

TASMANIA

**MOTOR VEHICLE TRADERS REGULATIONS
2022**

STATUTORY RULES 2022, No. 4

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MOTOR VEHICLE TRADERS REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Motor Vehicle Traders Act 2011*.

Dated 28 February 2022.

B. BAKER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Workplace Safety and Consumer Affairs

1. Short title

These regulations may be cited as the *Motor Vehicle Traders Regulations 2022*.

2. Commencement

These regulations take effect on 28 February 2022.

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3. Interpretation

In these regulations –

Act means the *Motor Vehicle Traders Act 2011*.

4. Exemption for the Public Trustee

The Public Trustee, within the meaning of the *Public Trustee Act 1930*, is exempt from the operation of section 6 of the Act.

5. Exemption for fleet vehicles

(1) In this regulation –

prescribed business means a business other than –

- (a) the business of dealing in motor vehicles; or
- (b) the business of renting or hiring out motor vehicles to customers of the business.

(2) The owner of a prescribed business is exempt from the operation of section 6 of the Act, in relation to the buying, selling or exchange of motor vehicles, if the owner –

- (a) buys or exchanges the motor vehicles for the purpose of forming, or maintaining, a fleet of vehicles used, or to be used, for

the purposes of the prescribed business;
or

- (b) sells or exchanges a motor vehicle that was part of such a fleet of vehicles for the purpose of –
 - (i) renewing, reorganising or rationalising the fleet of vehicles;
or
 - (ii) winding up the prescribed business.

6. Exemption for wholesale motor vehicle dealers

A person who sells, or exchanges, motor vehicles on a wholesale basis is exempt from the operation of section 6 of the Act in relation to those sales and exchanges.

7. Pre-sale disclosure statement

A pre-sale disclosure statement –

- (a) is to be in a form approved by the Director; and
- (b) is to contain the following information:
 - (i) the motor vehicle trader licence number for the licensed motor vehicle trader who is making the statement;

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- (ii) the make, model and registration number of the vehicle to which the statement relates;
 - (iii) such other information as determined by the Director; and
- (c) may contain additional relevant disclosures, or other information, as the licensed motor vehicle trader making the pre-sale disclosure statement considers appropriate.

8. Fees

(1) In this regulation –

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

(2) The fees specified in Schedule 1 are –

- (a) prescribed as the fees payable to the Director in respect of the matters to which they relate; and
- (b) specified exclusive of GST.

9. Infringement offences and penalties

For the purposes of section 53 of the Act –

- (a) an offence against a section of the Act, as specified in the table in Schedule 2, is

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prescribed as an infringement offence;
and

- (b) the penalty specified, in the table in Schedule 2, in respect of such an offence is prescribed as the penalty payable under an infringement notice issued and served for that offence.

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SCHEDULE 1 – FEES

	Matter	Regulation 8 Fee (fee units)
1.	Application fee under section 9 of the Act for a motor vehicle trader licence	115
2.	Licence fee under section 14 of the Act for the issue of a motor vehicle trader licence	986
3.	Fee under section 19 of the Act for issue of a replacement motor vehicle trader licence	20

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SCHEDULE 2 – INFRINGEMENT OFFENCES

Regulation 9

	Section of Act	Penalty (penalty units)
1.	Section 10	4
2.	Section 24(2)	4
3.	Section 25(5)	4
4.	Section 28(1)	40
5.	Section 29(1)	40
6.	Section 29(2)	40
7.	Section 29(3)	40
8.	Section 30(2)	40
9.	Section 31(1)	40
10.	Section 31(2)	40
11.	Section 31(3)	40
12.	Section 32	40
13.	Section 33	40
14.	Section 34(1)	20
15.	Section 35(2)	20
16.	Section 35(3)	40

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	Section of Act	Penalty (penalty units)
17.	Section 36(2)	40
18.	Section 37(1)	20
19.	Section 37(3)	20
20.	Section 38(1)	20
21.	Section 38(2)	20
22.	Section 39	20
23.	Section 40	40
24.	Section 41(1)	2
25.	Section 41(2)	2
26.	Section 48(3)	40
27.	Section 50(6)	40
28.	Section 51	40
29.	Section 52	40

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 28 February 2022.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations, for the purposes of the *Motor Vehicle Traders Act 2011* –

- (a) prescribe certain persons as exempt from the requirement to hold a motor vehicle trader licence in certain circumstances; and
- (b) prescribe the requirements for a pre-sale disclosure statement; and
- (c) specify the fees payable in respect of certain matters under that Act; and
- (d) specify certain offences under that Act as offences for which an infringement notice may be issued and the penalties payable under those notices; and
- (e) are made consequent on the repeal of the *Motor Vehicle Traders Regulations 2012* under section 11 of the *Subordinate Legislation Act 1992*.