

Dealer Information File



<https://www.qld.gov.au/law/fair-trading>



Check a charity, licence, association or register

- > [Check a licence](#)
- > [Check a charity or association](#)
- > [Enforceable undertakings register](#)

More



Check a licence

We licence and/or register individuals and corporations in the following industries. This free search tool can help you find out if a person in one of these industries has the appropriate licence to do their job.

- [Property agents and auctioneers](#)
- [Motor dealers](#)
- [Security providers](#)
- [Chattel auctioneers](#) (for auctions other than real estate)
- [Tattoo operators and tattooists](#)
- [Second-hand dealers and pawnbrokers](#)
- [Field agents](#) (for debt collecting and/or process serving)
- [Introduction agents](#)
- [Inbound tour operators](#).

Full instructions on how to use the search tool are below.

Search the register

Licence Number:

AND/OR Example: 123355 1017848, 123, etc.

Given Name:

Last Name:

AND/OR

Company Name:

AND/OR Example: XYZ Company QLD, XYZ -QLD, etc.

Industry Sector:

Person appointed to be temporary "Person in charge" of dealership

I (person in charge)
appoint (Substitute
person) as the "person in charge"
of (dealership name) . from
.../.../... until .../.../... (must be 30 days or less)

Signed..... Date .../.../...

And

I..... (Person to be in charge) accept this
appointment

Signed.....Date.../.../...

Note: A dealer who wishes to appoint a licensed motor dealer as the person in charge for greater than 30 days must apply to the Qld Office of Fair Trading on their Form 11, available from the Office of Fair Trading website, fairtrading.qld.gov.au

Division 2 Other provisions

219 Sale of unregistered vehicles by dealers

- (1) A dealer must not deliver an unregistered vehicle to a purchaser on the sale of the vehicle unless—
- (a) the vehicle is delivered to another dealer; or
 - (b) a registration application has been made, but not yet decided, for the vehicle.

Maximum penalty—40 penalty units.

- (2) However, a dealer does not contravene subsection (1) if the dealer obtains a written statement from the purchaser that—
- (a) the vehicle is not to be used on a road; or
 - (b) the vehicle's garage address will not be in Queensland.
- (3) The dealer must keep a statement received under subsection (2) for at least 1 year after the day the vehicle is delivered to the purchaser.

Maximum penalty—8 penalty units.

- (4) In this section—

dealer does not include the holder of a licence or other authority under a corresponding law to the *Motor Dealers and Chattel Auctioneers Act 2014* that is equivalent to a motor dealers licence under that Act.

Part 14 Fees and related matters

Division 1 Fees generally

220 Fees

- (1) The registration fees for a category 1 vehicle are the fees stated for the vehicle in schedule 2.

Sale of unregistered vehicles by dealer

Dealer

Address.....

.....

.....Post code.....

Buyer,

Address.....

.....

.....Post code.....

Vehicle description

Make

Model

Vin number

Date of delivery...../...../.....

I state that the vehicle is not to be used on a road or the vehicle's garage address will not be in Queensland, in accordance with the Queensland Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999 Section 106

Signed for buyer.....

Dealer must keep this statement for at least one (1) year after the day of delivery of the vehicle to the purchaser



Home > Transport and motoring > Vehicle registration duty > Exemptions for vehicle registration duty

Exemptions for vehicle registration duty

You pay vehicle registration duty when you register or transfer registration. You do not need to pay vehicle registration duty on a motorised wheelchair for a disabled person's use.

For an individual or business exemption, you may be able to apply if you:

- have registered the vehicle in Queensland or interstate ([#registered](#)).
- give a vehicle as a gift to a family member ([#family](#)).
- receive a vehicle from a deceased estate ([#deceased](#)).
- are an ex-service person ([#exservice](#)).
- have lost use of either leg ([#lostuse](#)).
- have vehicles registered in a business name ([#business](#)).
- are doing a small business restructure ([#restructure](#)).
- have a vehicle that is part of a matrimonial matter ([#marriage](#)).
- are a vehicle dealer ([#dealers](#)).
- use your vehicle for charities ([#charity](#)).
- use your vehicle for primary production ([#agricultural](#)).

There are no additional exemptions for seniors card or pensioner concession card holders. However, seniors and pensioners may be eligible for a reduction in their registration fee (<https://www.qld.gov.au/transport/registration/fees/concession/senior>).

Refunds

If you have already paid vehicle registration duty and believe that you were eligible for an exemption, contact us within 60 days to request a refund. If you include an EFT refund form (<https://www.publications.qld.gov.au/dataset/osr-refund-by-eft-application-form>), we can transfer your refund to your bank account.

You can:

- email mvi.mail@treasury.qld.gov.au (<mailto:mvi.mail@treasury.qld.gov.au>).
- write to

Office of State Revenue
GPO Box 2593
Brisbane Qld 4001.

Objection rights

If you have paid vehicle registration duty and you are dissatisfied with the assessment of duty, you can lodge an objection within 60 days of making payment. In some circumstances, you may be allowed an extension of time to lodge an objection. Find out more about your objection rights (<https://www.treasury.qld.gov.au/budget-and-financial-management/revenue-and-taxation/complaints-and-objections/>).

Relative or family member

A reference to a relative or family member for vehicle registration duty means your:

- spouse
- parent or grandparent—or spouse of either
- spouse's parent or grandparent—or their spouse
- child, stepchild or grandchild—or their spouse
- spouse's child, stepchild or grandchild—or their spouse.

The term 'spouse' includes a de facto spouse or registered partner under the *Relationships Act 2011* (<https://legislation.qld.gov.au/view/html/inforce/current/act-2011-046>).

Vehicles previously registered in Queensland

Vehicle registration duty is not charged on a vehicle if:

- the vehicle was registered and the registration expired or was cancelled and
- the previous registered owner or a relative is registering the vehicle again.

Vehicles registered interstate

You do not have to pay vehicle registration duty when you register a vehicle in Queensland if the vehicle is registered interstate, or was registered and the registration expired or was cancelled.

To be eligible, you must prove the:

- relevant duty was paid interstate
- registered owner or a relative is applying for the exemption
- vehicle was a gift if it is being registered in the name of a relative.

Gift to a family member

A gift to a family member or relative means the vehicle is not sold for any amount of money.

This exemption does not apply to transfers between siblings, people related by marriage (apart from spouses), aunts or uncles.

To apply

Apply for this exemption when you transfer the registration (<https://www.qld.gov.au/transport/registration/transfer/rego>) of the vehicle.

If you have already paid the vehicle registration duty, you can apply for a refund by providing a completed transfer of vehicle registration statutory declaration (<https://publications.qld.gov.au/dataset/osr-duties-statutory-declarations/resource/efad5188-2c65-4059-be76-588c8bc7f941>), and a written request to reassess your duty.

Deceased estates

Vehicle registration duty is not charged on vehicles from a deceased estate that are transferred to:

- the personal representative of a person's estate
- a person who is beneficially entitled to the vehicle in a deceased person's estate.

You need to provide a certified copy of the original will to exercise powers as a personal representative, or show that you are an eligible beneficiary.

Ex-service persons

Ex-service men and women who have concessional registration (<https://www.qld.gov.au/transport/registration/fees/concession/senior>) fees under the prescribed service persons category can apply for an exemption from vehicle registration duty.

Concessional registration fees only apply to one vehicle at a time. If you are receiving the concession on another vehicle, use the registration concession application (F3937) (<https://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3937/>) to update the vehicle to which you want the concession to apply. You will not receive the exemption or a refund of duty if you do this after registration.

To apply

When you register your vehicle (<https://www.qld.gov.au/transport/registration/register/vehicle>), you will need a:

- registration concession application (F3937) (<https://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3937/>)
- letter from the Department of Veterans' Affairs that shows you:
 - are at least 70% incapacitated under the Veterans' Entitlements Act 1986 (<http://www.comlaw.gov.au/Details/C2014C00128>) (Cwlth)
 - or
 - have been assessed as having at least 50 impairment points under the Military Rehabilitation and Compensation Act 2004 (<http://www.comlaw.gov.au/Details/C2014C00087>) (Cwlth).

The Department of Transport and Main Roads or your vehicle dealer will apply the concessional registration fees (code EXSV) and the duty exemption to your registration.

If you have lost the use of your legs

Vehicle registration duty will not be charged if all the following apply:

- you have lost the use of 1 or both legs
- your vehicle is used for transport to and from your place of employment or education

- you can't use public transport.

To apply

When you register your vehicle (<https://www.qld.gov.au/transport/registration/register/vehicle>) you need to provide:

- a statutory declaration (<https://publications.qld.gov.au/dataset/osr-duties-statutory-declarations/resource/86c6a3c6-51ac-4e0f-9b33-ed39daff53c7>), stating that you meet all the eligibility requirements
- a letter or certificate from a medical doctor confirming that you have lost the use of 1 or both legs and you can't use public transport.

If the vehicle is new, include a copy of your completed GST exemption declaration (<https://www.ato.gov.au/Forms/Exemption-of-GST-on-a-car---person-with-a-disability-gainfully-employed/>).

Vehicles registered in a business name

We will not charge duty on an application to register or transfer a vehicle if all of the following apply:

- the vehicle is registered in the name of a business
- vehicle registration duty was paid when the vehicle was registered
- an application is made by or for the owners of the business
- the vehicle will be registered in the
 - sole names of the owners
 - name of another business belonging solely to the owners
 - same business name if the vehicle is already registered under a corresponding Act in the name of a business owned solely by the owners.

This exemption applies only to business names and not to company names. Companies are registered under the Corporations Act 2001 (<http://www.comlaw.gov.au/Series/C2004A00818>) (Cwlth).

When to pay duty for business vehicles

Situation

Why duty applies

When the vehicle is:

- registered in a company name and
- transferred to the sole director and shareholder

The vehicle is not registered in a business name

When the vehicle is:

- registered in a business name owned by a company and
- transferred to the sole shareholder of the company

The company owns the business, not the sole shareholder

Situation

Why duty applies

When the vehicle is:

- registered in the name of a trustee company and
- transferred to a beneficiary

The vehicle is not registered in a business name

When the vehicle is:

- registered in a business name owned by a partnership and
- transferred to another business name owned by a company in which the partners are directors and shareholders

The 2 business names are not owned by the same people—1 is owned by a company and the other by a partnership

Vehicles transferred as part of a small business restructure

Small business owners who restructure their business on or after 7 September 2020—from a sole trader, partnership or discretionary trust structure to a company structure—may be eligible for transfer duty exemption. If vehicles are included in the restructure, you may be eligible for a registration transfer duty exemption.

To be eligible for the exemption as a:

- sole trader, you (the individual owner) must be a shareholder of the company
- partnership, all partners must be shareholders of the company
- discretionary trust, all beneficiaries must be shareholders of the company.

The exemption doesn't apply if business assets (including vehicles):

- are being transferred from an entity with business assets more than \$10 million
- are being transferred from an entity with annual turnover of more than \$5 million
- are being transferred to a company that has traded before
- are being transferred between companies
- are being transferred out of a company structure.

See the [public ruling on the small business restructure exemption \(DA000.16\)](https://www.treasury.qld.gov.au/resource/da000-16/) (<https://www.treasury.qld.gov.au/resource/da000-16/>).

To apply

Send the following documents to the Office of State Revenue:

- [vehicle transfer application \(Form F3520\) \(PDF, 140KB\)](https://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3520/%24file/F3520_CFD.pdf) (https://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3520/%24file/F3520_CFD.pdf)
- covering letter setting out ownership levels both before and after restructure
- copy of your latest full year financial statements
- [transfer duty documents](https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/business-owners/buying-) (<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/business-owners/buying->

business/exemption-restructure) (if applicable).

Office of State Revenue
GPO Box 2593
Brisbane Qld 4001

Vehicles as part of matrimonial matters

Duty may not apply to vehicles that are part of some matrimonial matters.

For the exemption to apply, the transfer must be:

- dated after the court order or financial agreement
- clearly stated in the court order or financial agreement.

You must produce a copy of the court order or financial agreement when submitting your vehicle transfer application (Form F3520) (PDF, 140KB) (https://www.support.transport.qld.gov.au/qt/formsdat.nsf/forms/QF3520/%24file/F3520_CFD.pdf) to the Department of Transport and Main Roads.

Vehicle dealers exemption

Duty does not apply to:

- transfers of a vehicle to a vehicle dealer—if the vehicle is acquired as trading stock. Trading stock is used vehicles available for sale
- an application to register a used vehicle in the name of a vehicle dealer—if the vehicle is acquired as trading stock
- applications to register a new vehicle in the name of a vehicle dealer—if the vehicle is a demonstrator vehicle used to sell vehicles of the same type.

You need to pay vehicle registration duty if you claimed the dealer exemption and:

- within the first year you stop using the vehicle as a demonstrator or trading stock and the vehicle is not sold

or

- the vehicle has been registered for 1 year and it has not been sold during that year.

You will need to complete a vehicle dealer disclosure (Form D9.2).

(<https://publications.qld.gov.au/dataset/form-osr-d9-2-vehicle-dealer-disclosure/resource/60fe485a-1bb0-4cc1-bdad-bdcd144075a4>) and pay duty to the Office of State Revenue within 28 days. The dutiable value will be the value at the time the vehicle is either registered or transferred to the dealer.

Examples

Situation

How duty applies

Situation

A truck dealership registers a van to be used by the service department of the dealership

A dealer registers a late model vehicle that has been registered before and uses it as a demonstrator

A dealer registers a new vehicle as a demonstrator and uses it as a demonstrator model for 18 months, then sells it

A vehicle dealer acquires a new vehicle to be used as a demonstrator, and claims an exemption when registering the vehicle.

The vehicle is used for 5 months as a demonstrator and then the service department uses the vehicle as a runabout vehicle for 14 months before it is sold

A vehicle dealer buys a used vehicle that is trading stock. The vehicle is taken home by a company director after hours but is offered for sale during business hours. The vehicle is sold in less than 1 year

A vehicle is available for sale 18 months before the car is sold

How duty applies

The dealership can't claim an exemption because the vehicle is not used as a demonstrator vehicle or trading stock

The dealer can't claim an exemption because a demonstrator vehicle must be a new vehicle and not registered before

The vehicle has been used as a demonstrator for more than 1 year, so the dealer is no longer eligible for an exemption

As the vehicle was not used solely as a demonstrator or trading stock for the first 12 months, the exemption does not apply.

The vehicle dealer must notify the Commissioner of State Revenue within 28 days of the vehicle no longer being used as a demonstrator. This will be at the 5 months when the service department took over.

The Commissioner will issue a reassessment notice if more duty is payable

The vehicle dealer can claim the exemption—the vehicle was sold in less than 1 year and was available for sale as trading stock during business hours; and the private use was limited to after hours

As 1 year had passed without a sale, the vehicle is no longer considered to be trading stock. The exemption does not apply.

The vehicle dealer must notify the Commissioner within 28 days from the end of the first year. The Commissioner will issue a reassessment notice if further duty is payable

Situation

A vehicle dealer has a new minibus used only to drop off and pick up clients who are having their vehicles serviced at the dealership

A vehicle dealer has a used vehicle to be used as trading stock.

The registration is not renewed after 10 months and the vehicle remains unregistered until sold 6 months later

How duty applies

The dealer can't claim the exemption because the vehicle is used for the general purposes of the dealer's business—it is not a demonstrator

The exemption does not apply because 1 year has passed without a sale and the vehicle is not considered to be trading stock.

The vehicle dealer must notify the Commissioner within 28 days from the end of the 12 months. The Commissioner will issue a reassessment notice if further duty is payable

Charity organisations

An exemption is available to charities if they use a vehicle mainly for their charitable activities. The exemption is not available if the vehicle is part of an employment or salary package.

To apply

When you register your vehicle (<https://www.qld.gov.au/transport/registration/register/vehicle>), you need to provide a:

- copy of your notice or letter of registration as a charitable institution
- 'qualifying use' statement, which indicates the purpose for which the vehicle will be used, signed by an authorised representative of the registered charitable institution.

A copy of the 'qualifying use' statement was included with your letter of registration as a charitable institution (<https://www.treasury.qld.gov.au/taxes-and-royalties/charitable-institutions/>).

If you have already paid vehicle registration duty and you believe that your institution is eligible for this exemption, you can email ci@treasury.qld.gov.au (<mailto:ci@treasury.qld.gov.au>) to request a refund. We must receive this reassessment application no later than 11 months after your original assessment date. If you don't apply within this timeframe, you may be allowed an extension of time to lodge an objection (<https://www.treasury.qld.gov.au/budget-and-financial-management/revenue-and-taxation/complaints-and-objections/>).

Vehicles for primary production

An exemption is available to primary producers if the vehicle:

- has a gross vehicle mass of more than 6 tonnes under the Transport Operations (Road Use Management) Act 1995 (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1995-009>),
- will be used solely in a business of primary production.

If you sell, transfer or start using the vehicle for any purpose other than the business of primary production within 5 years, you must complete a [primary producer disclosure \(Form D9.1\)](https://publications.qld.gov.au/dataset/form-osr-d9-1-primary-producer-disclosure/resource/b97c6f8a-eee7-4cd8-979d-ed4c74959017) (<https://publications.qld.gov.au/dataset/form-osr-d9-1-primary-producer-disclosure/resource/b97c6f8a-eee7-4cd8-979d-ed4c74959017>) and pay duty to the Office of State Revenue within 28 days of the change.

To apply


You need to provide a completed [vehicle for primary production statutory declaration](https://publications.qld.gov.au/dataset/osr-duties-statutory-declarations/resource/fad3b11f-488e-4b8a-a18f-93cae6c23688) (<https://publications.qld.gov.au/dataset/osr-duties-statutory-declarations/resource/fad3b11f-488e-4b8a-a18f-93cae6c23688>) when you [register your vehicle](https://www.qld.gov.au/transport/registration/register) (<https://www.qld.gov.au/transport/registration/register>).

Other exemptions

Contact the [Office of State Revenue](https://www.treasury.qld.gov.au/taxes-and-royalties/contact-osr/) (<https://www.treasury.qld.gov.au/taxes-and-royalties/contact-osr/>), for information about exemptions for:

- local government councils and other government entities
- the Governor
- consulate officials, if they are nationals of the countries represented
- financiers and hirers of repossessed vehicles
- forfeiture orders
- industrial organisations
- disposal of vehicles under particular Acts.

Last updated: 16 November 2020

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Do you need to pay vehicle registration duty?

Use the [online tool](https://www.qld.gov.au/transport/registration/fees/duty/help) (<https://www.qld.gov.au/transport/registration/fees/duty/help>) to find out if you need to pay vehicle registration duty.

Working out registration duty

Find more [vehicle registration duty](https://www.qld.gov.au/transport/registration/fees/duty/about) (<https://www.qld.gov.au/transport/registration/fees/duty/about>) information.

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82 Inspection of vehicle

- (1) Before inspecting the vehicle, the approved examiner who inspects the vehicle must locate on the vehicle and record for the inspection—
 - (a) for a motor vehicle manufactured before 1 January 1989—the vehicle’s chassis number and engine number; or
 - (b) for a motor vehicle manufactured on or after 1 January 1989—the vehicle’s VIN; or
 - (c) for a vehicle other than a motor vehicle—another unique identification number assigned to the vehicle.

Maximum penalty—20 penalty units.

- (2) The approved examiner must inspect the vehicle—
 - (a) thoroughly; and
 - (b) in accordance with—
 - (i) for a light vehicle—the Queensland Light Vehicle Inspection Manual; or
 - (ii) for a heavy vehicle—the National Heavy Vehicle Inspection Manual.
- (3) If the vehicle is a modified heavy vehicle, other than a heavy bus with code S13 modification, the approved examiner must, when inspecting the vehicle—
 - (a) sight an HVNL(Q) certificate for the modification; or
 - (b) locate an HVNL(Q) plate for the modification fitted or affixed to the vehicle.
- (4) In this section—

HVNL(Q) certificate, for a modified heavy vehicle, means a certificate approving the modification given under the Heavy Vehicle National Law (Queensland), section 86(2)(a) or 87(3)(a) or a corresponding law.

HVNL(Q) plate, for a modified heavy vehicle, means a plate or label relating to the modification fitted or affixed to the



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**Queensland
Government**

Home > Transport and motoring > Registration > Safety certificates

Safety certificates

The safety certificate rules have recently been reviewed and updated.

From 1 September 2021, vehicle owners are no longer required to obtain and display a safety certificate before a vehicle is offered for sale. This includes when a vehicle is offered for sale on a dealer's lot, advertised online, or a 'for sale' sign is displayed on the vehicle.

It is still a requirement for the seller to obtain a safety certificate before disposing of a vehicle. Penalties may apply if a safety certificate is not obtained before selling a registered vehicle.

In Queensland a safety certificate is needed when:

- transferring registration to a new owner
or
- when transferring to Queensland registration from another state or territory
or
- when re-registering an unregistered vehicle.

Vehicles requiring a safety certificate are:

- cars
- motorcycles
- trailers (including caravans) with an aggregate trailer mass (ATM) between 750kg and 3,500kg
- any other vehicles up to 4,500kg gross vehicle mass (GVM).

This inspection covers the basic vehicle safety standards for many components including:

- tyres
- brakes
- steering
- suspension
- body rust or damage

- windscreen
- lights.

The Vehicle Inspection Manuals (<http://www.tmr.qld.gov.au/Safety/Vehicle-standards-and-modifications/Vehicle-modifications/Vehicle-Inspection-Guidelines>) explain how a safety certificate inspection is performed and the reasons a vehicle may fail an inspection.

A safety certificate inspection is **not** a comprehensive mechanical inspection on the quality, or life expectancy of a vehicle. If you are buying a used vehicle, you should contact a motoring group such as RACQ (http://www.racq.com.au/motoring/cars/car_advice/vehicle_inspections) for a full mechanical inspection.

A safety certificate is not needed in some situations (#exemption).

Getting a safety certificate

A safety certificate is no longer required before offering a registered vehicle for sale. You must still obtain a safety certificate before disposing of a registered vehicle, other than to a dealer. You may be fined over \$650 for not having a current safety certificate when disposing of a vehicle. Please note there may be older, out of date blue safety certificates still in circulation that indicate that the label must be displayed. This is no longer the case, and these older safety certificates are being phased out.

Approved inspection stations (AIS) offer vehicle inspections and are the only businesses in Queensland that can issue safety certificates. An AIS will give you either a handwritten certificate or an electronically issued certificate. For electronically issued safety certificates, the AIS may email you a digital copy or give you a printed copy of the certificate.

Inspection fees—safety certificates (handwritten and electronic)

Vehicle type	Fee
Motor vehicles up to 4,500kg GVM	\$87.65
Trailers over 750kg up to 3,500kg	\$43.90
Motorcycles	\$56.35

Giving a safety certificate to the new owner

When you transfer registration of a vehicle, you must give a current safety certificate to the new owner. It is not the new owner's obligation to obtain a safety certificate and you may be fined over \$650 for failing to obtain and give a current safety certificate.

- You can give the new owner either:

- The original version of a handwritten certificate
- A digital copy of an electronic safety certificate
- The certificate number of an electronic safety certificate
- The new owner will not be able to transfer the registration out of your name without a current safety certificate.
- You will remain liable for tolls and infringement notices issued for the vehicle while it remains registered in your name.

Example safety certificates (handwritten and electronic)

- Handwritten safety certificate (<https://publications.qld.gov.au/dataset/safety-certificate-and-certificate-of-inspection-examples/resource/90425c52-74eb-4931-8bb9-3377c97a0cf0>)
- Electronic assigned safety certificate (<https://publications.qld.gov.au/dataset/safety-certificate-and-certificate-of-inspection-examples/resource/626cca4a-2a7c-4419-a007-ff50beafdaec>)
- Electronic unassigned* safety certificate (<https://publications.qld.gov.au/dataset/safety-certificate-and-certificate-of-inspection-examples/resource/1e193672-9ad6-45cf-adb3-2ed86dc53508>)

* An unassigned certificate is issued when your vehicle's details are not recorded in our system (for example, interstate registered vehicles) or do not match what is already recorded in our system.

Getting a safety certificate for an unregistered vehicle

Find out more about the requirements to drive your unregistered vehicle to be registered (<https://www.qld.gov.au/transport/registration/register/vehicle#driving-registered>), which includes getting your safety certificate.

How long are safety certificates valid?

The time a safety certificate is valid depends on who is selling the vehicle:

- licensed motor dealers—certificates are valid for 3 months or 1,000km (whichever expires first) from the date of issue
- all other sellers—certificates are valid for 2 months or 2,000km (whichever expires first) from the date of issue.

You can use the same safety certificate to register an unregistered vehicle and then transfer the registration, as long as you do this within the limits set out previously.

You will need to get a new safety certificate every time you sell a vehicle, even if you sell it within the limits set out previously. A single safety certificate can be used for 1 transfer only.

When is a safety certificate not needed?

Selling a vehicle without a safety certificate

Vehicles that are unregistered or are traded to, or between, licensed motor dealers do not need a safety certificate. Vehicles can still be sold for parts, but they must be de-registered before being sold.

Transferring a vehicle without a safety certificate

You do not need a safety certificate if the vehicle meets 1 of the exemption criteria. Some exemption situations may include:

- the disposer being in an exempt remote area
- a beneficiary of a deceased estate
- between spouses (including separated married couples and registered partners – until such time that the divorce or application to end the registered relationship is finalised).

For more information on safety certificate exemptions, call the Department of Transport and Main Roads on 13 23 80 (tel:132380).

Last updated: 1 September 2021



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Certificates of inspection

Find out about certificates of inspection

(<https://www.qld.gov.au/transport/buying/vehicleinspection/periodicinspection/about>), which are periodic vehicle inspections for:

- trucks—including prime movers and tow trucks
- buses
- motorhomes over 4.5T GVM
- heavy trailers over 3.5T ATM
- taxis and limousines.

Need a safety certificate?

Approved inspection stations are now easier to find and listed online

(<https://www.service.transport.qld.gov.au/findais>).

Maintaining your car

Find out the basic vehicle safety checks (<https://www.qld.gov.au/transport/safety/road-safety/maintaining>), you can do to keep your car running smoothly and safely.

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Australian Consumer Law

Guarantee as to acceptable quality Section 54

Goods must be of 'acceptable quality'.

Acceptable quality is defined in section 54(2) of the ACL such that goods are of acceptable quality if they are:

- fit for all the purposes for which goods of that kind are commonly supplied;
- acceptable in appearance and finish;
- free from defects;
- safe; and
- durable.

This definition is subject to a 'reasonable consumer' test, such that goods are considered to meet those standards if a reasonable consumer, who is fully acquainted with the state and condition of the goods, would regard them as acceptable.

In determining whether goods are of 'acceptable quality', a number of issues need to be considered: the nature of the goods, the price of the goods (if relevant), any statement made about the goods on any packaging or label on the goods, any representation made about the goods by the supplier or manufacturer of the goods and any other relevant circumstances relating to supply of the goods.

Consumers often want to buy goods that have defects, particularly if goods are available for lower prices due to those defects. Some stores specialise in selling 'seconds' — goods that have minor defects that otherwise do not interfere with their usefulness to consumers. Goods will be taken to be of 'acceptable quality' if the reason they are not of acceptable quality was specifically drawn to the consumer's attention.

Maximum penalty—100 penalty units.

- (5) It is a reasonable excuse for an individual to fail to comply with subsection (4) if complying with the subsection would tend to incriminate the individual.

218 False representations about mileage

A person must not wilfully represent in any way to someone else anything that is false or misleading about the total distance travelled by a motor vehicle.

Maximum penalty—540 penalty units.

219 Tampering with odometers

- (1) A person must not tamper with or replace a motor vehicle's odometer with intent to falsely represent that, at a particular time, the vehicle—

- (a) has travelled a distance less than a specified distance; or
(b) has travelled a distance more than a specified distance.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) If a court finds a person guilty of an offence against subsection (1), the court may, on its own initiative or on the application of the prosecution or a person who has suffered loss, order the person who committed the offence to compensate the person who suffered loss for loss resulting from the commission of the offence.
- (3) In any proceeding, the distance shown at any time on the odometer tampered with or replaced is evidence of a false representation by the person who tampered with or replaced the odometer that the vehicle—
- (a) has travelled a distance less than a specified distance shown on the odometer; or
(b) has travelled a distance more than a specified distance shown on the odometer.

- (4) Subsection (2) does not limit a court's powers under the *Penalties and Sentences Act 1992* or any other law.

220 Offence to charge fee for providing documents etc.

- (1) A licensee or a motor salesperson must not charge a fee for the provision, preparation or completion of a document that is authorised or required to be provided, prepared or completed under the Act.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (2) Subsection (1) does not limit the *Legal Profession Act 2007*, section 24 or 25.

221 False or misleading statements

A person must not, for this Act, state anything to an official the person knows is false or misleading in a material particular.

Maximum penalty—200 penalty units or 2 years imprisonment.

222 False or misleading documents

- (1) A person must not, for this Act, give an official a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) Subsection (1) does not apply to a person if the person, when giving the document—
- (a) informs the official, to the best of the person's ability, how it is false or misleading; and
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

[s 223]

- (3) A person must not make an entry in a document required or permitted to be made or kept under this Act knowing the entry to be false or misleading in a material particular.

Maximum penalty—200 penalty units or 2 years imprisonment.

Division 2 Evidentiary matters

223 Evidence of tampering by a motor dealer or chattel auctioneer

- (1) Evidence that a motor vehicle's odometer reading when the vehicle was in the possession of a motor dealer or chattel auctioneer was less than its reading when the dealer or chattel auctioneer took possession of the vehicle is evidence that—
- (a) the motor vehicle's odometer was tampered with or replaced; and
 - (b) the dealer or chattel auctioneer contravened section 219(1)(a).
- (2) Evidence that a motor vehicle's odometer was tampered with or replaced to increase the distance shown on the odometer when the vehicle was in a motor dealer's or chattel auctioneer's possession is evidence that the dealer or chattel auctioneer contravened section 219(1)(b).
- (3) In this section—
- possession*, of a motor vehicle, includes custody and control of the vehicle.

224 Continuing false representation—tampered with odometer

- (1) This section applies, in any proceeding, if there is evidence (*relevant evidence*) that a person intentionally tampered with or replaced the odometer of a motor vehicle so that it showed that the vehicle at that time—

21 Conflict of duty or interest

- (1) A motor dealer must not accept an appointment to act, or continue to act, as a motor dealer for a client if doing so will place the motor dealer's duty or interests in conflict with the client's interests.
- (2) A motor salesperson must not act, or continue to act, as a motor salesperson for a client if doing so will place the salesperson's duty or interests in conflict with the client's interests.
- (3) However—
 - (a) subsection (1) does not apply if the motor dealer discloses the conflict to the client in writing before accepting the appointment or continuing to act; and
 - (b) subsection (2) does not apply if the motor salesperson discloses the conflict to the client in writing before acting or continuing to act.

22 Finding out or verifying used motor vehicle ownership

A motor dealer or motor salesperson must take reasonable steps to find out or verify the ownership of a used motor vehicle before offering it for sale.

23 Finding out or verifying facts material to the sale or purchase of used motor vehicle

- (1) This section applies to a motor dealer or motor salesperson acting in the sale or purchase of a used motor vehicle.
- (2) The motor dealer or motor salesperson must take reasonable steps to find out or verify the facts material to the sale or purchase that a prudent motor dealer or motor salesperson would have found out or verified to avoid error, omission, exaggeration or misrepresentation.
- (3) The steps must be taken before offering the vehicle for sale and afterwards as the occasion arises.

NO STATUTORY WARRANTY
WILL APPLY TO HIS RESTORABLE
VEHICLE THE BUYER WAIVES
THE STATUTORY WARRANTY

Declaration of former repairable write-off vehicle

The buyer

Name.....

Address

.....

acknowledges that they have been advised by

The Dealer

Name.....

Address

.....

That the vehicle

Make..... Model.....

VIN Number.....

Is a former "repairable write-off" and that the vehicle has passed a written-off vehicle inspection under a regulation under the *Transport Operations (Road Use Management) Act*

Signed for buyer

SignedName.....

Date/...../.....

Part 3 Motor dealers

Division 1 Motor dealers' authorisation and responsibilities

76 What a motor dealer licence authorises

- (1) A motor dealer licence authorises the holder of the licence (*motor dealer*) to perform the following activities in the carrying on of a business of motor dealing—
 - (a) to acquire, primarily for resale, used motor vehicles;
 - (b) to sell used motor vehicles;
 - (c) to sell used motor vehicles on consignment as an agent for others for reward;
 - (d) to sell a leased motor vehicle to the lessee under the terms of the lease;
 - (e) to acquire used motor vehicles, whether or not as complete units, to break up for sale as parts;
 - (f) to sell used motor vehicles mentioned in paragraph (e) as parts;
 - (g) to negotiate, under a consultancy arrangement, for a person who is not a motor dealer or chattel auctioneer for the purchase or sale of a used motor vehicle for the person.
- (2) A motor dealer may perform the activities—
 - (a) in the carrying on of a business, either alone or with others; or
 - (b) as an employee of a motor dealer who carries on the business of motor dealing.
- (3) Despite subsection (1), a motor dealer licence does not authorise the holder to sell a used motor vehicle by auction.

- (4) However, subsection (3) does not prevent a motor dealer selling a used motor vehicle by auction by employing a chattel auctioneer to sell the vehicle by auction for the motor dealer.
- (5) In this section—
- business of motor dealing* does not include the business of a financier.
- consultancy arrangement*, for the purchase or sale of a used motor vehicle, means an arrangement under which a person advises someone else—
- (a) where or from whom the other person can buy a used motor vehicle; or
- (b) where or to whom the other person can sell a used motor vehicle.

77 Responsibility for acts and omissions of motor salespersons

- (1) A motor dealer who is a principal licensee must take reasonable steps to ensure each motor salesperson employed by the dealer is properly supervised and complies with this Act.
- (2) A motor dealer who is an employed licensee in charge of a licensee's business at a place of business must take reasonable steps to ensure each motor salesperson employed at the place is properly supervised and complies with this Act.
- (3) A motor dealer who fails to comply with subsection (1) or (2) is liable to disciplinary action under part 7, division 2.

Division 2 Carrying on business

78 Carrying on of business under motor dealer licence

An individual who carries on the business of a motor dealer with others is not required to hold a motor dealer licence if—

[s 79]

- (a) at least 1 of the persons with whom the individual carries on business is a motor dealer; and
- (b) the individual does not perform the activities of a motor dealer; and
- (c) the individual is a suitable person to hold a licence.

79 Licensee to be in charge of motor dealer's business at a place

- (1) A motor dealer who is an individual and a principal licensee must—
- (a) be in charge of the motor dealer's business at the dealer's registered office; and
 - (b) if the motor dealer has more than 1 place of business—ensure that at each other place of business a motor dealer who is an individual is in charge of the dealer's business at the place.

Maximum penalty—200 penalty units.

- (2) A motor dealer that is a corporation and a principal licensee (*corporate dealer*) must ensure that—
- (a) the individual in charge of the corporate dealer's business at its registered office is a motor dealer; and
 - (b) if the corporate dealer has more than 1 place of business—at each other place of business an individual who is a motor dealer is in charge of the corporate dealer's business at the place.

Maximum penalty—

- (a) for an individual guilty under the Criminal Code, chapter 2 of an offence—200 penalty units; or
 - (b) for a corporation—1,000 penalty units.
- (3) An individual must not be in charge of a motor dealer's business at more than 1 place.

Maximum penalty—200 penalty units.

- (4) It is not an offence against this section for a motor dealer who is an individual to be in charge of more than 1 place of business if each place of business is on land contiguous to land on which the other place of business is located.
- (5) For subsection (4), land is *contiguous* with other land only if the parcels of land have a common boundary that is not separated by a public road.

80 Motor dealer dealing in motor vehicles

- (1) A motor dealer who is performing an activity the motor dealer is authorised to perform in relation to a used motor vehicle under the motor dealer's licence is taken to be performing the activities of a motor dealer whether or not—
 - (a) the motor dealer is the registered operator, as defined under the *Transport Operations (Road Use Management) Act 1995*, of the motor vehicle; or
 - (b) the motor dealer or the motor dealer's associate used the motor vehicle for private purposes.
- (2) The motor dealer must disclose to a potential buyer or seller of a vehicle that the motor dealer is a licensed motor dealer.
Maximum penalty—400 penalty units.
- (3) Also, if a person agrees to purchase a motor vehicle from, or sell a motor vehicle to, the motor dealer, the person must sign a written acknowledgement stating the motor dealer disclosed to the person that the motor dealer is a licensed motor dealer.

Division 3 Appointment

Subdivision 1 Requirements

81 Appointment—sale on consignment

- (1) A motor dealer must not act as a motor dealer for a person (a *client*) to sell the client's motor vehicle on consignment unless—
 - (a) the client first appoints the motor dealer in writing under this subdivision (a *motor dealer appointment*); or
 - (b) a previous motor dealer appointment is assigned to the motor dealer under the terms of the appointment or under section 85 and the appointment is in force.

Maximum penalty—200 penalty units.

- (2) A motor dealer appointment may be for the performance of—
 - (a) a particular service within a stated period (a *single appointment*); or
 - (b) a number of services from time to time while the appointment continues in force (a *continuing appointment*).

82 Content of appointment

- (1) A motor dealer appointment must state—
 - (a) the relevant service to be performed by the motor dealer and how it is to be performed; and
 - (b) for a single appointment—the period of the appointment; and
 - (c) for a continuing appointment—the times when, circumstances in which, or occasions on which the relevant service is to be performed; and
 - (d) the fees, charges and any commission payable for the relevant service; and

- (e) the expenses the motor dealer is authorised to incur in connection with the performance of the relevant service; and
 - (f) the source and the estimated amount or value of any rebate, discount, commission or benefit that the motor dealer may receive for any expenses the motor dealer is authorised to incur in connection with the performance of the relevant service; and
 - (g) any conditions, limitations or restrictions on the performance of the relevant service; and
 - (h) when the fees, charges and any commission for the relevant service become payable; and
 - (i) that the appointment may be revoked by either party giving the other party at least 30 days written notice of the revocation, unless the parties agree, in writing, to an earlier day for the appointment to end.
- (2) In this section—
- expenses* includes—
- (a) advertising expenses; and
 - (b) the cost of preparing a motor vehicle for sale.
- relevant service* means—
- (a) for a single appointment—the service to be performed under the appointment; or
 - (b) for a continuing appointment—each of the services or categories of services to be performed at stated times, in stated circumstances or on stated occasions while the appointment is in force.

83 Form of appointment

- (1) A motor dealer appointment must be in the approved form.
- (2) The approved form must include a prominent statement that the client should seek independent legal advice before signing the appointment.

- (3) An appointment that does not comply with subsection (1) is ineffective from the time it is made.

84 Giving signed appointment to client

- (1) A motor dealer appointment must be signed and dated by the client and the motor dealer or someone authorised or apparently authorised to sign for the dealer.
- (2) The motor dealer must give a copy of the signed appointment to the client immediately after it is signed.

Maximum penalty for subsection (2)—200 penalty units.

Subdivision 2 Assignment

85 Proposal for assignment of appointment

- (1) This section applies if a motor dealer who holds a motor dealer appointment from a client proposes to assign the appointment to another motor dealer (the *proposed assignee*) without changing the terms of the appointment.
- (2) However, this section does not apply to the assignment of a motor dealer appointment if—
- (a) the terms of the appointment authorise the assignment of the appointment; and
 - (b) the assignment is made under the terms of the appointment.
- (3) At least 14 days before the motor dealer assigns the appointment, the motor dealer must give the client written notice of the proposed assignment.
- (4) The notice must state the following—
- (a) the proposed assignee's name;
 - (b) that the appointment is to be assigned without changing its terms;

-
- (c) the client may agree or refuse to agree to the proposed assignment;
 - (d) when the proposed assignment is to take effect.
- (5) If the client agrees to the assignment and the motor dealer assigns the appointment under this section, the appointment is taken, for section 81, to be an appointment by the client of the proposed assignee and to continue to have effect according to its terms.

Division 4 Particular conduct provisions

Subdivision 1 Consignment selling

86 Trade-ins

- (1) A motor dealer must not accept a trade-in from the buyer of a motor vehicle being sold on consignment.
Maximum penalty—200 penalty units or 1 year's imprisonment.
- (2) However, the motor dealer does not contravene subsection (1) if the dealer purchases the motor vehicle offered as a trade-in as part of a separate transaction between the dealer and the buyer.

Subdivision 2 Recovery of reward or expense

87 Commission may be claimed only for actual amounts

- (1) This section applies to a motor dealer who sells a motor vehicle on consignment for the payment of a commission.
- (2) The motor dealer must not claim commission worked out on an amount that is more than the actual sale price of the vehicle.
Maximum penalty—200 penalty units.

Schedule 1 Statutory warranty provisions

sections 115 and 145

Part 1 Preliminary

1 Definitions for sch 1

In this schedule—

built date see section 3C(1).

class A warranted vehicle see section 3A.

class B warranted vehicle see section 3B.

defect see section 2.

defect notice see section 9(1).

licensee includes a person performing the activities of a licensee without a licence.

repair period see section 12(2).

statutory warranty means the warranty under section 7.

time of taking possession, of a vehicle, means when the buyer of the vehicle takes possession of the vehicle under a contract for its purchase.

warranted vehicle see section 3.

warrantor, of a warranted vehicle, means the licensee who owns the vehicle immediately before the time of taking possession.

Examples—

- 1 A, a motor dealer, sells a warranted vehicle owned by A at auction. A is the warrantor of the vehicle.
- 2 A, a chattel auctioneer, sells a warranted vehicle owned by D, a motor dealer, at auction. D is the warrantor of the vehicle.

warranty advice see section 11(2).

warranty period see section 4.

2 Meaning of *defect*

A warranted vehicle has a *defect* for this schedule if—

- (a) a part of the vehicle does not perform its intended function; or
- (b) a part of the vehicle has deteriorated to an extent where it can not reasonably be relied on to perform its intended function.

3 Meaning of *warranted vehicle*

A *warranted vehicle* is a used motor vehicle other than—

- (a) an unregistered motor vehicle that is—
 - (i) incapable of being registered in Queensland because of its design; or
 - (ii) a written-off vehicle; or
- (b) a motor vehicle sold on consignment, unless the owner of the vehicle is a licensee; or
- (c) a commercial vehicle; or
- (d) a caravan; or
- (e) a motorcycle.

3A Meaning of *class A warranted vehicle*

A *class A warranted vehicle* is a warranted vehicle that—

- (a) on the day of its sale, has an odometer reading of less than 160,000km; and
- (b) has a built date of no more than 10 years before the day of its sale.

3B Meaning of *class B warranted vehicle*

A *class B warranted vehicle* is a warranted vehicle that—

- (a) on the day of its sale, has an odometer reading of 160,000km or more; or

- (b) has a built date of more than 10 years before the day of its sale.

3C Meaning of *built date*

- (1) Subject to subsection (2), for sections 3A(b) and 3B(b), the *built date* of a warranted vehicle is—
 - (a) if the date the vehicle was manufactured is shown on the vehicle—that date; or
 - (b) if paragraph (a) does not apply—the date stamped or printed on the vehicle’s identification plate.
- (2) For a date under subsection (1)(a) or (b) that refers only to a month in a particular year, the date for the paragraph is taken to be the first day of the next month.

- (3) In this section—

identification plate has the meaning given by the *Motor Vehicle Standards Act 1989* (Cwlth).

shown, on a vehicle, means—

- (a) stamped on—
 - (i) a metal component of the vehicle; or
 - (ii) a plate, other than an identification plate, affixed to the vehicle; or
- (b) printed on a label, other than an identification plate, affixed to the vehicle.

4 Meaning of *warranty period*

- (1) Subject to subsection (3), the *warranty period* of a class A warranted vehicle starts at the time of taking possession and ends when the first of the following happens or is reached—
 - (a) the vehicle travels 5,000km since the time of taking possession;
 - (b) 5p.m. on—

Schedule 1

- (i) the day 3 months after the time of taking possession if—
 - (A) that day is not a Sunday or public holiday; and
 - (B) on that day the warrantor's place of business is open for business; or
 - (ii) the first day, after the day 3 months after the time of taking possession, that—
 - (A) is not a Sunday or public holiday; and
 - (B) the warrantor's place of business is open for business.
- (2) Subject to subsection (3), the *warranty period* of a class B warranted vehicle starts at the time of taking possession and ends when the first of the following happens or is reached—
 - (a) the vehicle travels 1,000km since the time of taking possession;
 - (b) 5p.m. on—
 - (i) the day 1 month after the time of taking possession if—
 - (A) that day is not a Sunday or public holiday; and
 - (B) on that day the warrantor's place of business is open for business; or
 - (ii) the first day, after the day 1 month after the time of taking possession, that—
 - (A) is not a Sunday or public holiday; and
 - (B) the warrantor's place of business is open for business.
- (3) The warranty period under subsection (1) or (2) is extended by 1 day for each day or part of a day the warranted vehicle is not in the possession of the buyer of the vehicle if—
 - (a) the buyer has complied with section 9(1); and

- (b) a defect in the vehicle is being repaired by, or at the direction of, the warrantor of the vehicle under the statutory warranty.

5 Application of sch 1

- (1) This schedule applies to each warranted vehicle sold by a licensee—
 - (a) as the owner of the vehicle; or
 - (b) on consignment for another licensee.
- (2) However, this schedule does not apply to the sale of a motor vehicle by a licensee to—
 - (a) another licensee; or
 - (b) a person holding a licence, however described, under a corresponding law that is similar to a licence under this Act.

Part 2 Provisions about statutory warranty

Division 1 General

6 Licensee must give buyer notice about statutory warranty

- (1) A licensee who sells a warranted vehicle must give the buyer of the vehicle a notice in the approved form—
 - (a) if the vehicle is sold by auction—immediately after the contract for its purchase is entered into; or
 - (b) otherwise—before a contract for its purchase is entered into.

Maximum penalty—100 penalty units.

- (2) The buyer must acknowledge receipt of the notice by signing a copy of it.

- (3) A reference in subsection (1) to the *buyer* of a warranted vehicle that is sold other than by auction includes a reference to the buyer as the proposed buyer of the vehicle before it is sold.

7 Statutory warranty

- (1) The warrantor of a warranted vehicle warrants that—
- (a) the vehicle is free from defects at the time of taking possession and for the warranty period; and
 - (b) defects in the vehicle reported during the warranty period will be repaired by the warrantor free of charge.
- (2) In this section—
- defects* does not include defects not covered by the statutory warranty.

8 Defects not covered by statutory warranty

The following defects in a warranted vehicle are not covered by the statutory warranty—

- (a) a defect in the vehicle's paintwork or upholstery that should have been apparent on any reasonable inspection of the vehicle before the time of taking possession;
- (b) a defect after the time of taking possession—
 - (i) arising from or incidental to any accidental damage to the vehicle; or
 - (ii) arising from the buyer's misuse or negligence; or
 - (iii) in an accessory to the vehicle not fitted to the vehicle when sold to the buyer;
- (c) a defect in something else prescribed by regulation.

9 Buyer's obligations under statutory warranty

- (1) If the buyer of a warranted vehicle believes the vehicle has a defect the warrantor of the vehicle is obliged to repair under

this part, the buyer must give the warrantor written notice of the defect (*defect notice*) before the end of the warranty period and—

- (a) if the warranted vehicle is 200km or less from the warrantor's place of business when the defect notice is given—deliver the vehicle to—
 - (i) the warrantor to repair the defect; or
 - (ii) a qualified repairer nominated by the warrantor, by signed writing given to the buyer of the vehicle, to repair the defect; or
 - (b) if the warranted vehicle is more than 200km from the warrantor's place of business when the defect notice is given—
 - (i) deliver the warranted vehicle to the qualified repairer nominated by the warrantor by signed writing given to the buyer of the vehicle and nearest to the vehicle to repair the defect; or
 - (ii) deliver, at the warrantor's expense, the warranted vehicle to another qualified repairer nominated by the warrantor by signed writing given to the buyer of the vehicle to repair the defect.
- (2) The buyer is taken to deliver the vehicle and the warrantor is taken to have possession of the vehicle if the buyer makes reasonable efforts to deliver the vehicle under this section but is unable to do so because the warrantor, or the qualified repairer nominated by the warrantor, refuses to accept delivery of the vehicle.
 - (3) The place of delivery under subsection (1)(a)(ii) must not be more than 20km from the warrantor's place of business, unless the warrantor and the buyer otherwise agree.
 - (4) In this section—

qualified repairer, for a warranted vehicle the subject of a defect notice, means a person who is, or holds the qualifications necessary to be appointed under the *Transport Operations (Road Use Management) Act 1995*, section 21 to

be, an accredited person to perform vehicle safety inspections for the vehicle.

warrantor includes someone apparently working for the warrantor at the warrantor's place of business.

10 Warrantor to record particulars of extension of warranty period

The warrantor must keep a record, in the way prescribed under a regulation, of the day the warranted vehicle is delivered to the warrantor or nominated qualified repairer under section 9 and the day the vehicle is returned to the buyer.

Maximum penalty—100 penalty units.

11 Warrantor to advise whether defect covered by statutory warranty

- (1) This section applies if a defect notice is given, and the vehicle is delivered, under section 9.
- (2) The warrantor must advise the buyer in writing (*warranty advice*) whether the warrantor accepts or refuses to accept that the defect is covered by the statutory warranty.
- (3) If the warrantor fails to give the warranty advice within 5 business days after receiving the defect notice and delivery of the vehicle, the warrantor is taken to have given a warranty advice accepting that the defect is covered by the statutory warranty.
- (4) In this section—

business day, for the giving of a warranty advice by a warrantor, means a day, other than Sunday or a public holiday, when the warrantor's place of business is open for business.

12 Warrantor's obligation to repair defects

- (1) If the warrantor accepts that the defect in the vehicle is covered by the statutory warranty, the warrantor must repair the defect at the warrantor's expense.
- (2) The warrantor must ensure that the defect is repaired within 14 days after the warrantor accepts that the defect is covered by the statutory warranty (*repair period*), unless the warrantor has a reasonable excuse.

Maximum penalty—200 penalty units.

- (3) The warrantor—
 - (a) must, if the warrantor stops carrying on the business, or performing the activities, of a licensee, nominate someone else to repair the defect; and
 - (b) may otherwise nominate someone else to repair the defect.
- (4) If the warrantor nominates a person to repair the defect under subsection (3), the warrantor must advise the buyer of the person's name and the address where the vehicle is to be repaired.
- (5) The warrantor is taken to have repaired the defect if the part of the vehicle affected by the defect is repaired so that it can be reasonably relied on to perform its intended function.
- (6) The warrantor's obligation to repair the defect under this section continues even though the warrantor is no longer carrying on the business, or performing the activities, of a licensee.

Division 2 Warrantor's failure to repair**13 Application of division**

This division applies if the warrantor has by warranty advice or otherwise—

- (a) refused to accept that the defect is covered by the statutory warranty; or

- (b) accepted that the defect is covered by the statutory warranty but—
 - (i) failed to repair the defect within the repair period; or
 - (ii) failed to repair the defect so that the defective part can be reasonably relied on to perform its intended function.

14 Jurisdiction of QCAT

The buyer may apply, as provided under the QCAT Act, to QCAT for an order under section 15 if the amount or value of other relief sought is no more than \$100,000.

15 Orders QCAT may make

- (1) In a proceeding under section 14, QCAT may make only the following orders—
 - (a) an order that the defect is or is not a defect covered by the statutory warranty;
 - (b) an order extending the warranty period for the warranted vehicle to a specified date;
 - (c) an order declaring the warranted vehicle is covered by the statutory warranty until a specified date;
 - (d) an order requiring a party to the proceeding to pay a stated amount to a stated person;
 - (e) an order that a stated amount is not due or owing by the applicant to a stated person, or by any party to the proceeding to the applicant;
 - (f) an order requiring a party to the proceeding, other than the applicant, to perform work to rectify a defect in the warranted vehicle;
 - (g) an order requiring a party to the proceeding to return the warranted vehicle if it is in the party's possession or control to a stated person;

-
- (h) an order combining 2 or more orders mentioned in paragraphs (a) to (g).
- (2) Without limiting subsection (1)(d), QCAT may make an order that the warrantor pay to the buyer a stated amount QCAT decides is the reasonable cost of having a defect repaired if—
- (a) the warrantor has, by warranty advice or otherwise, refused to accept that the defect is covered by the statutory warranty; and
 - (b) the buyer has had the defect repaired by another person; and
 - (c) QCAT decides that the defect was one to which the statutory warranty applied.
- (3) However, QCAT can not make an order under subsection (1) that—
- (a) purports to require payment of an amount, performance of work or return of the warranted vehicle of a value of more than \$100,000; or
 - (b) purports to grant relief of a value of more than \$100,000 from the payment of an amount; or
 - (c) combines 2 or more orders mentioned in subsection (1) and purports to award or declare entitlements or benefits (or both) of a total value of more than \$100,000.
- (4) Also, QCAT may make an order under subsection (1)(b) or (c) only if it is satisfied—
- (a) the vehicle was not able to be used by the buyer for a period during the warranty period; and
 - (b) the period from which the order is to be effective to the date the warranty period is to end, and the period during which the vehicle was able to be used by the buyer, taken together, are not more than 3 months.

16 Contravention of QCAT order

- (1) If QCAT makes an order under section 15 in the buyer's favour and the warrantor contravenes the order, the

[s 95]

Subdivision 4 Using dealer plates

95 Definition for subdivision

In this subdivision—

dealer (trailer trade) plate means a dealer plate described or identified in the register as a dealer plate for use on a trailer.

96 Use of unregistered vehicle with registered dealer plate attached

- (1) An unregistered vehicle may be used on a road if—
 - (a) a registered dealer plate is attached to the vehicle under section 97; and
 - (b) section 98 is complied with for the vehicle; and
 - (c) for a vehicle carrying a load or towing a vehicle carrying a load—section 99 is complied with for the vehicle; and
 - (d) for a trailer—section 100 is complied with for the vehicle.
- (2) However, subsection (1) does not apply to an unregistered vehicle that is—
 - (a) not eligible for registration; or
 - (b) only eligible for limited access registration or zone access registration.

97 Registered dealer plate to be attached in same way as number plate

- (1) A registered operator for a registered dealer plate must, at all times when using an unregistered vehicle on a road with the dealer plate attached, ensure the dealer plate is attached to the rear of the vehicle in the way that would be required under section 118 if the dealer plate were the only number plate given for the vehicle.

Maximum penalty—12 penalty units.

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- (2) For subsection (1), the registered dealer plate—
- (a) need not be permanently attached to the vehicle; but
 - (b) must be attached to the vehicle in a way that prevents substantial movement of the dealer plate.

98 Using vehicles with registered dealer plates attached

- (1) A person must not use, or permit to be used, a vehicle with a registered dealer plate attached to it on a road unless the vehicle is—
- (a) being demonstrated for its sale; or
 - (b) being delivered to a purchaser after its sale; or
 - (c) travelling to or from a workshop or another facility for—
 - (i) painting, repairs or motor body construction work; or
 - (ii) otherwise preparing the vehicle for its sale; or
 - (iii) the fitting of optional equipment before delivery to a purchaser; or
 - (d) being tested after having been painted or repaired, or after having been the subject of motor body construction work; or
 - (e) being used for demonstration purposes for the conduct of an art union under the *Charitable and Non-Profit Gaming Act 1999*; or
 - (f) being driven or towed for testing to confirm the safe operation of the vehicle as part of an inspection for obtaining an inspection certificate for the vehicle; or
 - (g) being driven or towed to an AIS or departmental inspection site, if the vehicle is driven or towed to the AIS or site for inspection for obtaining an inspection certificate for the vehicle; or
 - (h) recorded in the register as a repairable write-off and is being driven or towed to a written-off vehicle inspection

[s 99]

site for obtaining a written-off vehicle inspection report;
or

- (i) being driven or towed to a departmental service centre to be registered; or
- (j) being driven or towed from the manufacturer or a distributor of the vehicle to a dealer; or
- (k) being driven or towed between a dealer's premises and other premises of the same or a different dealer, whether or not the vehicle has been sold.

Maximum penalty—40 penalty units.

- (2) A person must not use, or permit to be used, a vehicle with a registered dealer plate attached to it on a road unless the registered operator for the dealer plate—
 - (a) is the person who used the vehicle; or
 - (b) authorised the person to use, or to permit another person to use, the vehicle.

Maximum penalty—40 penalty units.

- (3) A person must not use, or permit to be used, a vehicle with a registered dealer plate attached to it on a road unless the vehicle is used in the conduct of the business of the registered operator for the dealer plate.

Maximum penalty—40 penalty units.

- (4) However, subsections (1) to (3) do not apply to the person if—
 - (a) the vehicle is being driven or towed as mentioned in subsection (1)(g), (h), (i), (j) or (k); and
 - (b) the person is permitted to drive or tow the vehicle under section 11(1).

99 Attaching registered dealer plates, other than dealer (trailer trade) plates, to vehicles carrying loads

- (1) A person must not use, or permit to be used, a vehicle with a registered dealer plate, other than a dealer (trailer trade) plate, attached to it on a road if the vehicle is—

- (a) carrying a load; or
- (b) towing another vehicle that is carrying a load.

Maximum penalty—40 penalty units.

- (2) However, a person does not contravene subsection (1) if the vehicle to which the registered dealer plate is attached is—
 - (a) a boat trailer carrying a boat; or
 - (b) towing a motor vehicle travelling on its rear wheels only, with its front part mounted on the towing vehicle; or
 - (c) carrying a load only to demonstrate the vehicle for its sale, and not for hire or reward.

100 Using vehicles with dealer (trailer trade) plates attached

A person may use, or permit to be used, a vehicle with a registered dealer (trailer trade) plate attached to it on a road only if the vehicle is—

- (a) a boat trailer that—
 - (i) is carrying 1 or more other boat trailers and is being towed from the premises of the manufacturer or a distributor of any of the trailers to a dealer; or
 - (ii) is carrying a boat; or
- (b) another type of trailer that—
 - (i) is not carrying a load; or
 - (ii) is carrying a load only to demonstrate the trailer for its sale, and not for hire or reward.

Maximum penalty—40 penalty units.

