



## HIRE-PURCHASE

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No. 44 of 1976

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### ANALYSIS

1. Short title and citation.
2. Power to hirer to determine hiring.
3. Rights and immunities of hirer when goods repossessed.
4. Fourth Schedule amended.

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**AN ACT to amend the Hire-Purchase Act 1959.**

[14 October 1976]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—**(1) This Act may be cited as the *Hire-Purchase Act 1976*. Short title and citation.

(2) The *Hire-Purchase Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

Power to hirer  
to determine  
hiring.

**2** Section 16 of the Principal Act is amended—

- (a) by inserting in subsection (7), at the commencement of paragraph (a), the words “ subject to subsection (8),”; and
- (b) by adding at the end thereof the following subsections:—

“(8) At the time of terminating a hire-purchase agreement as provided by subsection (1) or within 7 days of receipt of a notice in writing from the owner under subsection (7) a hirer of goods may give written notice to the owner that the hirer requires the value of the goods to be assessed by a competent independent valuer and in such a case the owner, when giving the notice referred to in subsection (7), shall show the value of the goods so assessed rather than his own estimate, referred to in paragraph (a) of that subsection, of the value of the goods.

“(9) The hirer shall, on demand therefor being made by the owner, pay to the owner any costs reasonably incurred by reason of the assessment of the competent independent valuer referred to in subsection (8).”.

Rights and  
immunities of  
hirer when  
goods  
repossessed.

**3** Section 19 of the Principal Act is amended—

- (a) by transposing the word “ or ” from the end of sub-paragraph (i) of paragraph (a) of subsection (1) to the end of sub-paragraph (ii) of that paragraph;
- (b) by inserting in sub-paragraph (ii) of that paragraph, after the word “ price ”, the words “ subject to sub-paragraph (iii) of this paragraph ”;
- (c) by adding at the end of that paragraph the following sub-paragraph:—

“(iii) on payment to the owner of the prescribed fee (such fee to be accounted for by the owner as payment or part payment of the cost of valuation) require the owner, where the goods repossessed are prescribed goods within the meaning of section 31 or are comprised of a motor truck or of earth-moving equipment, to have the value of the goods assessed by a competent independent valuer and then to dispose of the goods by tender to obtain the best price for the goods ”; and

(d) by inserting the following subsections after subsection (2):—

“(2A) Where, in a case to which sub-paragraph (iii) of paragraph (a) of subsection (1) applies, the highest tender obtained is less than the assessed value determined in accordance with that sub-paragraph, the owner may dispose of the goods for a price not less than the amount that the hirer owes under the hire-purchase agreement.

“(2B) If, notwithstanding subsection (2A), the owner is unable to dispose of repossessed goods for an amount not less than the amount that the hirer owes under the hire-purchase agreement he may, after giving written notice to the hirer that no tender for that amount was received and that the goods will be disposed of at the best price obtainable, proceed to dispose of the goods at the best price obtainable.

“(2C) The hirer of repossessed goods shall, on demand therefor being made by the owner, pay to the owner any costs reasonably incurred by reason of the assessment of the competent independent valuer and the calling of tenders referred to in sub-paragraph (iii) of paragraph (a) of subsection (1).”.

**4** The Fourth Schedule is amended by adding at the end thereof the following paragraph:— Fourth Schedule amended.

“NOTE FURTHER.—If the goods repossessed consist of—

- (a) agricultural implements;
- (b) machinery designed for use, or capable of being used, for manufacturing purposes or industrial purposes;
- (c) a motor tractor;
- (d) appliances, machinery, or equipment designed for use, or capable of being used, whether wholly or partly, in or for the purposes of primary production;
- (e) a motor truck; or
- (f) earth-moving equipment,

you may, within 21 days of the service of this notice on you, by notice served on the owner, at your cost require the owner to have the value of the goods assessed by a competent independent valuer and to dispose of the goods by tender.”.

