



Form 5 – Notice of defects excluded from warranty

Western Australia

Motor Vehicle Dealers Act 1973 section 35

Motor Vehicle Dealers (Sales) Regulations 1974 regulation 6

Notice of defects excluded from warranty

This vehicle is provided with a warranty under the *Motor Vehicle Dealers Act 1973*, except for the defects stated below.

This vehicle contains the defects stated below. The cost of repair, up to the estimates shown below, become the responsibility of the purchaser. The dealer remains liable for the repair of any defects not listed.

Dealer Name

Dealer Address

State

Postcode

Model

VIN#*

Licence Plate No.

Engine No.

Odometer reading at time of sale

kms/miles

Details of defect

Estimated cost of repair (inc GST)

\$

\$

\$

\$

UNDERESTIMATED REPAIR COST

If the amount estimated by the dealer as the fair cost of repairing or making good the defect is underestimated, then you may claim the difference between the fair cost of repair and the amount stated by the dealer on this form as the cost of repair.

Signature of dealer, yard manager or salesperson

Signature of purchaser

Please see reverse for important information about this vehicle purchase.

Items covered by the statutory warranty

This vehicle is covered by the terms of the statutory warranty under section 34 of the *Motor Vehicle Dealers Act 1973*. This means the dealer must repair or make good all defects which make or are likely to make the vehicle unroadworthy or unserviceable. For more information on warranty defects, refer to the vehicle diagram on the reverse side of the "Vehicle Particulars and Warranty" Form 4.

This vehicle is also covered by the Australian Consumer Law, which requires a warranty against defects that includes the following text: "Our goods come with guarantees that cannot be excluded under the Australian Consumer Law. You are entitled to a replacement or refund for a major failure and compensation for any other reasonably foreseeable loss or damage. You are also entitled to have the goods repaired or replaced if the goods fail to be of acceptable quality and the failure does not amount to a major failure."

Items not covered by the statutory warranty

The defects which are not required to be repaired by the dealer are those stated on the front of this form, provided –

- this form was filled out and displayed on the vehicle before you negotiated to purchase it; and
- an accurate and detailed description of the defect, and an accurate estimate of the repair cost has been stated; and
- you are given a signed copy of this notice before, or at the time of, sale.

Remember it will be your responsibility to repair the defects listed on the front of this notice.

Description of the defects

The "Details of Defect" should set out (with reasonable particularity) a description of the nature of the defect. For example, it would not be considered reasonable for a dealer to state "engine" as the defect and estimate \$800 as the cost of repairs. What should be stated is the particular defect with the engine, such as "excessive exhaust smoke – piston rings require replacement" together with the estimated cost of repairs.

More Information

If you have any questions or require further information about warranties or this notice, contact the Consumer Protection Call Centre on 1300 30 40 54 (Mon to Fri). TTY 13 36 77 (hearing impaired). 13 14 50 (interpreter service).

Internet

www.demirs.wa.gov.au