



Queensland

# Motor Dealers and Chattel Auctioneers and Other Legislation Amendment Regulation 2019

## Subordinate Legislation 2019 No. 165

made under the

*Motor Dealers and Chattel Auctioneers Act 2014*

*Queensland Civil and Administrative Tribunal Act 2009*

*State Penalties Enforcement Act 1999*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
<b>Part 2</b>	<b>Amendment of Motor Dealers and Chattel Auctioneers Regulation 2014</b>	
3	Regulation amended .....	3
4	Amendment of s 4 (Prescribed changes in licensee's circumstances to be notified to chief executive) .....	3
5	Amendment of ss 7, 8, 13 and 16 .....	3
6	Amendment of s 11 (Advertising or displaying unwarranted motor vehicle) .....	4
7	Insertion of new ss 11A and 11B .....	4
	11A Advertising restorable vehicle .....	4
	11B Displaying restorable vehicle .....	4
8	Amendment of s 18 (Keeping documents in electronic form) ...	5
9	Amendment of s 47 (Defects not covered by statutory warranty)	5
<b>Part 3</b>	<b>Amendment of Queensland Civil and Administrative Tribunal Regulation 2019</b>	

Contents

---

10	Regulation amended . . . . .	6
11	Amendment of s 8 (Fee for application, referral or counter-application for another matter) . . . . .	6
12	Amendment of s 10 (Fee for appeal or application for leave to appeal—Act, s 143) . . . . .	7
<b>Part 4</b>	<b>Amendment of State Penalties Enforcement Regulation 2014</b>	
13	Regulation amended . . . . .	8
14	Amendment of sch 1 (Infringement notice offences and fines for nominated laws) . . . . .	8

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Motor Dealers and Chattel Auctioneers and Other Legislation Amendment Regulation 2019*.

### 2 Commencement

- (1) Parts 2 and 4 commence on 1 September 2019.
- (2) Part 3 commences on 1 September 2019 immediately after the commencement of the *Queensland Civil and Administrative Tribunal Regulation 2019*.

## Part 2 Amendment of Motor Dealers and Chattel Auctioneers Regulation 2014

### 3 Regulation amended

This part amends the *Motor Dealers and Chattel Auctioneers Regulation 2014*.

### 4 Amendment of s 4 (Prescribed changes in licensee's circumstances to be notified to chief executive)

- (1) Section 4(a)(iii)—  
*omit.*
- (2) Section 4(a)(iv) to (vii)—  
*renumber* as section 4(a)(iii) to (vi).

### 5 Amendment of ss 7, 8, 13 and 16

Sections 7(j), 8(e), 13(1)(j) and 16(2)(m), 'section 3(3)'—

[s 6]

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*omit, insert—*

section 3C(1)

## **6 Amendment of s 11 (Advertising or displaying unwarranted motor vehicle)**

Section 11, heading, ‘motor’—

*omit.*

## **7 Insertion of new ss 11A and 11B**

After section 11—

*insert—*

### **11A Advertising restorable vehicle**

- (1) This section prescribes for section 146(2) of the Act how a restorable vehicle must be advertised for sale by a chattel auctioneer.
- (2) The chattel auctioneer must state in each advertisement for the sale of the restorable vehicle that the vehicle does not have a statutory warranty.

### **11B Displaying restorable vehicle**

- (1) This section prescribes for sections 116(2) and 146(2) of the Act how a restorable vehicle must be displayed for sale by a motor dealer or a chattel auctioneer.
- (2) The motor dealer or chattel auctioneer must ensure a sign with the prescribed statement in letters at least 5cm high is displayed—
  - (a) in a prominent position on the vehicle in close proximity to the display of the price or description; or

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(b) if the vehicle does not have a price or description displayed—on the front windscreen of the vehicle.

(3) In this section—

***prescribed statement*** means the following statement—

- (a) for a restorable vehicle displayed for sale by a motor dealer—‘no statutory warranty will apply to this restorable vehicle if the buyer waives the statutory warranty’;
- (b) for a restorable vehicle displayed for sale by a chattel auctioneer—‘if this vehicle is sold as a restorable vehicle, the statutory warranty will not apply’.

**8 Amendment of s 18 (Keeping documents in electronic form)**

Section 18(1), penalty—

*omit.*

**9 Amendment of s 47 (Defects not covered by statutory warranty)**

Section 47—

*insert—*

- (d) for a class B warranted vehicle, a defect in the vehicle’s air-conditioning system.



- (iv) if the amount claimed is more than \$10,000—\$345.80.

**12 Amendment of s 10 (Fee for appeal or application for leave to appeal—Act, s 143)**

- (1) Section 10(6), definition *prescribed amount*—

*insert*—

- (aa) for a decision of the tribunal on an application made under the *Fair Trading Act 1989*, section 50A or the *Motor Dealers and Chattel Auctioneers Act 2014*, schedule 1, section 14—

- (i) if the amount claimed is not more than \$10,000 or no amount is claimed—\$345.80; or

- (ii) otherwise—\$691.60; or

- (2) Section 10(6), definition *prescribed amount*, paragraph (b), after ‘paragraph (a)’—

*insert*—

or (b)

- (3) Section 10(6), definition *prescribed amount*, paragraph (d), ‘paragraph (a), (b) or (c)’—

*omit, insert*—

paragraph (a), (b), (c) or (d)

- (4) Section 10(6), definition *prescribed amount*, paragraphs (aa) to (e)—

*renumber* as paragraphs (b) to (f).





ENDNOTES

- 1 Made by the Governor in Council on 29 August 2019.
- 2 Notified on the Queensland legislation website on 30 August 2019.
- 3 The administering agency is the Department of Justice and Attorney-General.

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