

TASMANIA

**MOTOR VEHICLE TRADERS AMENDMENT BILL
2011**

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MOTOR VEHICLE TRADERS AMENDMENT BILL 2011

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
18 October 2011

*(Brought in by the Minister for Corrections and Consumer
Protection, the Honourable Nicholas James McKim)*

A BILL FOR

An Act to amend the *Motor Vehicle Traders Act 2011*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Motor Vehicle Traders Amendment Act 2011*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Motor Vehicle Traders Act 2011** is referred to as the Principal Act.

4. Section 2 amended (Commencement)

Section 2 of the Principal Act is amended by inserting “or days” after “day”.

5. Section 45 amended (What the statutory warranty does not cover)

Section 45 of the Principal Act is amended as follows:

- (a) by omitting the definition of “clutch-driven plate” from subsection (1);
- (b) by omitting “pressure plate, clutch release bearing or flywheel;” from subsection (2)(a)(ii) and substituting “clutch pressure plate, spigot bearing, clutch release bearing or flywheel clutch face;”.

6. Section 64 substituted

Section 64 of the Principal Act is repealed and the following section is substituted:

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64. Consequential amendments

- (1) The legislation specified in Schedule 1 is amended as specified in that Schedule.
- (2) The legislation specified in Schedule 1A is amended as specified in that Schedule.

7. Schedule 1 substituted

Schedule 1 to the Principal Act is repealed and the following Schedules are substituted:

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 64(1)

Australian Consumer Law (Tasmania) Act 2010

1. Section 50 is amended as follows:

- (a) by omitting from subsection (1) “1 January 2012.” and substituting “1 April 2012.”;
- (b) by omitting from subsection (2) “1 January 2012” and substituting “1 April 2012”.

Consumer Affairs Act 1988

- 1.** Section 3A is amended by inserting “the *Motor Vehicle Traders Act 2011*,” after “*Collections for Charities Act 2001*,”.

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**SCHEDULE 1A – FURTHER CONSEQUENTIAL
AMENDMENTS**

Section 64(2)

Duties Act 2001

1. Section 3 is amended as follows:

- (a) by inserting the following definition after the definition of “lease”:

“licensed motor vehicle trader” means a person who holds a motor vehicle trader licence under the *Motor Vehicle Traders Act 2011*;

- (b) by inserting the following definition after the definition of “motor vehicle”:

“motor vehicle trader licence” has the same meaning as in the *Motor Vehicle Traders Act 2011*;

2. Section 204 is repealed and the following section is substituted:

204. Exemptions for motor dealers

Duty under this Chapter is not payable by –

- (a) a licensed motor vehicle trader in respect of the

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registration or transfer of a motor vehicle acquired and used for a purpose specified in section 214(1); or

- (b) a motor dealer who holds an exemption certificate in respect of the registration or transfer of a type of motor vehicle specified in that certificate acquired and used solely for a purpose specified in section 214(1).

- 3. Section 206(2) is amended by inserting after paragraph (a) the following paragraph:

- (ab) is not a licensed motor vehicle trader and is not dealing in motor vehicles within the meaning of the *Motor Vehicle Traders Act 2011*; and

- 4. Section 212(1) is amended as follows:

- (a) by omitting from paragraph (d) “available.” and substituting “available; or”;
 - (b) by inserting the following paragraph after paragraph (d):
 - (e) is a licensed motor vehicle trader or is dealing in motor vehicles within the meaning of the

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5. Section 214 is amended as follows:

- (a) by omitting from subsection (1) “vehicle” first occurring and substituting “vehicle, and a motor vehicle trader licence in force under the *Motor Vehicle Traders Act 2011* may only be used to obtain exemption from payment of duty in respect of the registration or transfer of a motor vehicle,”;
- (b) by omitting from subsection (1)(c) “a holder” and substituting “an exemption certificate holder, or a licensed motor vehicle trader,”;
- (c) by omitting from subsection (1)(c) “certificates” and substituting “certificates, other licensed motor vehicle traders”;
- (d) by inserting in subsection (1) “or the licensed motor vehicle trader” after “holder of the exemption certificate”;
- (e) by inserting in subsection (1) “or motor vehicle trader licence” after “number of the exemption certificate”;

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- (f) by inserting in subsection (2) “motor vehicle trader licence or” after “using the”.

6. Section 215 is amended as follows:

- (a) by inserting in subsection (1) “or a motor vehicle trader licence” after “certificate”;
- (b) by omitting from subsection (2) “certificate that is used” and substituting “certificate, or a licensed motor vehicle trader, who uses the exemption certificate or the motor vehicle trader licence”.

7. Section 216(1) is amended by inserting “or a licensed motor vehicle trader” after “certificate”.

8. Section 217 is amended as follows:

- (a) by omitting from subsection (1) “to which an exemption certificate relates” and substituting “for which an exemption has been claimed under section 204 by the holder of an exemption certificate or a licensed motor vehicle trader”;
- (b) by inserting in subsection (1) “or licensed motor vehicle trader” after “the exemption certificate”;

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- (c) by inserting in subsection (2) “or the licensed motor vehicle trader” after “certificate”.

8. Repeal of Act

This Act is repealed on the ninetieth day from the day on which all of the provisions of this Act commence.