

# Information Sheet

## Buying a Motor Vehicle



### Can you buy a motor vehicle using your funds in Court?

You can apply to use your funds in Court to buy a motor vehicle if you need one for your transport.

You can make the application, or a person who supports you can make it on your behalf.

This information sheet uses the term 'vehicle' to mean any type of motor vehicle, like a car or a van.

### Things to know before buying a vehicle using funds in Court

It can take some time to work through the process to buy a motor vehicle. It can take longer if the vehicle needs to be modified.

### You need to get approval before you buy a vehicle

You need to get approval from a judicial officer to use your funds in Court to buy a vehicle before you agree to buy one. The judicial officers of Funds in Court are the Senior Master and the Judicial Registrar.

Follow the steps in this information sheet to apply for this approval.

### You would need to get approval to sell the vehicle

You would use the vehicle day-to-day, and you would be the owner of the vehicle.

However, if you wanted to sell, trade in or otherwise dispose of the vehicle you would need to get approval from a judicial officer first.

We would register the Court order made for the vehicle purchase on the Personal Property Securities Register. This stops anyone from selling, trading in or otherwise disposing of the vehicle if a judicial officer has not approved it.

### Step 1: Think about what you want

Please think about your answers to the questions below. You will need to tell your Client Services Officer (CSO) your answers.

Please talk to your CSO if you have any questions at any time.

### What type of vehicle do you want?

- What make and model of vehicle do you want?
- Why do you want this type of vehicle?

We recommend you test drive the vehicle to check it is the type you want.



We recommend you check the vehicle's safety features using the How Safe Is Your Car website at [howsafeisyourcar.com.au](https://www.howsafeisyourcar.com.au).

## Would the vehicle need to be modified?

If the vehicle needs to be modified, please get a report from an occupational therapist. This report needs to show:

- that the occupational therapist supports the vehicle you would like to buy
- what the required modifications would be.

## How much would it cost?

You will need to give your CSO a quote for the vehicle. If you cannot get a quote, you can give an estimate of how much it would cost, but a quote is best.

If the vehicle would need to be modified, how much would that cost? Would the NDIS or the TAC pay for these costs? You will need to give your CSO a quote showing how much the modifications would cost and how much the NDIS or TAC would pay for, if applicable.

How would you pay for the other vehicle costs, like registration, insurance and servicing?

You can apply to use your funds in Court to pay for the modification and/or ongoing vehicle costs.

You can use your own money to help pay for the vehicle if you want to and you have money that is not held in Court. Your family can also help to pay for the vehicle using their own money if they want to.

If you or your family are going to help to pay for the vehicle, that money would be used first. If your application is granted, your funds in Court would be used to pay for the rest.

## Who would drive it?

If the proposed driver has a probationary driver licence, this may limit the types of vehicles you could buy. The vehicle must be an approved vehicle on the probationary vehicle database in your state or territory.

The proposed driver may have other restrictions on their driver licence. You will need to think about these when deciding what vehicle you would like to buy.

All proposed drivers need to give the Court a complete driver history report. You can get this from VicRoads (or the equivalent if you are not in Victoria). The driver history report needs to include:

- a licence verification letter
- a complete demerit point extract
- a driver offence record.

You can apply to use your funds in Court to reimburse you for this cost.



## Who would it be registered to?

The vehicle needs to be registered in your name wherever possible.

When the vehicle cannot be registered in your name, it would be registered in the name of someone else, like a caregiver or parent. This person would keep the vehicle on your behalf.

You would be the owner of the vehicle regardless of who the vehicle is registered to.

In some cases the funds in Court may be used to buy a vehicle for someone other than yourself, like a caregiver or parent. In these cases, the vehicle would be registered in the name of that person.

## Where would you buy it from?

You can buy the vehicle from a licenced dealership or a private seller. We recommend you buy from a licenced dealership.

If you are buying a used car, licenced dealerships usually offer a statutory used car warranty. Private sellers usually do not offer this warranty.

It can be riskier to pay money to a private seller than to a licenced dealership.

If you buy from a private seller, we would need more documents from them. We will tell you what is needed if you decide to buy from a private seller.

## Step 2: Talk to your CSO

Please talk to your CSO when you are first thinking about applying to buy a vehicle.

You will need to give your CSO your answers to the questions in step 1.

Your CSO will send you a Duty of Disclosure form. We use this form to organise insurance for the vehicle.

Please note that we may have other requirements depending on your circumstances or those of the proposed driver. We will let you know.

## Step 3: Your CSO will submit the application

When you have given your CSO all the information and documents they need, they will submit the application to the judicial officer.

The judicial officer will review the application. They may want more information from you. If this happens, your CSO will contact you.

The judicial officer will make a decision. This usually happens within 10 business days of your CSO submitting the application.



Once the judicial officer has made a decision, your CSO will contact you.

You can read our 'How Decisions About Funds Are Made' Information Sheet to find out more about the questions the judicial officer will consider.

This is available on our website [fundsincourt.vic.gov.au](https://fundsincourt.vic.gov.au) or you can call us on 1300 039 390 to get a printed copy mailed to you.

## If your application is not granted

If your application is not granted, your CSO will explain why.

You may be able to add more information to your application, or think about different options for what you want. If it is appropriate, your CSO can help you change your application or start a new application.

## If your application is granted

If your application is granted, your CSO will write to you to let you know. This approval letter will tell you:

- if there are any special conditions for the purchase
- the maximum amount that will be paid from your funds in Court for the vehicle purchase.

## Step 4: Find a suitable vehicle

Once you have the approval letter, you can start to look for a vehicle up to the maximum purchase amount. You will need to follow any conditions that are listed in the approval letter.

We recommend that you view and test drive the vehicle you are interested in if you have not already done this.

If you are happy with the vehicle, you can ask for the contract of sale.

## Step 5: Sign the contract of sale

When you ask for the contract of sale, you need to ask for a condition to be added. The condition needs to say:

'Subject to the approval of the Senior Master of the Supreme Court of Victoria'.

Including this condition is very important. It allows the Court to end the contract if there are any issues with the vehicle or other conditions in the contract. This will help protect your interests.

Once this condition has been added, you can sign the contract.

Please send a copy of the signed contract to your CSO at [requests@fundsincourt.vic.gov.au](mailto:requests@fundsincourt.vic.gov.au).



## Step 6: Get a pre-purchase inspection (used vehicles only)

This step only applies to used vehicles.

If you want to buy a used vehicle, it will need to be inspected. This inspection is to check that the vehicle is in good condition and suitable to buy.

Your CSO will usually organise the pre-purchase inspection. Please tell your CSO if you would like to organise it yourself.

Your CSO will get an approved vehicle inspector to inspect the vehicle. The inspector will write a report, and you will get a copy.

If the report shows that there are issues with the vehicle, your CSO will ask the seller to fix them. If the issues cannot be fixed, your CSO may need to cancel the contract of sale. You can then start to look for a different vehicle.

If there are no issues with the vehicle, your CSO will move on to the next step.

## Step 7: Get insurance

In most cases, your CSO will organise insurance for the vehicle.

Sometimes, your CSO cannot organise insurance for you, for example, if you live outside Victoria. If your CSO cannot organise the insurance they will let you know. You will need to organise the insurance yourself.

The vehicle must be insured before anyone can drive it. Under no circumstances should anyone drive the vehicle unless it is insured.

## Step 8: Pay for the vehicle

You do not need to do anything in this step.

Your CSO will check that the insurance has been taken out, and that all other conditions of the purchase have been met. They will then organise for a Court order to pay for the vehicle.

Once the Court order is made, we will send the payment directly to the dealership or the private seller.

## Step 9: Collect the vehicle

Your CSO or the seller will let you know when the vehicle has been paid for.

You will need to organise a time to collect the vehicle from the seller.

## After the purchase

We will send you a copy of the Court order for your records.



If we organised the insurance, we will send you a copy of the insurance policy for your records.

Remember that the vehicle belongs to you but is held by the Court. The vehicle cannot be sold, traded in or otherwise disposed of without the prior approval of a judicial officer of the Court.

## Registration and insurance

The registration and insurance must be kept current.

If you pay for either of these yourself, please send us proof of every payment.

If you use your funds in Court to pay for the registration and/or insurance, please send us the renewal notice so we can organise payment.

You need to let your CSO know if anything happens which may affect the insurance. This includes things like accidents, driving convictions or a loss of licence.

You also need to let your CSO know if anything changes which affects the driving ability of any driver of the vehicle. This includes things like medical conditions.

Please note that if we become aware that the driving ability of any driver of the vehicle may be impaired, we have an obligation to tell the relevant licencing authority (in Victoria, this is VicRoads). The licencing authority may carry out a medical review if they think it is needed. This is for safety reasons. We will always discuss this with you first.

If you have any questions, please talk to your CSO.

## How to contact Funds in Court

Funds in Court is open from Monday to Friday, 9am to 5pm.

### Located at:

Level 5, 469 La Trobe Street  
Melbourne, Victoria 3000

### Postal address:

Funds in Court  
Supreme Court of Victoria  
210 William Street  
Melbourne, Victoria 3000

**Phone:** 1300 039 390

**Fax:** 1300 039 388

**Email:** [requests@fundsincourt.vic.gov.au](mailto:requests@fundsincourt.vic.gov.au)

**Website:** [www.fundsincourt.vic.gov.au](http://www.fundsincourt.vic.gov.au)



## **If you are outside Australia**

**Phone:** +61 3 9032 3777

**Fax:** +61 3 9032 3792

## **Contacting Funds in Court in a language other than English**

We will help you if you need to talk to us in a language other than English.

You or your representative can call us and we will arrange an interpreter. Please call on a weekday between 9am and 5pm.

You or your representative can write to us in your language by letter or email. We will get it translated into English.

We will not charge you for the interpreter or translation service.