

Schedule 6—Waiver of rights

Document 1—Waiver of rights under Part 4

Waiver of rights under *Second-hand Vehicle Dealers Act 1995*

(regulation 23)

Important. This is an important document. It takes away some of your legal rights. Read it carefully. This form must be completed in duplicate.

Part 1

Under the *Second-hand Vehicle Dealers Act 1995*, you have a number of legal rights and protections. These rights and protections cannot be taken away from you unless you agree. One of the rights and protections you have is that a second-hand vehicle dealer is under a duty to repair certain defects that are present, or that may occur, in the vehicle during the statutory warranty period (which varies according to the price of the vehicle).

You may only give up your rights to have the vehicle you are thinking of purchasing repaired by the dealer under warranty by completing the form set out in Part 2 of this document and obtaining the completed certificate of the witness.

If you complete the form set out in Part 2 of this document, YOU will be responsible for repairs to the vehicle after purchase. If the vehicle develops a serious fault, you may have rights and remedies under other legislation, but you will have no rights to have the vehicle repaired under the *Second-hand Vehicle Dealers Act 1995*.

It is recommended that you arrange for an independent inspection of the vehicle BEFORE you complete the form set out in Part 2 of this document.

If you do not understand this document, you should seek advice from the Office of Consumer and Business Affairs. (Check under "Consumer and Business Affairs" in your telephone book for the address and telephone number of the nearest office.)

Do not sign the form set out in Part 2 if there is something in this document that you do not understand.

Note—

If you understand that you are giving away your repair rights under the *Second-hand Vehicle Dealers Act 1995* by signing this document and you still want to purchase the vehicle for the price set out in Part 2 of the document, then you should sign it before a Justice of the Peace, a legal practitioner or a proclaimed manager. Give 1 copy of the completed and signed document to the dealer and keep the other copy for your records.

Part 2

I [insert name] of [insert address] agree to waive the right to require [insert name of licensed dealer] of [business address of dealer] to repair a defect (pursuant to the dealer's duty to repair under Part 4 of the *Second-hand Vehicle Dealers Act 1995*) in the vehicle described under the heading "Particulars of transaction".

Particulars of transaction

Name of proposed purchaser:

Address:

Name of Dealer:

Business address:
Vehicle make and type:
Model:
Year of manufacture:
Registration No:
Engine No (if not registered):
Odometer reading:
Proposed sale price (including all dealer charges but not including statutory fees and charges): \$

Less:

Allowance on trade-in described below: \$
Amount to be paid in cash by purchaser: \$
Balance to be payable: \$

Trade-in:

Make and type:
Model:
Year of manufacture:
Registration No:
Odometer reading:

Signed:
Date:
Witnessed:

(This document must be witnessed by a Justice of the Peace, a legal practitioner (within the meaning of the *Legal Practitioners Act 1981*) or a proclaimed manager.)

Certificate of witness

I [insert name] a [insert title, eg Justice of the Peace] certify that the person signing this form—

- did so freely and voluntarily in my presence; and
- appeared to understand the effect of the waiver.

Signature of witness:

Notes—

- 1 You must not witness this document if—
 - you are the dealer; or
 - you are owed money by or indebted to the dealer; or
 - you are employed by the dealer as an employee or under a contract for the performance of services; or
 - you are the dealer's spouse, domestic partner, parent, brother, sister or child; or
 - you and the dealer are members of the same household; or
 - you are in partnership with the dealer; or
 - you and the dealer are otherwise close associates (within the meaning of the *Second-hand Vehicle Dealers Act 1995*).
- 2 You are not required to explain the effect of completing this form, but you must not witness this form unless you have made reasonable inquiries to satisfy yourself that the person proposing to sign the form understands the effect of completing this form.

- 3 If you are not satisfied that the person proposing to sign the form understands the form, you must refuse to witness the person's signature and refer the person to the Office of Consumer and Business Affairs.

SAMPLE