

Changes to the prescribed information on Used Motor Vehicle Pre-Sale Disclosure Statement imminent.

Tasmanian Automotive Chamber of Commerce (TACC) members who trade as Licensed Motor Vehicle Traders (LMVT) are advised of a change to the *Motor Vehicles Traders Regulations 2022 (Tas)* (the Regulations) that will see a change in the prescribed details current required on the Used Motor Vehicle Pre-Sale Disclosure Statement (the Statement).

The new Statement as prescribed under Regulation 7 is attached.

Why the changes?

Early in 2022 the *Motor Vehicle Traders Regulations 2022 (Tas)* commenced, replacing the 2012 regulations made under the *Motor Vehicle Traders Act 2011 (Tas)* (the Act).

The Disclosure Statement will now be referred to as a pre-sale statement and not a questionnaire. This Statement was formerly prescribed as [Schedule 2](#) of the superseded 2012 Regulations.

TACC was invited by Department of Justice and Consumer, Building and Occupational Services (CBOS) to provide commentary on a draft Used Motor Vehicle Pre-Sale Disclosure Statement that was supplied by CBOS.

TACC took much time reviewing the document to ensure that LMVTs would not be unnecessarily burdened with the changes raised in the draft statement whilst all the time ensuring LMVTs continued to meet their obligations under the Regulations and the Act.

The changes have been included to add a further level of consumer protection for potential purchasers of vehicles from LMVTs, and to ensure the Regulations and the Act are consistent with the consumer protection mechanisms available under the Australian Consumer Law (ACL).

What are the key changes to the Used Motor Vehicle Pre-Sale Disclosure Statement?

The statement has been changed to reflect the following key areas:

- Inclusion of a statement that announces that a LMVT has, to the best of the LMVTs knowledge, provided a vehicle with clear title via the supply of a certificate from the Personal Property Securities Register.
- A requirement to only enter the LMVT number on a single occasion.
- The date the compliance plate was fitted to the vehicle has been changed so that this date can be provided or the date the vehicle was entered on the Register of Approved Vehicles.
- Inclusion of advice that announces a LMVTs obligations where the vehicle is covered under Statutory Warranty as per [s 46 of the Act](#) and that other protections may be afforded to the consumer under the provisions of the ACL.
- A declaration by the LMVT that they have not knowingly or recklessly make a statement, or representation, in the pre-sale disclosure statement that is false or misleading.
- There is a requirement for the LMVT to affix 'the Statement' to the right-side window or other prominent location in the vehicle.

Other information

The superseded Schedule 2 only referred to a 'Total Price' with no requirement to break down the components that made up that total price.

The new Statement does not require any changes to the way you advertise that price. However, what LMVTs should be vigilant to their obligations under the ACL when advertising motor vehicles in Australia.

The ACL requires that LMVT advertising correctly represents the product for sale, including its price and any specific characteristics so that consumers can make informed purchasing decisions. LMVTs should refer to the ACCC publication [Pricing Manual for the motor vehicle industry](#) to ensure they are advertising their inventory and not breaching the ACL.

When will the new statement under Regulation 7 be active?

CBOS have sought formal approval of the Statement by the Director of Consumer Affairs and Fair Trading. This will be a formality.

To allow for industry transition to the new statement, TACC has recommended and CBOS has agreed that the new Statement will be mandatory for licensed traders to use from 1 April 2023.

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