considers that there may be grounds for refusing an application for the grant of a licence, the Registrar shall hold an inquiry into the matter.

(5) Where the Registrar refuses an application for the grant of a licence to an applicant, the Registrar shall—

- (a) record the reasons for his decision; and
- (b) serve on the applicant, within 7 days after so deciding, notice of his decision and of the right of the applicant to apply to the Tribunal for a review of his decision.

(6) Where the Registrar, within the period of 3 months after the lodging with him of an application for a licence, fails to convey to the applicant a decision in respect of the application, he shall be deemed to have refused to grant the application.

Issue of licences.

14. (1) Where the Registrar grants an application for a licence, he shall, on payment by the applicant of the prescribed fee and the contribution referred to in section 59, issue to the applicant a licence to carry on the business of a dealer.

(2) A licence shall be granted for a period of 12 months or for such shorter period as is specified in the application or the Registrar allows, but may, upon payment of the prescribed fee and the contribution referred to in section 59, be renewed for successive periods of 12 months.

PART III—DEALINGS IN MOTOR VEHICLES

Licensed dealer to maintain Dealings Register.

15. (1) A licensed dealer shall keep and maintain at each place at which he carries on the business of a dealer in the Territory a Dealings Register that complies with the requirements of sub-section (3).

Penalty: \$500.

(2) Where a licensed dealer carries on the business of a dealer in partnership with one or more other licensed dealers, it shall be sufficient compliance with this section if one Dealings Register is kept by those persons in respect of the partnership business at each place at which a member of the partnership carries on business in the Territory.

(3) A Dealings Register shall consist of a bound book each page of which is numbered consecutively and shall bear the name of the dealer and the address of the place of business at which it is kept.

16. (1) A licensed dealer, upon purchasing or otherwise acquiring a second-hand motor vehicle, whether as principal or agent, or upon becoming the possessor of a vehicle that he is authorized to sell in accordance with section 31, shall, in respect of that motor vehicle, enter or cause to be entered in his Dealings Register—

Information
to be
recorded in
Dealings
Register.

- (a) the make, model designation and type, year of manufacture (where known), registered number (if any), engine number and body number of the vehicle;
- (b) where 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 possession;
- (c) the name and address of the person from whom he purchased or otherwise acquired the vehicle;
- (d) the name of the most recent owner of the motor vehicle who was not a trade owner;
- (e) the date on which he purchased or otherwise acquired the vehicle; and
- (f) the consideration (if any) he gave for the motor vehicle.

Penalty: \$500.

(2) A licensed dealer, upon selling or otherwise disposing of a motor vehicle in other than a demolished or dismantled condition, shall in respect of that motor vehicle enter or cause to be entered in his Dealings Register—

- (a) the date on which he sold or otherwise disposed of the vehicle;
- (b) the name and address of the person to whom he sold or otherwise disposed of the vehicle; and
- (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.

Penalty: \$500.

(3) Where a licensed dealer demolishes or permanently dismantles a motor vehicle, he shall, in respect of that vehicle, enter, or cause to be entered, in his Dealings Register a note of the demolition or dismantling of the vehicle and the date of that demolition or dismantling.

Penalty: \$500.

(4) In this section, "Dealings Register" means, in the case of a licensed dealer who carries on the business of a dealer at more than one place in the Territory, the Dealings Register maintained at the place of business at which the dealing in the motor vehicle takes place or, where the dealing takes place elsewhere than at such a place, the Dealings Register maintained by the dealer at his principal place of business.

Person not to furnish licensed dealer with incorrect information.

17. A person shall not furnish incorrect information to a licensed dealer, or to a person acting on behalf of a licensed dealer, in respect of any of the matters that a licensed dealer is required to enter in a Dealings Register in accordance with section 16.

Penalty: \$200.

Licensed dealer to acquaint person with requirements of Ordinance.

18. Where a person furnishes information to a licensed dealer or to any person acting on behalf of a licensed dealer in respect of any of the matters that a licensed dealer is required to enter in a Dealings Register, the licensed dealer or the person acting on his behalf shall bring to the notice of the person furnishing the information the requirement contained in section 17.

Dealings with person under 18 years.

19. A licensed dealer shall not, in respect of a person who is apparently under the age of 18 years, purchase or otherwise acquire from that person or sell to or otherwise dispose of to that person a second-hand motor vehicle without the consent in writing of that person's parent or guardian.

Penalty: \$500.

Dealer to attach notice to second-hand vehicle.

20. (1) Subject to this section, a dealer shall not offer or display for sale a second-hand motor vehicle or give possession of such a 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 sub-section (3).

Penalty: \$500.

(2) The required particulars for the purposes of sub-section (1) are—

- (a) the name and business address of the dealer;
- (b) except in the case of a sale by auction or by tender, the cash price of the vehicle;
- (c) where 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;
- (d) where the vehicle is equipped with an odometer, the distance travelled by the vehicle as recorded by the odometer and entered in the Dealings Register;
- (e) whether the distance recorded by the vehicle's odometer has been altered by the dealer or on his behalf and, if so, the distance to which it was altered;

- (f) whether the dealer has replaced the odometer on the vehicle or it has been replaced on his behalf;
- (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;
- (h) where the vehicle was manufactured on or after 1 January 1971, the year of manufacture and the model designation of the vehicle;
- (i) where 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;
- (j) the registration number (if any), engine number and body number of the motor vehicle;
- (k) in the case of a sale by tender, a statement that the vehicle is to be sold by tender and the time when tenders are to close; and
- (l) such other particulars as are prescribed.

(3) A notice attached to a motor vehicle in pursuance of sub-section (1)—

- (a) shall consist of legible writing on white material or on material of such colour as is approved by the Registrar;
- (b) shall be written in letters and figures at least 2 millimetres 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 offers or displays for sale that the motor vehicle is a demonstrator vehicle unless the notice attached to the vehicle in accordance with sub-section (1) contains, in addition to the required particulars, a statement that the vehicle is a demonstrator vehicle.

Penalty: \$500.

(5) A dealer shall not include in a notice attached to a motor vehicle in pursuance of sub-section (1) any false or misleading information in respect of the motor vehicle.

Penalty: \$500.

(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 furnish him with information relating to the past or present ownership of the vehicle, inform that person of—

- (a) except where paragraph (b) applies—the name of the most recent owner of the vehicle who was not a trade owner; or
- (b) where the dealer is acting in accordance with a written authority given to him under section 31—the name of the person who gave him that authority.

Penalty: \$500.

- (7) This section does not apply where a dealer—
- (a) 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;
 - (b) offers or displays a vehicle for sale by auction only or gives possession of a vehicle to a purchaser of the vehicle at auction; or
 - (c) offers or displays for sale, or gives possession of to a purchaser, a vehicle in respect of defects in which the liability of a dealer under section 23 is excluded by paragraph 23 (7) (a) or (d).

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

21. (1) Where a dealer sells a second-hand motor vehicle to which a notice has been attached in accordance with sub-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;
 - (ii) the date of delivery of the vehicle to the purchaser;
 - (iii) the cash price for which the vehicle was sold;
 - (iv) where that cash price, in the case of a motor cycle, is \$300 or less or, in any other case, is \$1,000 or less—a statement that the dealer is not obliged by this Ordinance to repair defects in the vehicle; and
 - (v) the name and address of the purchaser;
- (b) sign those copies;
- (c) retain one copy of the notice for a period of 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, furnish the purchaser with the other copy of the notice.

Penalty: \$500.

(2) For the purposes of sub-section (1)—

- (a) where the motor vehicle has been made the subject of a hire-purchase agreement, the cash price for which the vehicle was sold is the price specified in the hire-purchase agreement in accordance with sub-paragraph 7 (2)(e)(i) of the *Hire-purchase Ordinance 1961*;
- (b) a dealer may furnish a copy of a notice to a purchaser by posting it by certified mail to the purchaser at the address furnished by the purchaser and endorsed on the notice; and
- (c) where 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 sub-section shall be deemed to be compliance by the dealer with that requirement.

22. A dealer shall not, without the consent in writing of the Registrar, offer or display for sale a motor vehicle where—

Dealer not to sell vehicle in certain circumstances.

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

Penalty: \$500.

23. (1) Subject to this section, where, after the commencement of this Part—

Dealer to repair vehicle in certain circumstances.

- (a) a dealer sells to a person a motor vehicle other than a second-hand motor vehicle or sells to a person a second-hand motor vehicle that he represents or has represented to the purchaser as being a demonstrator vehicle, not being the sale of a vehicle to the Commonwealth, and before—
 - (i) that motor vehicle has been driven for 20,000 kilometres after the sale; or
 - (ii) the expiration of the period of 12 months next following the date of the sale,
 whichever is the earlier, a defect in the vehicle occurs or becomes apparent to the purchaser;

- (b) a dealer sells a second-hand motor vehicle to a person for a cash price equal to, or in excess of, the prescribed cash price and before—
 - (i) that motor vehicle has been driven for 5,000 kilometres after the sale; or
 - (ii) the expiration of the period of 3 months next following the date on which the purchaser takes possession of the vehicle,
 whichever is the earlier, a defect in the vehicle occurs or becomes apparent to the purchaser; or

- (c) a dealer sells a second-hand motor vehicle to a person for the prescribed cash price and before—
 - (i) that motor vehicle has been driven for 3,000 kilometres after the sale; or
 - (ii) the expiration of the period of 2 months next following the date on which the purchaser takes possession of the vehicle,
 whichever is the earlier, a defect in the vehicle occurs or becomes apparent to the purchaser,

the dealer, whether or not that defect existed at the time of the sale, shall, at his own expense, repair or make good, or cause to be repaired or made good, the defect so as to place the motor vehicle in a reasonable condition having regard to its age and his obligation to do so shall be deemed to be a term of the contract of sale relating to the vehicle.

(2) The prescribed cash price—

- (a) for the purposes of paragraph (1) (b) is \$600 in the case of a motor cycle and \$1,500 in the case of any other motor vehicle; and
- (b) for the purposes of paragraph (1) (c) is a cash price that is less than \$600 but more than \$300 in the case of a motor cycle and less than \$1,500 but more than \$1,000 in the case of any other motor vehicle.

(3) Where the purchaser of a motor vehicle returns the vehicle to the dealer from whom he purchased the vehicle for a defect in the vehicle to be repaired or made good in pursuance of sub-section (1), the period during which the vehicle is in the possession of the dealer shall be disregarded in calculating the period specified in sub-paragraph (1) (a) (ii), (1) (b) (ii) or (1) (c) (ii).

(4) For the purposes of paragraphs (1) (b) and (1) (c), where a second-hand motor vehicle is made the subject of a hire-purchase agreement, the cash price for which the vehicle is sold is the price specified in the hire-purchase agreement in accordance with sub-paragraph 7 (2)(e)(i) of the *Hire-purchase Ordinance* 1961.

(5) For the purposes of paragraph (1) (a), where a person other than the person to whom the dealer sold the motor vehicle becomes the owner of the vehicle, that person, except where the vehicle has, after the date of the sale by the dealer, been acquired by a dealer as owner or repossessed by a financier, shall be deemed to have been the purchaser of the vehicle from the dealer and to have entered into a contract of sale with the dealer in relation to that vehicle on the date on which the first-mentioned person entered into a contract of sale with the dealer.

(6) A dealer is not liable under this section in respect of a defect in a motor vehicle where the defect—

- (a) arises from, or is incidental to, accidental damage suffered by the motor vehicle after the purchaser took delivery of the vehicle from the dealer;
- (b) arises from misuse of the motor vehicle or negligence by a driver of the motor vehicle, or from the use of the motor vehicle for motor racing or motor rallying, after the purchaser took delivery of the vehicle from the dealer;
- (c) consists of damage to, or wear of, tyres or any prescribed accessory of the vehicle; 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 vehicle carried out at the time of delivery of the vehicle from the dealer or of the sale, whichever is the earlier.

(7) A dealer is not liable under this section in respect of a defect in a motor vehicle sold by him where the vehicle is—

- (a) a commercial vehicle other than a commercial vehicle that at the time of the sale is a motor vehicle or a motor vehicle included in a class of motor vehicles declared by the Minister, by notice published in the *Gazette*, to be a motor vehicle or a class of motor vehicles to which this section applies;
- (b) a motor vehicle that has been in the possession, or under the control, of the purchaser continuously for a period of not less than 3 months immediately preceding the date of the sale;
- (c) a motor vehicle that is sold by auction at a sale referred to in sub-section 4 (2) of the *Auctioneers Ordinance* 1959;
- (d) a motor vehicle or a motor vehicle included in a class of motor vehicles that has been declared by the Minister, by notice published in the *Gazette*, to be a motor vehicle or a class of motor vehicles to which this section does not apply; or
- (e) a motor vehicle that is sold to a person who is a trade owner.

24. (1) Where in respect of a second-hand motor vehicle offered or displayed for sale by a licensed dealer—

Licensed dealer may give notice of defects.

- (a) the licensed dealer attaches or causes to be attached to that vehicle a notice in accordance with Form 1 in the Schedule, being a notice that complies with the requirements of sub-section (3);
- (b) the notice specifies with reasonable particularity any defect that the dealer believes exists in the vehicle and his estimate of the reasonable cost of remedying that defect;
- (c) the notice was attached to the vehicle at such a time before the sale of the vehicle as to render it reasonably likely that the notice would have come to the notice of the purchaser; and
- (d) 2 copies of the notice have been signed by or on behalf of the licensed dealer and the purchaser and one copy has been given to the purchaser by or on behalf of the licensed dealer and one copy has been retained by or on behalf of the dealer,

the licensed dealer is not liable under section 23 in respect of that defect.

(2) Where the reasonable cost of repairing that defect is greater than the amount specified in the notice referred to in sub-section (1), the purchaser may recover the difference between those amounts from the licensed dealer.

(3) A notice attached to a motor vehicle in accordance with sub-section (1)—

- (a) shall consist of legible writing on white material or on material of such colour as is approved by the Registrar;
- (b) shall be written in letters and figures at least 2 millimetres 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.

Notice to be given of exemption by Minister.

25. (1) Where, by reason of a declaration by the Minister made in pursuance of paragraph 23 (7) (d), a dealer would not be liable under section 23 in respect of a defect in a motor vehicle if he were to sell that vehicle, a licensed dealer shall not offer or display that vehicle for sale unless a notice in accordance with Form 2 in the Schedule that complies with the requirements of sub-section (2) is attached to the motor vehicle.

Penalty: \$400.

(2) The notice shall contain letters at least 5 millimetres in height and shall in all other respects comply with the requirements of sub-section 24 (3) as if it were a notice attached to a motor vehicle in accordance with sub-section 24 (1).

(3) Where a licensed dealer sells a motor vehicle referred to in sub-section (1), he shall—

- (a) sign 2 copies of the notice referred to in sub-section (1);
- (b) retain one copy of the notice for a period of 3 years from the date of the sale; and
- (c) furnish the purchaser with the other copy of the notice.

Penalty: \$400.

(4) For the purposes of sub-section (3), where 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 sub-section shall be deemed to be compliance by the dealer with that requirement.

Sale between licensed dealers.

26. (1) Where a licensed dealer sells a second-hand motor vehicle to another licensed dealer, he shall, at the time of the sale or of giving possession of the vehicle to that dealer, whichever is the earlier, give that dealer or cause to be given to that dealer a notice containing the required particulars.

Penalty: \$200.

(2) A licensed dealer who gives a notice in pursuance of sub-section (1) shall make or cause to be made a copy of the notice which he shall retain for a period of not less than 3 years after the sale.

Penalty: \$200.

(3) The required particulars for the purposes of sub-section (1) are—

- (a) the name and business address of the vendor;
- (b) the name and business address of the purchaser;
- (c) the registration number (if any), engine number and body number of the motor vehicle;
- (d) where the vehicle was manufactured on or after 1 January 1971, the year of manufacture and the model designation of the vehicle;
- (e) where 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;
- (f) the name and address of the most recent owner of the vehicle who was not a trade owner;
- (g) where the motor vehicle is equipped with an odometer, the distance travelled by the vehicle as recorded by the odometer;
- (h) whether the distance recorded by the vehicle's odometer has been altered by the vendor or on his behalf and, if so, the distance to which it was altered;
- (i) whether the vendor has replaced the odometer on the vehicle or it has been replaced on his 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.

27. (1) Subject to this Ordinance, where in respect of the sale of a motor vehicle by a licensed dealer after the commencement of this Part—

Determina-
tion of
disputes by
Registrar.

- (a) a dispute arises between the purchaser and the licensed dealer; and
- (b) either the purchaser or the licensed dealer requests the Registrar in writing to determine the dispute,

the Registrar shall—

- (c) hold an inquiry in relation to the dispute; and
- (d) determine the dispute.

(2) The Registrar shall not determine a dispute in pursuance of sub-section (1) 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.

(3) In determining a dispute under this section, the Registrar may make any order, other than an order rescinding the sale of the motor vehicle, that seems to him to be just.

(4) Without limiting the generality of sub-section (3), the orders that may be made by the Registrar under this section include—

- (a) an order that the licensed dealer pay to the purchaser such compensation in respect of the sale as seems reasonable to the Registrar; and
- (b) an order directing a person to do or not to do an act specified by the Registrar.

(5) Subject to sub-section (6), a person who fails to comply with an order made by the Registrar under this section is guilty of an offence and is punishable upon conviction by a fine not exceeding \$1,000.

(6) A person is not guilty of an offence under sub-section (5) by reason of any act done or omitted to be done by him—

- (a) within the period of 21 days after the date on which the order was made; or
- (b) where there is an appeal to the Court of Petty Sessions against the order—within the period during which the appeal is pending in that court.

(7) Subject to sub-section (8), where, in determining a dispute in respect of the sale of a motor vehicle other than a second-hand motor vehicle, the Registrar makes an order requiring a licensed dealer to repair or make good, or cause to be repaired or made good, a defect in that vehicle, the Registrar shall, if in his opinion it is fair and reasonable to do so, recommend that the manufacturer of the vehicle contribute to such extent as the Registrar specifies to the cost of repairing or making good the defect in that vehicle.

(8) The Registrar shall not make a recommendation under sub-section (7) unless the manufacturer has been afforded, in the course of the inquiry in relation to the dispute, an opportunity of being heard.

(9) A recommendation by the Registrar under sub-section (7) does not, in any way, affect the rights of the purchaser against the licensed dealer.

(10) Where a purchaser or a licensed dealer, in pursuance of this section, requests the Registrar to determine a dispute, neither of those persons is thereafter entitled to institute proceedings in a court (other than an appeal under section 29 or 30) in respect of the same subject-matter.

Registrar
may refer
dispute to
Court of
Petty
Sessions.

28. (1) Where, in pursuance of section 27, a person requests the Registrar to determine a dispute, the Registrar may, if in his opinion—

- (a) the Court of Petty Sessions would be likely, in pursuance of sub-section (2), to make an order rescinding the sale of the motor vehicle in respect of which the dispute has arisen; or
- (b) by reason of the complexity of the subject-matter of the dispute, it is desirable that the dispute be determined by that court,

at any time before he determines the dispute refer the dispute to the Court of Petty Sessions for determination.

(2) Where the Registrar refers a dispute in accordance with sub-section (1), the Court of Petty Sessions shall determine the dispute and may make any order that it may make in the case of an appeal against an order of the Registrar.

(3) Subject to sub-section (4), a person who fails to comply with an order made by the Court of Petty Sessions under this section is guilty of an offence and is punishable upon conviction by a fine not exceeding \$1,000.

(4) A person is not guilty of an offence under sub-section (3) by reason of any act done or omitted to be done by him—

- (a) within the period of 21 days after the date on which the order was made; or
- (b) where there is an appeal to the Supreme Court against the order—within the period during which the appeal is pending in that court.

29. (1) A person aggrieved by an order made by the Registrar under section 27 may, within 21 days after the date on which the order was made, appeal to the Court of Petty Sessions against the order. Appeal to the Court of Petty Sessions.

(2) Jurisdiction to hear and determine appeals under this section is vested in the Court of Petty Sessions.

(3) Where an appeal is instituted under this section, the Clerk or a Deputy Clerk of the Court of Petty Sessions shall give notice in writing to the purchaser and licensed dealer of the date on which, and the time and place at which, the appeal is to be heard.

(4) The Court of Petty Sessions shall determine an appeal under this section—

- (a) on the evidence before the Registrar; and
- (b) on any evidence in respect of which leave is granted in pursuance of sub-section (5).

(5) On the hearing of an appeal under this section, a party is not entitled to call evidence except with the leave of the Court of Petty Sessions—

- (a) granted on the ground that the evidence is evidence in relation to matters that have occurred after the determination of the dispute by the Registrar; or
- (b) granted for any other special reason.

(6) In hearing and determining an appeal under this section, the Court of Petty Sessions shall afford any person who may be affected by an order made under this section an opportunity of being heard and may make any order that seems to it to be just.

(7) Without limiting the generality of sub-section (6), the orders that may be made by the Court of Petty Sessions under this section include—

- (a) an order that the sale of the motor vehicle be rescinded together with such further or consequential orders (if any), including an order concerning any collateral credit agreement associated with the sale, as seem to the Court to be necessary or desirable;
- (b) an order that the licensed dealer pay to the purchaser such compensation in respect of the sale as seems reasonable to the Court;
- (c) an order directing a person to do or not to do an act specified by the Court; and
- (d) an order as to payment of the costs of the appeal.

(8) Notwithstanding anything contained in this section, the Court of Petty Sessions shall not make an order that the sale of a motor vehicle be rescinded unless—

- (a) in respect of that sale, either—
 - (i) the dealer has failed to comply with the requirements of section 20 or 21; or
 - (ii) a particular contained in the notice referred to in sub-section 20 (1) or the information endorsed on the copies of the notice in accordance with section 21 is false or misleading; and
- (b) an order that the dealer pay compensation to the purchaser in respect of the sale would not, in the opinion of the Court, be an adequate remedy.

(9) Where the Court makes an order that the sale of a motor vehicle be rescinded, it shall, in the course of making any further or consequential orders, have regard, as far as they are relevant, to the following principles:—

- (a) that there should be returned to the purchaser any moneys or other consideration (or, where it is impossible to return the consideration, the value of the consideration as assessed by the Court) paid or provided by him under the agreement for the sale;
- (b) that where a dealer has sold a motor vehicle on behalf of another person, that person should be indemnified by the dealer against any loss suffered by that person in consequence of the rescission;
- (c) that the motor vehicle should be returned to the dealer or, where he has sold the vehicle on behalf of another person, to that other person.

(10) Where the Court makes an order rescinding the sale of a second-hand motor vehicle, the rights and obligations of the parties to the agreement for sale or of the parties to a collateral credit agreement associated with the sale shall be as provided for in the order or in any order further to or consequential upon that order and, without affecting the generality of this sub-section, the Court may make an order rescinding a sale notwithstanding that the parties cannot be fully restored to their positions as they were before the sale.

(11) Subject to sub-section (12), a person who fails to comply with an order made by the Court of Petty Sessions under this section is guilty of an offence and is punishable upon conviction by a fine not exceeding \$1,000.

(12) A person shall not be guilty of an offence under sub-section (11) by reason of any act done or omitted to be done by him—

- (a) within the period of 21 days after the date on which the order was made; or
- (b) where there is an appeal to the Supreme Court against the order—within the period during which the appeal is pending in that court.

(13) In this section “collateral credit agreement” means an agreement for the provision of finance in respect of the sale of a second-hand motor vehicle by a licensed dealer to a purchaser where the agreement is arranged by that dealer between the purchaser and a financier.

30. (1) A person aggrieved by an order made by the Court of Petty Sessions under section 28 or 29 may, within 21 days after the date on which the order was made, appeal to the Supreme Court against the order. Appeal to
the Supreme
Court.

(2) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(3) The Supreme Court shall determine an appeal under this section—

- (a) on the evidence before the Court of Petty Sessions; and
- (b) on any evidence in respect of which leave is granted in pursuance of sub-section (4).

(4) On the hearing of an appeal under this section, a party is not entitled to call evidence except with the leave of the Supreme Court—

- (a) granted on the ground that the evidence is evidence in relation to matters that have occurred after the making of the order by the Court of Petty Sessions; or
- (b) granted for any other special reason.

(5) In determining an appeal under this section, the Supreme Court may make any order that seems to it to be just, being an order that the Court of Petty Sessions may make in determining an appeal under section 29.

(6) A person who fails to comply with an order made by the Supreme Court under this section is guilty of an offence and is punishable upon conviction by a fine not exceeding \$1,000.

Authority
to dealer
to sell as
agent.

31. (1) A dealer shall not—

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

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

Penalty: \$500.

(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;
- (b) bear the date on which it is signed by the owner;
- (c) contain a full statement of the terms of the authority to sell the motor vehicle or interest;
- (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 one copy to the owner; and
- (b) shall retain one copy until the expiration of a period of 3 years after any sale is effected by him in reliance upon the written authority.

Penalty: \$500.

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

(5) A dealer shall not be entitled to any commission or other remuneration in respect of a sale of a second-hand motor vehicle or an interest in such a motor vehicle effected by him 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 respect of that sale has complied with paragraph (3) (a).

PART IV—SALE OF SECOND-HAND MOTOR VEHICLES GENERALLY

Offences by
vendors.

32. (1) A person shall not, in respect of a second-hand motor vehicle that he offers or displays for sale—

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

- (b) in the case of a person who is not a dealer—where 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.

Penalty: \$400.

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

PART V—TRUST ACCOUNTS

33. (1) Where a licensed dealer sells a motor vehicle or an interest in a motor vehicle for or on behalf of a person, all moneys received by him in respect of 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.

Certain moneys to be paid into trust account.

(2) A licensed dealer shall, before the close of business on the next day on which banks are open for business after the day on which any such moneys are received, pay those moneys into a trust account maintained in accordance with sub-section (3) at a bank in the Territory.

(3) The trust account referred to in sub-section (2) shall be maintained by the licensed dealer or, where that dealer carries on business in partnership with one or more licensed dealers, by the persons so carrying on business.

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

- (a) the name of the dealer or the names of the dealers, as the case may be, or, if he or they carry on business under a registered business name, the name under which he or they carry on business; and
- (b) the words “Trust Account”.

34. Where 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, he shall pay an amount equal to the amount allowed in respect of the motor vehicle or other goods into the trust account referred to in section 33 as if that amount had been received by him in respect of that sale.

Procedure where part of consideration consists of other than money.

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

Application of moneys in trust account.

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

Protection
of trust
moneys.

36. (1) Subject to this section, moneys standing to the credit of a trust account maintained in accordance with this Part are not available for the payment of debts of the dealer, and subject to sub-section (2), are not liable to be attached or taken in execution for the purposes of satisfying a judgment against the dealer.

(2) Nothing in sub-section (1) prevents trust moneys to the extent that the licensed dealer holds those trust moneys in trust for the person for whom or on whose behalf the moneys were received from being available for the discharge of the liability of the licensed dealer to that person.

Provisions
applicable
to banks.

37. (1) A bank at which a trust account is maintained is not under any obligation to control or supervise transactions in relation to the trust bank account or to see to the application of money paid out of the account.

(2) A bank at which a dealer maintains a trust account in accordance with this Part does not have, in respect of any liability of the dealer to the bank, any recourse or right, whether by way of set-off, counter-claim, charge or otherwise, against money standing to the credit of the account.

(3) Nothing in this section relieves a bank from any liability to which it is subject apart from this Ordinance.

Accounting
records.

38. (1) A licensed dealer shall keep such accounting and other records as disclose particulars of all trust moneys received or paid by him.

(2) A licensed dealer shall—

(a) keep those records—

- (i) at the place at which he carries on business in the Territory;
- (ii) if he carries on business at more than one place of business in the Territory, at his principal place of business in the Territory; or
- (iii) with the approval of the Registrar, at another place in the Territory;

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

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

(3) It is sufficient compliance with sub-section (1) if a licensed dealer, within 7 days after the day on which any trust moneys are received or paid, enters in the records referred to in that sub-section the particulars of those moneys.

Receipts for
trust
moneys.

39. (1) A licensed dealer shall give to a person from whom he receives trust money a receipt for the money specifying briefly the subject-matter or purpose in respect of which the money was received.

(2) A licensed dealer shall keep a legible carbon duplicate of a receipt given in accordance with sub-section (1).

(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 thereon; 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.

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

41. (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 deliver the report to the licensed dealer and a copy of the report to the Registrar. Auditor's report.

(2) Where 2 or more licensed dealers carry on business as dealers in partnership with each other, the auditor shall deliver a copy of the report to each of those licensed dealers.

(3) An auditor shall state in his report whether, in his opinion—

- (a) the licensed dealer or dealers have kept, in accordance with this Ordinance, accounting and other records relating to trust moneys; and
- (b) there has been any loss or deficiency of trust moneys or any failure to pay or account for trust moneys.

42. A licensed dealer shall not engage as his auditor, or permit the audit of his accounting and other records relating to trust moneys to be made by, a person— Qualification of auditors.

- (a) who is not a registered company auditor within the meaning of the *Companies Ordinance* 1962;
- (b) who is an employee of, is a partner of, or is the spouse of, the licensed dealer;
- (c) who is an employee of any other licensed dealer;
- (d) who is engaged in keeping and entering those records or has those records in his custody or control;
- (e) who is himself a licensed dealer; or
- (f) who is an officer or employee of a corporation that is a licensed dealer.

Bank not to permit withdrawals where deficiency suspected.

43. (1) Where it appears to the Registrar that there may be a deficiency in the trust account of a licensed dealer or dealers, the Registrar may, by notice in writing to the manager or other principal officer of the bank at which the trust account is maintained, direct the manager or other principal officer not to pay any moneys out of the trust account without the Registrar's authority.

(2) The manager or other principal officer shall comply with a direction given in pursuance of sub-section (1).

Offences against this Part.

44. A licensed dealer who contravenes or fails to comply with a provision of this Part is guilty of an offence and is punishable upon conviction by a fine not exceeding \$400.

PART VI—REVOCATION OF LICENCES

Revocation of licences.

45. Subject to section 47, the Registrar may revoke a licence granted to a dealer where—

- (a) the licence was obtained by means of misrepresentation;
- (b) the dealer is convicted in Australia of an offence punishable by imprisonment for one year or longer;
- (c) the dealer is convicted of an offence against this Ordinance;
- (d) the dealer is of unsound mind;
- (e) the material and financial resources of the dealer are such that, having regard to the scope of his business operations and the liabilities he may incur in the course of carrying on business as a dealer, it would not be in the public interest for him to continue to carry on business as a dealer;
- (f) the dealer has failed to comply with sub-section 46 (1); or
- (g) in a case in which a corporation is a dealer, a person who becomes a director of the corporation is not a person of good fame and character.

Change of directors—objection by Commissioner of Police.

46. (1) Where a person becomes a director of a corporation, being a corporation that holds a licence under this Ordinance, either in addition to or in place of one of the persons who, immediately before he became a director, were directors of the corporation, the corporation shall, within 21 days after the date on which the person becomes a director of the corporation, give to the Registrar a notice that complies with the requirements of sub-section (2).

- (2) A notice complies with the requirements of this sub-section if—
- (a) it specifies the full name, the date of birth and present residential address of the person appointed as a director and any other address at which that person has resided during the 3 years immediately preceding the date of the notice;
 - (b) it is accompanied by certificates by two persons certifying with respect to the fame and character of that person; and

- (c) where that person, either in the Territory or elsewhere, has previously carried on the business of a dealer or has been employed by a dealer, it contains particulars of the business so carried on or of that employment, as the case may be.

(3) Where the Registrar receives a notice that complies with the requirements of sub-section (2), he shall forward a copy of the notice to the Commissioner of Police.

(4) The Commissioner of Police may, within 21 days after a notice is given to the Registrar under this section, object by notice in writing lodged with the Registrar to the continuation in force of the licence issued to the corporation on the ground that the person who has become a director of the corporation is not a person of good fame and character.

47. (1) The Registrar shall not revoke a licence unless he has first held an inquiry. Registrar to hold inquiry.

(2) The Registrar, where he holds an inquiry, shall not revoke a licence if he is satisfied that, although a ground specified in section 45 has been established, it would be unreasonable in all of the circumstances of the case to revoke the licence.

48. (1) Where the Registrar revokes a licence in pursuance of this Part, he shall, within 7 days of the revocation, notify the dealer in writing of the revocation and of the dealer's right to apply to the Tribunal for a review of the decision of the Registrar to revoke the licence. Action by Registrar where he revokes licence.

(2) The Registrar may, in revoking a licence, specify a period that shall elapse before the dealer to whom the licence was granted may apply again for the grant of a licence and, in that event, that dealer is not eligible to apply again for the grant of a licence until the expiration of that period.

PART VII—INQUIRIES BY THE REGISTRAR

49. (1) Where the Registrar is required to hold an inquiry in pursuance of this Ordinance, he shall fix a time and place for the commencement of the inquiry. Inquiries.

(2) The Registrar shall cause notice of the matter to be inquired into and of the time and place fixed for the inquiry to be given—

- (a) in the case of an inquiry in relation to the grant of a licence to a dealer—to the applicant;
- (b) in the case of an inquiry into a dispute between a purchaser and a licensed dealer—to the purchaser and the licensed dealer; and
- (c) in any other case—to the licensed dealer concerned in the matter of the inquiry.

(3) The Registrar may adjourn an inquiry from time to time.

(4) An inquiry shall not be open to the public.

(5) At an inquiry, the Registrar may take evidence on oath or affirmation, and for that purpose may administer an oath or affirmation.

(6) The procedure at an inquiry is within the discretion of the Registrar.

(7) At an inquiry, a person to whom notice has been given in accordance with sub-section (2) may be represented by a barrister and solicitor who may examine witnesses and address the Registrar on behalf of the person for whom he appears.

(8) The Attorney-General may appoint a barrister and solicitor to assist the Registrar at an inquiry, other than an inquiry held under section 27, and a barrister and solicitor so appointed may examine witnesses and address the Registrar.

(9) In conducting the inquiry, the Registrar is not bound by rules of evidence but may inform himself in such manner as he thinks fit.

Power to
summon
witnesses.

50. (1) The Registrar may, by writing under his hand, summon a person to attend an inquiry at a time and place specified in the summons and then and there to give evidence and produce such books, documents or writings in his custody or control as he is required by the summons to produce.

(2) A summons under this section may be served—

- (a) personally;
- (b) by sending it by post to the person at his place of abode or business last-known to the Registrar; or
- (c) by leaving it at that place of abode or business with some person apparently living or employed at that place and apparently not less than 16 years of age.

Failure to
attend or
produce
documents.

51. (1) A person served with a summons to attend an inquiry before the Registrar shall not refuse or fail, without reasonable excuse, to attend at the inquiry before the Registrar or to produce the books, documents or writings in his custody or control that he is required by the summons to produce.

Penalty: \$200.

(2) It is a defence to a prosecution for refusing or failing, without reasonable excuse, to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the inquiry before the Registrar.

52. (1) A person appearing as a witness at an inquiry before the Registrar shall not refuse to be sworn or to make an affirmation or, except as provided by section 57 of the *Evidence Ordinance 1971*, to answer a question relevant to the proceedings put to him by the Registrar.

Refusal to be sworn or give evidence.

Penalty: \$200.

(2) A statement or disclosure made before the Registrar by a witness is not, except in proceedings for giving false testimony at an inquiry before the Registrar, admissible in evidence against him in civil or criminal proceedings in a court.

53. (1) A barrister and solicitor appearing before the Registrar has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court.

Protection of representatives, witnesses, &c.

(2) A witness summoned to attend or appearing before the Registrar has the same protection as a witness in proceedings in the Supreme Court.

54. An action or proceeding, civil or criminal, does not lie against the Registrar or the Deputy Registrar of Motor Vehicle Dealers for or in respect of an act or thing done in good faith by the Registrar or the Deputy Registrar in, or in connexion with, an inquiry.

Protection of Registrar and Deputy Registrar.

55. (1) A person who attends for the purpose of giving evidence before the Registrar is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations, as in force from time to time under the *Public Works Committee Act 1969*, as the Registrar determines.

Fees and expenses to witnesses.

(2) Fees and travelling expenses payable to a person in accordance with sub-section (1) are payable—

- (a) if the person attended before the Registrar, whether on summons or not, by reason of a request by a person other than the Registrar—by that person; or
- (b) in any other case—by the Commonwealth.

56. The Registrar may inspect books, documents, or writings produced at an inquiry before him and may retain them for such reasonable period as he thinks fit and may make copies of such portions of them as are relevant to a matter before the Registrar.

Registrar may inspect books, &c.

PART VIII—REVIEW BY THE ADMINISTRATIVE APPEALS TRIBUNAL

57. (1) Application may be made to the Tribunal for a review of a decision of the Registrar—

Review by Administrative Appeals Tribunal.

- (a) refusing an application for the grant of a licence;
- (b) revoking a licence granted to a dealer; or
- (c) specifying a period for the purposes of sub-section 48 (2).

(2) In a review under this section, the Tribunal shall be constituted by a presidential member alone.

(3) In sub-section (2), "presidential member" has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

PART IX—MOTOR VEHICLE DEALERS COMPENSATION FUND

The Compensation Fund.

58. In this Part, a reference to the Compensation Fund shall be read as a reference to the Australian Capital Territory Motor Vehicle Dealers Compensation Fund established under section 62A of the *Audit Act 1901*.

Contributions to Compensation Fund by dealers.

59. The Registrar shall not issue a licence or renew a licence unless the applicant for the licence or the renewal has paid to the Registrar for the purposes of the Compensation Fund the amount that is prescribed as the contribution payable by that person to that Fund in respect of the issue or renewal of a licence.

Certain persons may apply for compensation.

60. (1) A person, other than a trade owner, who suffers pecuniary loss in connexion with a motor vehicle by reason of the failure of a licensed dealer to comply with an obligation imposed on him by this Ordinance or by reason of the failure of a licensed dealer to pass an unencumbered title to the vehicle may apply to the Registrar for compensation under this Part in respect of that loss.

(2) An application for compensation under this Part shall be made by the delivery to the Registrar of particulars of the claim supported by a statutory declaration.

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

Registrar to determine applications.

61. (1) Subject to sub-section (2), the Registrar shall consider each application made in accordance with this Part and shall determine—

- (a) the amount of the loss in respect of which compensation may be paid to the applicant under this Part; or
- (b) that there is no pecuniary loss in respect of which compensation may be so paid.

(2) The Registrar shall not determine an application in pursuance of sub-section (1) unless he is satisfied that the applicant has taken all reasonable steps to enforce any remedies that he may have against the dealer referred to in sub-section 60 (1) in respect of the loss that he has incurred.

Registrar to notify applicant of determination.

62. (1) The Registrar shall give to an applicant for compensation under this Part notice in writing stating—

- (a) the amount that the Registrar has determined to be the loss in respect of which compensation may be paid to the applicant under this Part; or

(b) that the Registrar has determined that there is no loss in respect of which compensation may be so paid.

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

63. (1) An applicant for compensation under this Part to whom the Registrar gives notice under sub-section 62 (1) may, within 21 days after the date on which notice is so given, make application to the Court of Petty Sessions for an order under this section. Review of determination.

(2) The Court, on application under this section, may, if it thinks fit, by order, vary a determination of the Registrar under sub-section 61 (1).

64. (1) Subject to sub-section (2), where an amount has been determined under this Part as the amount of loss in respect of which compensation may be paid to an applicant under this Part, the Commonwealth shall pay to the applicant an amount equal to the amount so determined. Payment of compensation.

(2) Where, at any time, the amount standing to the credit of the Compensation Fund is insufficient for the payment of all amounts that the Commonwealth would, but for this sub-section, 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. Where the Commonwealth has paid compensation to a person under this Part, the Commonwealth is, to the extent of the payment, subrogated to the rights of that person against the licensed dealer in respect of whom the application for compensation was made. Subrogation.

PART X—THE REGISTRAR'S ADVISORY COMMITTEE

66. (1) There shall be a Committee to be known as the Registrar's Advisory Committee. Registrar's Advisory Committee.

(2) The Committee shall consist of 4 members who shall be appointed by the Minister.

67. The Committee shall, at the request of the Registrar, furnish him with information or advice and may, of its own accord, furnish the Registrar with information as to any matter relating to, or that is incidental to, the business of buying, selling or exchanging motor vehicles. Functions of Committee.

68. (1) Of the members of the Committee— Members.

(a) one at least shall be a person representing licensed dealers; and

(b) one at least shall be a person nominated by the Consumer Affairs Council of the Australian Capital Territory.

(2) Each member shall, subject to this Ordinance, hold office for a period of 3 years.

(3) In the event of an office of a member becoming vacant before the expiration of his term of office, the Minister may, subject to this section, appoint a person to hold that office for the unexpired part of that term.

(4) A member is eligible for re-appointment.

Remuneration of members.

69. The Committee is a prescribed authority for the purposes of the *Remuneration Ordinance* 1976.

Resignation and removal of member from office.

70. (1) A member may resign his office by writing under his hand delivered to the Minister.

(2) The Minister may remove a member from office for misbehaviour or incapacity.

(3) If a member—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) becomes of unsound mind;

(c) is convicted in Australia of an offence punishable by imprisonment for one year or longer; or

(d) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Committee,

the Minister shall remove the member from office.

Meetings of the Committee.

71. (1) The Committee shall meet as and when required by the Registrar and at any other time that may be determined by the members.

(2) Three members constitute a quorum for the purposes of a meeting of the Committee.

PART XI—MISCELLANEOUS

Issue of copy of licence.

72. Where the Registrar is satisfied that a licence that has been issued and is in force in pursuance of this Ordinance has been lost or destroyed, he may, upon payment of the prescribed fee, issue to the person to whom that licence was issued a copy of that licence.

Licence to be exhibited.

73. A licensed dealer shall cause the licence issued to him under this Ordinance at all times to be exhibited in a conspicuous position at the place where he carries on business or, if there is more than one such place, at the principal place where he carries on business.

Penalty: \$100.

74. A licensed dealer shall exhibit and keep exhibited at the place or each place at which he carries on business as a dealer and so as to be easily visible to a person entering that place or those places, a notice consisting of letters not less than 7 centimetres in height containing his name and the words "LICENSED MOTOR VEHICLE DEALER" and, where he carries on business in a name other than his own name, the notice shall contain, in addition, the name or style under which he carries on business as a dealer.

Licensed dealer to display notice.

Penalty: \$200.

75. Where a licensed dealer ceases to carry on business as a dealer at any place or commences to carry on business as a dealer at any place, he shall give written notification thereof to the Registrar.

Licensed dealer to notify Registrar of cessation or commencement of business at a place.

Penalty: \$200.

76. (1) An inspector may, at any reasonable time, enter the premises of a licensed dealer and inspect all books, papers, accounts and other documents relating to the business of that dealer and may, for that purpose, require the dealer or any other person who has the custody or control of the books, papers, accounts or other documents to produce and to hand over to him those books, papers, accounts or other documents.

Inspection.

(2) An inspector may, at any reasonable time, enter the premises of a licensed dealer and inspect any motor vehicles or parts of any motor vehicles that are offered or displayed for sale by a licensed dealer and may, for that purpose, require the dealer or any other person in whose custody or control the motor vehicles or parts of motor vehicles are to produce them to him for inspection.

(3) A licensed dealer shall not refuse or fail to comply with a requirement made under sub-section (1) or (2).

Penalty: \$400.

(4) A person other than a licensed dealer to whom a requirement under sub-section (1) or (2) is made shall not refuse or fail to comply with that requirement.

Penalty: \$400.

(5) An inspector may make notes or take extracts from, or make copies of, any books, papers, accounts or other documents produced to him under this section.

(6) An inspector may retain, for such period as he or the Registrar considers necessary, any book, paper, account or other document referred to in sub-section (1) and may make copies of any such document.

77. An inspector other than a police officer shall not exercise his powers under section 76 unless he produces to the licensed dealer or other person the certificate issued to him by the Registrar under section 5.

Inspector to produce certificate.

Inspection
of register.

78. A person may, upon payment of the prescribed fee, inspect and take extracts from the Register.

Advertisements
by licensed
dealers.

79. (1) A licensed dealer shall not cause or permit to be published an advertisement relating to, or in connexion with, his business of a dealer unless he specifies in the advertisement that he is a licensed dealer and the place or one of the places at which he carries on business.

(2) A licensed dealer shall not in an advertisement that he causes or permits to be published in relation to, or in connexion with, his business of a dealer—

- (a) make any statement that is false or misleading;
- (b) convey any information in respect of a motor vehicle that he offers for sale that is inconsistent with information relating to that vehicle contained in his Dealings Register or in the notice attached to the vehicle in pursuance of section 20;
- (c) refer to or describe a motor vehicle unless the vehicle is identified by its registered number or, where the vehicle has no registered number, by its engine number; or
- (d) specify the deposit payable on, or periodical payments payable in respect of, a motor vehicle unless the cash price in respect of the vehicle is also specified.

Penalty: \$400.

Registrar to
publish list
of licensed
dealers.

80. The Registrar shall, as soon as practicable after the thirtieth day of June in each year, cause to be published in the *Gazette* and in a newspaper circulating in the Territory a list in alphabetical order of persons who are licensed dealers under this Ordinance as at that date and the place or places of business, as the case may be, of each of those licensed dealers.

Documents
to be com-
plete at
time of
signature.

81. A licensed dealer shall not, in respect of the sale of a motor vehicle, submit a document to another person for his 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 respect of that sale has been deleted.

Penalty: \$200.

Licensed
dealer not
to be
indemnified
by ante-
cedent
owner.

82. (1) Subject to sub-section (2), where a licensed dealer incurs any costs or expenses by virtue of the operation of this Ordinance in respect of the sale of a motor vehicle, the dealer is not entitled to be indemnified in respect of 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) Sub-section (1) does not apply to a contract or agreement providing for a licensed dealer to be so indemnified where the antecedent owner is a trade owner.

83. A term of an agreement, other than where the parties to the agreement are a licensed dealer and a corporation, that purports to exclude or limit the operation of this Ordinance, or to preclude any right of action or any defence based on or arising out of any failure to comply with this Ordinance, is void.

Contracting out prohibited.

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

Other rights and remedies preserved.

85. A person shall not obstruct, threaten or intimidate the Registrar, the Deputy Registrar or an inspector in the exercise of a power or function or the discharge of a duty conferred or imposed upon the Registrar, Deputy Registrar or inspector under this Ordinance.

Obstruction, &c., of Registrar or inspector.

Penalty: \$200.

86. Where 2 or more licensed dealers have carried on business as dealers in partnership with each other and the partnership is dissolved, each of those licensed dealers shall, within 7 days of the date of the dissolution, notify the Registrar in writing that the partnership has been so dissolved.

Notice of dissolution of partnership.

Penalty: \$400.

87. (1) A document required by this Ordinance to be given to, or served upon, a licensed dealer may be given or served by leaving it at a place specified in his licence as the place or the principal place at which he carries on business as a licensed dealer or by sending it by post to him at that place.

Service upon licensed dealers and applicants for licences.

(2) A document required by this Ordinance to be given to or served upon an applicant for a licence may be given or served by sending it by post to the applicant at his last known place of residence or, in the case of a corporation, to the last known place of residence of the director who signed the application.

88. (1) A certificate under the hand of the Registrar stating that a person was or was not on a date or dates or during a period mentioned in the document the holder of a licence is, in all courts and before all persons and bodies authorized to receive evidence, evidence of the matters so stated.

Evidence of licensing.

(2) For the purposes of sub-section (1), a document that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved.

89. Where the Registrar or an inspector is empowered by this Ordinance to require a person to do anything, the Registrar or the inspector may make the requirement orally or in writing served upon that person.

Requirement by Registrar or inspector.

Annual Report.

90. The Registrar shall, as soon as practicable after each thirtieth day of June, prepare and furnish to the Minister a report on the operation of this Ordinance during the period of 12 months ending on that day.

Transitional provisions.

91. (1) Until the expiration of one month after the date of commencement of section 7, that section does not apply to or in relation to a person who immediately before that date was a dealer.

(2) If, within a period of one month after the date of commencement of section 7, a person referred to in sub-section (1) applies for a licence, section 7 does not apply to or in relation to that person until his application has been dealt with by the Registrar in accordance with section 13 or, where he has applied to the Tribunal for a review of the decision of the Registrar to refuse the grant of a licence, until the application for a licence has been disposed of.

(3) Where, by virtue of sub-section (1) or (2), section 7 does not apply to or in relation to a person, a provision of this Ordinance, other than section 7, that is expressed to apply to a licensed dealer applies, from and including the date of commencement of that provision, to and in relation to that person in the same manner as it would apply if he were the holder of a licence.

Regulations.

92. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

SCHEDULE

FORM 1

Section 24

AUSTRALIAN CAPITAL TERRITORY

Sale of Motor Vehicles Ordinance 1977

NOTICE OF REQUIRED REPAIRS

TAKE NOTICE that the licensed dealer offering or displaying this motor vehicle for sale is not liable under the Sale of Motor Vehicles Ordinance 1977 to remedy, in respect of the vehicle, a defect specified in this notice where the reasonable cost of remedying that defect does not exceed the estimated cost of repair specified in this notice. Where the reasonable cost of remedying that defect is an amount greater than the amount so specified, a purchaser of the vehicle may recover from the dealer the difference between those amounts. The giving of this notice does not affect the liability of the dealer under the Ordinance in respect of any other defect in the vehicle.

SCHEDULE—continued

FORM 2

Section 25

AUSTRALIAN CAPITAL TERRITORY

Sale of Motor Vehicles Ordinance 1977

EXEMPTION NOTICE

TAKE NOTICE that by reason of a declaration by the Minister for the Capital Territory, notice of which was published in the *Australian Government Gazette* on (here insert date of the Gazette), the dealer is not liable under the *Sale of Motor Vehicles Ordinance 1977* to repair or make good any defect that occurs in this motor vehicle after the date of the sale of the vehicle by the dealer or that becomes apparent to the purchaser of the vehicle after that date.

The Registration Number of this Vehicle is

The Engine Number of this Vehicle is

/ /

Signature of Dealer or of person
acting on his behalf

Date

LICENCE
NUMBER
OF DEALER.....

THE DEALER IS REQUIRED BY THE ORDINANCE TO FURNISH THE PURCHASER OF THE VEHICLE WITH A SIGNED COPY OF THIS NOTICE.