

NORTHERN TERRITORY OF AUSTRALIA

MOTOR VEHICLE DEALERS REGULATIONS

As in force at 15 July 2001

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 15 July 2001

MOTOR VEHICLE DEALERS REGULATIONS

Regulations under the *Consumer Affairs and Fair Trading Act*

1 Citation

These Regulations may be cited as the *Motor Vehicle Dealers Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of Part X, other than section 176, of the *Consumer Affairs and Fair Trading Act*.

3 Interpretation

In these Regulations, unless the contrary intention appears:

exempted transaction means a transaction exempted under regulation 4.

form means a Form in Schedule 3.

dealer's manager means a person appointed as dealer's manager in accordance with section 176 of the Act.

register means the Register of Motor Vehicle Dealers kept in accordance with section 155 of the Act.

4 Exempted transactions

A transaction between a dealer or an employee of a dealer on unlicensed premises in relation to the sale of a motor vehicle is an exempted transaction under section 129(2) of the Act if:

- (a) the transaction occurs:
 - (i) at the residence of a prospective customer or at the place at which a prospective customer is employed;

-
- (ii) the attendance of the dealer or employee of the dealer is at the request of the prospective customer; and
 - (iii) the prospective customer is furnished with a printed card on which is printed the name of the dealer or the name of the employee of the dealer, or both, in letters not less than 2 mm in size, the business name under which the dealer operates and the licence number of the dealer; or
- (b) the transaction occurs at a motor show or demonstration that is approved for the purposes of this paragraph by the Commissioner.

5 Fees

The fees prescribed in Schedule 1 are payable in relation to the matters specified in that Schedule.

6 Forms

- (1) The forms numbered and listed in Schedule 2 and set out in Schedule 3 are the prescribed forms for the purposes of the provisions of the Act or regulations, as the case requires, specified in Schedule 2.
- (2) The information required to be provided in a form is the prescribed information for the purposes of the provisions of the Act or the regulations, as the case requires, in relation to which the form is prescribed.
- (3) A form shall be completed in accordance with the directions given in the form.
- (4) An application required to be made under the Act shall be lodged in a completed form.

7 Notice of application

- (1) The details to be set out with respect to an application for a licence in the notice to be published by the Commissioner in accordance with section 134(1)(b) of the Act are:
 - (a) the name of the applicant or applicants, as the case requires;
 - (b) if the applicant is a corporation, the name of every director of the corporation;
 - (c) the business name under which the applicant proposes to carry on business as a motor vehicle dealer; and

-
- (d) the location or locations at which the applicant proposes to carry on business as a motor vehicle dealer.
 - (2) Objections to an application shall be made in writing addressed to the Commissioner.
 - (3) A notice of objection shall be sent in a sealed envelope marked "Confidential".

8 Date of payment of annual licence fee

- (1) The annual licence fee payable by a licensed dealer shall be paid not later than 31 October in each year.
- (2) The annual return to be lodged with the Commissioner under section 141(1)(b) of the Act shall contain the following information:
 - (a) a certified statement of profit and loss and statement of assets and liabilities for the financial year ending on the 30 June in that year or substituted period of operation preceding 31 October; and
 - (b) the information required in Form 7 or 8 whichever applies.
- (3) The amount prescribed as a penalty for a default for failing to pay the annual licence fee or failing to lodge the annual return in accordance with section 141(1) of the Act is the amount set out in item 14 of Schedule 1.
- (4) In subregulation (2) **certified** means certified by a person who is eligible for admission for membership of the Institute of Chartered Accountants of Australia or the Australian Society of Certified Practising Accountants.

9 Register of Motor Vehicle Dealers

- (1) The Register of Motor Vehicle Dealers referred to in section 155 of the Act shall be kept in ledger form and clearly identified as such or stored by mechanical or electronic means but so that the information so stored is capable of being reproduced in the English language.
- (2) The particulars to be contained in the register are as follows:
 - (a) the full name of the dealer;
 - (b) the trading name(s) under which the dealer is authorised to carry on the business of dealing in motor vehicles;

-
- (c) the principal location at which the dealer carries on his business;
 - (d) other locations authorised for the dealer to carry on the business dealing in motor vehicles;
 - (e) name of the dealer's manager authorised by the Commissioner (section 176);
 - (f) where the dealer is a corporation, the names and addresses of the Directors of that company;
 - (g) where the dealer is a corporation, the Australian Securities Commission number assigned to that corporate identity;
 - (h) where the dealer is a partner, the name(s) of the other partners licensed to carry on the business of a dealer under that same business name;
 - (j) where the dealer is a corporation, the registered address of that corporation;
 - (k) where the dealer is a natural person the full name and address of that person;
 - (m) the Licensed Motor Vehicle Dealer number assigned by the Commissioner to that dealership (licence No.);
 - (n) date licence granted;
 - (o) specification of any special terms and conditions assigned to that licence (section 138(3));
 - (p) date licence surrendered (section 143);
 - (q) authorization under section 144;
 - (r) date licence suspended or revoked (sections 141, 145 and 146);
 - (s) reason for suspension or revocation (sections 141, 145 and 146);
 - (t) period of suspension (sections 141, 145 and 146);
 - (u) date of issue of a duplicate licence (section 154);
 - (w) convictions for breaches of the *Consumer Affairs and Fair Trading Act*;
 - (y) record of dissolution of partnership (section 178); and

-
- (z) the number assigned to each dealings register provided under section 157 to the dealer by the Commissioner.

10 Criteria as to material and financial resources

Subject to sections 136(4) and 137(4) of the Act, the criteria to be taken into account by the Commissioner in assessing the adequacy of the material and financial resources of an applicant are the capacity of the applicant to:

- (a) obtain a substantial equity either as owner or lessee in the premises to be used by the applicant for the purposes of carrying on business as a motor vehicle dealer;
- (b) provide premises of a proper standard for the purposes of carrying on the business of a motor vehicle dealer and include facilities that provide privacy for the transaction of business with customers and prospective customers;
- (c) make adequate provision for the storage of records and documents;
- (d) ensure that the premises on which the business is carried on provide adequate areas for the display of motor vehicles and, where town planning requirements apply, conform with the appropriate zoning requirements under the relevant town planning scheme;
- (e) provide, have available, or make satisfactory arrangements for, facilities that will enable the applicant to comply with any obligations imposed on the applicant by the Act and these regulations;
- (f) develop to a proper standard any area proposed to be used for the purposes of carrying on business as a motor vehicle dealer;
- (g) make proper financial arrangements, as indicated by financial information provided by the applicant in the form of Form 3 or Form 4, whichever applies, to carry on business as a motor vehicle dealer.

11 Certain contracts to be in duplicate and witnessed

- (1) A contract for the purposes of:
 - (a) section 160 of the Act; or
 - (b) section 165(2)(b) of the Act,

shall be the form of Form 10 or Form 11 respectively.

- (2) The document prescribed for the purposes of section 169(4)(a) of the Act is a statement in the form of Form 12.
- (3) A contract or document referred to in subregulation (1) or (2), as the case requires, shall be executed in duplicate and a completed copy shall be given to the purchaser.
- (4) Before a contract or document referred to in subregulation (1)(b) or (2) is signed by the purchaser the prescribed warning set out in the contract shall be read to the purchaser by a person authorised by the Commissioner or by a member of the Police force of the Northern Territory of Australia.
- (5) A contract or document referred to in subregulation (1)(b) or (2) shall be executed in the presence of the person who has read the prescribed warning to the purchaser.
- (6) A contract or document referred to in subregulation (1)(b) or (2) shall not be witnessed by a person other than the person who has read the prescribed warning to the purchaser.

12 Dealers managers

- (1) A person who desires to be approved by the Commissioner as a dealer's manager shall apply to the Commissioner in the form of the prescribed form which shall be accompanied by the prescribed fee.
- (2) An applicant for an approval as a dealer's manager shall, if required to do so by the Commissioner, provide the Commissioner with such particulars additional to those included in the application, and with such documents in relation to those particulars as the Commissioner requires.
- (3) The Commissioner may require the applicant for an approval as a dealer's manager to appear before the Commissioner and to furnish such further information as the Commissioner requires in connection with the application.
- (4) Where the Commissioner proposes to withhold an approval of an application the Commissioner shall give the applicant a reasonable opportunity to be heard on the matter.
- (5) The Commissioner shall notify the applicant of the approval or of the withholding of an approval not later than 45 days after the date on which a completed application form has been made to the Commissioner.

-
- (6) The Commissioner may seek such information and advice as the Commissioner considers necessary for the purpose of dealing with an application made under this regulation.

13 Grounds for withholding approval

The Commissioner is to withhold the approval of a person as a dealer's manager on any one or more of the following grounds:

- (a) that the applicant has not attained the age of 18 years;
- (b) that the applicant is disqualified from holding a licence;
- (c) that the applicant is taking the benefit of a law for the relief of bankrupt or insolvent debtors, or is a person whose remuneration is for the time being assigned for the benefit of creditors;
- (d) that the applicant is not likely to carry on business as a manager honestly and fairly;
- (e) that the applicant has, during the period of 10 years immediately preceding the making of the application, been convicted of, or served any part of a term of imprisonment for, an offence (wherever committed) involving fraud, dishonesty or physical violence;
- (f) that the applicant was, at the time that the application was made, found in relation to such an offence by a recognisance;
- (g) that the applicant was, at the time that the application was made, the subject of a charge in relation to such an offence;
- (h) that the applicant has at any time been convicted of an offence against this Act, the Regulations or any other enactment administered by the Commissioner.

14 Approval of manager

- (1) An approval of a person as a dealer's manager shall be in the form of Form 15.
- (2) An approval of a person as a dealer's manager may be made subject to such conditions or restrictions as are specified by the Commissioner.

15 Duration of approval

Except where it is suspended by or pursuant to these regulations, an approval of a person as a dealer's manager is valid for a period of 12 months commencing from the date of the approval and continues in force until:

- (a) it is cancelled by, or revoked or surrendered pursuant to these regulations; or
- (b) the dealers manager dies.

16 Powers of Commissioner

Where any of the grounds specified in regulation 17 exists, the Commissioner has power, subject to and in accordance with these regulations:

- (a) to revoke an approval given under regulation 14;
- (b) to suspend an approval given under regulation 14; or
- (c) to vary any term or condition or restriction specified in the approval.

17 Grounds for revocation

The grounds referred to in regulation 16 are:

- (a) that the approval was obtained by means of fraud or misrepresentation; or
- (b) that the dealers manager is a person who if he or she were an applicant for an approval under regulation 12 would be refused an approval under the grounds for withholding of an approval specified in regulation 13.

18 Advertisements

- (1) Any advertisement by a dealer in a newspaper that relates to his or her business as a dealer shall be in letters of not less than 2 mm high.
- (2) A dealer who contravenes subregulation (1) commits an offence and is liable to a penalty not exceeding \$2,000.

19 Sales by financiers

The sale of motor vehicles by a financier for the purpose of:

- (a) disposing of a re-possessioned motor vehicle; or

-
- (b) disposing of a motor vehicle that was previously the subject of a lease or similar financial arrangement whether or not with an option to purchase between the financier and some other person,

is a prescribed purpose for the purposes of section 125(4)(e) of the Act.

20 Transitional provision

Paragraph 4(3) of Schedule 3 to the Act shall continue to apply to and in respect of a dealer notwithstanding that the time specified in subparagraph (4) within which subparagraph (3) shall cease to apply to the dealer has expired, and this regulation shall have effect despite subparagraph (4).

Schedule 1 Fees

	regulation 5
	\$
1. Application fee for a licence by a natural person (section 132)	350
2. Application fee for a licence by a corporation (section 132)	350
3. Grant of a licence (section 138):	
including one car yard	200
for each additional car yard	100
4. Annual fee for a dealer who is a natural person (section 141):	
including one car yard	200
for each additional car yard	100
5. Annual fee for a dealer who is a corporation (section 141):	
including one car yard	200
for each additional car yard	100
6. Variation to licence (section 147 and 152)	100
7. Replacement of licence (section 154)	50
8. Extracts from Commissioner's Register (section 156):	
per examination/extract	10
yearly subscription	70
9. Dealer's Dealing Register (section 157):	
per register	60
10. Application for approval of Manager (section 176)	50
11. Certification of Manager (section 176)	20
12. Variation of Commissioner's approval of Manager (section 176)	10
13. Variation to Certification (section 176)	20
14. Penalty for default (section 141(2))	400

Schedule 2 List of Forms

regulation 6

- Form 1 Application for a licence by a corporation (section 132(2))
- Form 2 Application for a licence by an individual (section 132(2))
- Form 3 Business plan for an application by a corporation (regulation 10)
- Form 4 Business plan for an application by an individual (regulation 10)
- Form 5 Motor vehicle dealer's licence (section 138)
- Form 6 Notice of suspension of licence (section 141(4))
- Form 7 Information to be supplied with annual return by a corporation (section 141)
- Form 8 Information to be supplied with annual return by an individual (section 141)
- Form 9 Application for variation of conditions or place of business (section 152)
- Form 10 Information and contract to sell a second-hand vehicle (sections 159(2), 160(1))
- Form 11 Contract excluding condition that motor vehicle is of fit standard (section 165(2)(b))
- Form 12 Exclusion of liability to dealer to repairs (section 169(4)(a))
- Form 13 Dealers authorization to sell (section 172)
- Form 14 Application for approval of manager (regulation 12(1))
- Form 15 Certificate of approval of manager (regulation 14)

Schedule 3

FORM 1

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT

*CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS)
REGULATIONS*

APPLICATION FOR LICENCE AS A DEALER BY A CORPORATION

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE & CONSIDER COMPLETED APPLICATIONS. SEE NOTES BELOW.

1., a corporation
(full registered name of corporation)

whose registered address is
.....

Telephone No. hereby applies for the grant of a licence to carry on business as a dealer on and from/...../..... (NB No earlier than 45 days from the date when the Commissioner of Motor Vehicle Dealers will receive this completed application.)

2. A certificate of the registration of the company is attached.

3. The corporation is a foreign corporation and was registered to carry on business in Australia on

...../...../.....¹
(date of registration)

4. Enclosed is the prescribed application fee of \$

5. The directors of the corporation are³:

Name	Date of Birth	Present Residential Address	Residential Address During Last 3 Years
.....
	
	

6. The proposed Manager/s¹ of the corporation in the Northern Territory is/are*:

Name: Address:
.....
.....

7. In the Northern Territory or elsewhere during the last 12 months has the corporation, a related corporation within the meaning of the Corporations Act 2001, a director, or a person concerned in the management of the corporation:

(a) applied for an authorization (however described), such as a licence or certificate, or registration, under any Act relating to the regulation of any business, trade, profession, industry or occupation?

Yes/No

(b) had any of the applications for such authorization refused or were any of the applications withdrawn?

Yes/No

(c) had an authorization granted which is no longer in force for any reason?

Yes/No

(d) been subject to action of a disciplinary nature relating to any authorization referred to in paragraph (a), or are there any investigations or proceedings, pending or current, which may result in such action being taken in relation to any authorization?

Yes/No

(e) since being licensed, been convicted of, or served any part of a term of imprisonment, wherever committed, for an offence involving fraud, dishonesty or physical violence or an offence against the *Consumer Affairs and Fair Trading Act*?

Yes/No

(g) entered into a recognisance, which is still in force, in relation to any offence involving fraud or dishonesty?

Yes/No

(h) is there a charge pending in relation to an offence involving fraud or dishonesty?

Yes/No

(i) been known by any other name? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances.

8. All directors of the corporation:
- (a) have attained the age of 18 years;
 - (b) are fit and proper persons to be granted a licence under the Act; and
 - (c) are not, for the time being, taking the benefit of any law for the relief of bankrupt or insolvent debtors and are not persons whose remuneration is, for the time being, assigned for the benefit of creditors.

9. The names, addresses and occupations of 2 referees are:

Name	Address	Tel No.	Occupation
.....
.....

10. Referee statements by these persons which attest to the good character of each director are attached.

11. The corporation proposes to carry on business as a motor vehicle dealer:

(b) at caryard/s¹ located at
 Telephone No.(s)

- (i) Proof of ownership or lease of premises is attached.
- (ii) Proof that these premises are appropriately zoned to carry on the business of a motor vehicle dealer is attached.

(c) under the name/s¹
 (registered business names)

which was/were registered on / / and / / respectively under the *Business Names Act*. (date of registration)

- (i) A certificate of registration of business name is attached.

12. The corporation has not held and does not hold a licence under any law of a State or Territory as a motor vehicle dealer, however titled, in any State or Territory.¹

13. The corporation has held or holds a licence as a motor vehicle dealer under the law of a State or Territory the details of which are¹:

.....
.....

14. The corporation intends to sell used and new* motor vehicles.

15. Details of the current financial and material resources of the corporation are attached in the prescribed form and certified by an accountant.

16. The corporation has/has not* been the subject of proceedings under the Corporations Act 2001 (if corporation has been so subject, attach details).

17. I/we* declare that the details given in this application are true and correct and note that under Section 8 of the Act, should I/we furnish information or give an answer which is false or misleading in any material particular, I/we shall be liable to be prosecuted for an offence to which a penalty of \$20,000 or imprisonment for 3 years applies.

.....
(signature of director/s)

.....
(name of director/s)

Signed at

Dated this day of 19 ..

¹ Delete if inapplicable.

² Details to include name of bank and name of accountant. If motor vehicles are to be sold under a franchise agreement, details of the agreement should be given

³ All directors are to be named. Under section 146 of the Act a licence may be revoked if details of any new directors are not given to the Commissioner.

⁴ This application must be signed by at least the principal director.

NOTE: If space provided to complete form is insufficient, attach additional pages.

FORM 2

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLE DEALERS REGULATIONS 1992

APPLICATION FOR LICENCE BY A NATURAL PERSON AS A DEALER

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE & CONSIDER COMPLETED APPLICATIONS.

SEE NOTES BELOW:

1. I,
(full name)
of
(full address)

hereby apply for the grant of a licence to carry on business as a dealer on and from/...../19 . NB. No earlier than 45 days from the date when the Commissioner of Motor Vehicle Dealers will receive your completed application.

2. Enclosed is the prescribed application fee of \$
3. I have attained the age of 18 years.
Date of birth/...../.....
4. I am a fit and proper person to be granted a licence.
5. I am not, for the time being, taking the benefit of any law for the relief of bankrupt or insolvent debtors and am not a person whose remuneration is, for the time being, assigned for the benefit of my creditors.
6. I propose to carry on business:
 - (a) in partnership with
(name and address of partner/s)
 - (b) at caryard/s located at
Telephone No.
 - (i) Proof of ownership or lease of premises is attached.

(ii) Proof that these premises are appropriately zoned to carry on the business of a motor vehicle dealer is attached.

(c) under the name/s
(name of business)
which was/were registered on / / and / / .
(date of registration)

respectively under the *Business Names Act*. A certificate of registration of business name is attached.

7. In the Northern Territory or elsewhere during the last 12 months:

(a) applied for an authorization (however described), such as a licence or certificate, or registration, under any Act relating to the regulation of any business, trade, profession, industry or occupation?

Yes/No

(b) were any of the applications for such authorization refused or withdrawn?

Yes/No

(c) in respect of those applications approved, is there any authorization no longer in force for any reason?

Yes/No

(d) in the last 10 years, have you been subject to action of a disciplinary nature relating to any authorization referred to in paragraph (a)?

Yes/No

(e) is there any investigation, or are there any proceedings, pending or current, which may result in action of a disciplinary nature being taken in relation to any authorization referred to in paragraph (a)?

Yes/No

(f) since being licensed, have you been convicted of, or served any part of a term of imprisonment, wherever committed, for an offence involving fraud, dishonesty or physical violence or an offence against the *Consumer Affairs and Fair Trading Act*?

Yes/No

(g) are you bound by a recognisance, in relation to any offence involving fraud?

Yes/No

(h) is there a charge pending in relation to an offence involving fraud or dishonesty?

Yes/No

(i) been known by any other name? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances.

8. The Proposed Manager/s* of the business in the Northern Territory is/are*:

Name	Address
.....
.....

9. The names, addresses and occupations of my 2 referees are:

Name	Address	Tel No.	Occupation
.....
.....

10. Referee statements by these persons attesting to my good character are attached.

11. I have not held and do not hold a licence under any law of a State or Territory as a motor vehicle dealer, however titled, in any State or Territory.

12. I have held or hold a licence as a motor vehicle dealer under the law of a State or Territory the details of which are:

.....
.....

13. I intend to sell used and new motor vehicles.

14. Details of my current financial and material resources are attached in the prescribed form and certified by an accountant together with my intended business plan.

15. I declare that the details given in this application are true and correct and note that under Section 8 of the Act, should I furnish information or give an answer which is false or misleading in any material particular, I shall be liable to be prosecuted for an offence to which a penalty of \$20 000 or imprisonment for 3 years applies.

.....
(signature of applicant)

Signed at

Dated this day of 19 ..

FORM 3

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLES DEALERS REGULATIONS 1992

BUSINESS PLAN TO ACCOMPANY APPLICATION FOR LICENCE BY A CORPORATION

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE & CONSIDER COMPLETED APPLICATIONS.

If insufficient space is given to provide answers or information, attach additional pages specifying the relevant material.

1. NAME OF APPLICANT IN FULL:

.....
(full registered name of corporation)

REGISTERED ADDRESS OF APPLICANT IN FULL:

.....
.....

TELEPHONE No(s):

2. TRADING NAME UNDER WHICH BUSINESS AS A DEALER TO BE CONDUCTED – (copy of certificate of registered business name to be provided including evidence of proprietorship of business name)

.....
.....

3. TYPE OF BUSINESS – (describe activities inclusive of whether there is any proposal to carry on business in partnership)

.....
.....

4. DESCRIBE PRODUCT TO BE MARKETED – (price range of vehicles, type, new or used or mix of both, age etc.)

.....
.....

5. BUSINESS OBJECTIVES – (detail what is realistically expected to be achieved in the next year and the strategy to reach targets)

.....
.....

6. PERSONNEL REQUIRED: (list in detail the key personnel required for the success of the business)

POSITION	NO. OF PERSONS	SALARY
.....
.....

7. HOW WOULD ABSENCE DUE TO ILLNESS AND/OR INJURY OF ANY KEY PERSONNEL BE HANDLED?

.....
.....

8. List in detail for each category; location, space required (m2), approximate cost (to purchase or lease)

ACCOMMODATION:

Forecourt display/sales area:

Office:

Workshop:

9. List items required under each heading giving the following details; approximate cost, estimated life, availability, etc.

PLANT & EQUIPMENT

.....
.....

VEHICLES

.....
.....

OFFICE FURNITURE & EQUIPMENT

.....
.....

10. WHAT TYPICAL COSTS MIGHT BE INCURRED IN PROVIDING SERVICE TO TARGETED MARKET?

TYPE \$

- (a) Sales
- (b) Warranty/After Sales
- (c) Other

11. ESTIMATED FINANCING REQUIRED FOR 1ST YEAR TRADING NAME:

.....	
Fixed Assets to be Purchased	\$ _____
Stock, Plant & Other Equipment (attach list)	_____
.....	_____
Fixtures, Fittings, Furnishings (attach list)	_____
.....	_____
Accommodation	_____
Preliminary Costs	_____
Personal Living Costs	_____
Payments to Suppliers	_____
Payment of Expenses	_____
Income Tax Payments	_____
TOTAL	\$ _____

12. CASH FLOW FORECAST NOTES

The Cash flow forecast statement is a summary of the information built up on detailed work sheets which must be prepared on a monthly basis for the first year of operation. The monthly estimates should take into account the seasonal effects on sales.

Month 0 Is the period prior to trading commencing. Capital Expenditure, Preliminary Expenses and Personal Commitments.

Month 1 Would be the first month of trading.

Receipts from credit customers Would take into account the time delay in customers from making payment. On the basis that trading terms would be 30 days from the date of the statement, average delay should be taken as 60 days after the month of sale for cash receipt.

Capital Expenditure Should be shown in the month when the account is expected to be paid. This category would include the purchase of any fixed assets such as the following items:

- . Accommodation (Offices, forecourt, workshop etc.)
- . Motor Vehicles
- . Plant & Machinery
- . Office Equipment

Payment to Suppliers Should be shown in month payment is expected to be made regardless of when goods are received.

ESTIMATED MONTHLY CASH FLOW FORECAST FOR 1ST YEAR

Trading Name

.....												
	A	B	C	D	E	F	G	H	I	J	K	L
Monthly Payments	Estimated Receipts											Estimated
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
TOTAL												

- | | |
|-----------------------------------|-------------------------------------|
| A. Cash Sales | H. Payments of Expenses |
| B. Receipts from Credit Customers | I. Preliminary Expenses |
| C. Receipts from Other Income | J. Personal Commitments |
| D. TOTAL Receipts | K. Net Surplus (deficiency) |
| E. Income Tax | L. Progressive Surplus (deficiency) |
| F. Payment to Suppliers | |
| G. Payments – Capital | |

13. ESTIMATED ANNUAL OPERATING EXPENSES FOR 1ST 12 MONTHS

Trading Name:

.....

Operating Expenses:

Advertising/Promotional Activities	\$ _____
Bank Charges	\$ _____
Courier Fees	\$ _____
Depreciation – Motor Vehicles	\$ _____
Depreciation – Other	\$ _____
Freight & Cartage	\$ _____
Hire & Plant Equipment	\$ _____
Insurance	\$ _____
Leasing Plant & Equipment	\$ _____
Licences & Registrations	\$ _____
Light & Power	\$ _____
Loose Tool Replacements	\$ _____
Motor Vehicle Running Expenses	\$ _____
Postage	\$ _____
Printing & Stationary	\$ _____
Promotional Expenses	\$ _____
Rent of Business Premises	\$ _____
Repairs & Maintenance	\$ _____
Tax Agents Fees	\$ _____
Telephone	\$ _____
Wages	\$ _____
Other Material Costs	\$ _____
TOTAL	\$ _____

14. BUSINESS ESTABLISHMENT COSTS

Costs of Licenses	\$ _____
Council Fees	\$ _____
Department of Industrial Relations Fees	\$ _____
Business Name Registration	\$ _____
Legal Fees – for lease	\$ _____
– for agreements	\$ _____
Rent (4 weeks in advance)	\$ _____
Insurance (12 months in advance)	\$ _____
Signage	\$ _____
Business Association	\$ _____
Others	\$ _____
.....	\$ _____
.....	\$ _____
TOTAL	\$ _____

I/We declare that the details given in this business plan are true and correct and note that under section 8 of the Act, should I/We furnish information or give an answer which is false or misleading in any material particular, I/We shall be liable to be prosecuted for an offence to which a penalty of \$20 000 or imprisonment for 3 years applies.

.....
(signature of director/s)

.....
(name of director/s)

Dated this day of 19 .

FORM 4

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLE DEALERS REGULATIONS 1992

BUSINESS PLAN TO ACCOMPANY APPLICATION FOR LICENCE BY A
NATURAL PERSON (OTHER THAN A CORPORATION)

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE &
CONSIDER COMPLETED APPLICATIONS.

If insufficient space is given to provide answers or information, attach
additional pages specifying the relevant material.

1. NAME OF APPLICANT IN FULL:.....
ADDRESS OF APPLICANT IN FULL:.....
.....
TELEPHONE No(s):
2. TRADING NAME UNDER WHICH BUSINESS AS A DEALER TO BE
CONDUCTED – (copy of certificate of registered business name to be
provided including evidence of proprietorship of business name)
.....
3. TYPE OF BUSINESS – (describe activities inclusive of whether it is
proposed to carry on as a sole trader or in partnership)
.....
.....
4. DESCRIBE PRODUCT TO BE MARKETED – (price range of vehicles,
type, new or used or mix of both, age etc.)
.....
.....
5. BUSINESS OBJECTIVES – (detail what is realistically expected to be
achieved in the next year and the strategy to reach targets)
.....
.....

6. PERSONNEL REQUIRED: (list in detail the key personnel required for the success of the business)

POSITION	NO OF PERSONS	SALARY
.....
.....

7. HOW WOULD ABSENCE DUE TO ILLNESS AND/OR INJURY OF ANY KEY PERSONNEL BE HANDLED?

.....

8. List in detail for each category; location, space required (m²), approximate cost (to purchase or lease)

ACCOMMODATION:

Forecourt display/sales area:

 Office:

 Workshop:

9. List items required under each heading giving the following details; approximate cost, estimated life, availability, etc..

PLANT & EQUIPMENT

.....

VEHICLES

.....

OFFICE FURNITURE & EQUIPMENT

.....

10. WHAT TYPICAL COSTS MIGHT BE INCURRED IN PROVIDING SERVICE TO TARGETED MARKET?

	TYPE	\$
(a) Sales		
(b) Warranty/After Sales		

(c) Other

11. ESTIMATED FINANCING REQUIRED FOR 1ST YEAR

TRADING NAME:

.....
 Fixed Assets to be Purchased \$ _____
 Stock, Plant & Other Equipment (attach list)

.....
 Fixtures, Fittings, Furnishings (attach list) _____

.....
 Accommodation _____

Preliminary Costs _____

Personal Living Costs _____

Payments to Suppliers _____

Payment of Expenses _____

Income Tax Payments _____

TOTAL \$ _____

12. CASH FLOW FORECAST NOTES

The Cash flow forecast statement is a summary of the information built up on detailed work sheets which must be prepared on a monthly basis for the first year of operation. The monthly estimates should take into account the seasonal effects on sales.

Month 0 Is the period prior to trading commencing. Capital Expenditure, Preliminary Expenses and Personal Commitments.

Month 1 Would be the first month of trading.

Receipts from credit customers Would take into account the time delay in customers from making payment. On the basis that trading terms would be 30 days from the date of the statement, average delay should be taken as 60 days after the month of sale for cash receipt.

Capital Expenditure Should be shown in the month when the account is expected to be paid. This category would include the purchase of any fixed assets such as the following items:

- . Accommodation (Offices, forecourt, workshop etc.)
- . Motor Vehicles
- . Plant & Machinery
- . Office Equipment

Payment to Suppliers Should be shown in month payment is expected to be made regardless of when goods are received.

ESTIMATED MONTHLY CASH FLOW FORECAST FOR 1ST YEAR

Trading Name

.....

	A	B	C	D	E	F	G	H	I	J	K	L
Monthly	Estimated Receipts							Estimated Payments				
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
TOTAL												

- | | |
|-----------------------------------|-------------------------------------|
| A. Cash Sales | H. Payments of Expenses |
| B. Receipts from Credit Customers | I. Preliminary Expenses |
| C. Receipts from Other Income | J. Personal Commitments |
| D. TOTAL Receipts | K. Net Surplus (deficiency) |
| E. Income Tax | L. Progressive Surplus (deficiency) |
| F. Payment to Suppliers | |
| G. Payments – Capital | |

13. ESTIMATED ANNUAL OPERATING EXPENSES FOR 1ST 12 MONTHS

Trading Name:

.....

Operating Expenses:

Advertising/Promotional Activities	\$ _____
Bank Charges	\$ _____
Courier Fees	\$ _____
Depreciation – Motor Vehicles	\$ _____
Depreciation – Other	\$ _____
Freight & Cartage	\$ _____
Hire & Plant Equipment	\$ _____
Insurance	\$ _____
Leasing Plant & Equipment	\$ _____
Licences & Registrations	\$ _____
Light & Power	\$ _____
Loose Tool Replacements	\$ _____
Motor Vehicle Running Expenses	\$ _____
Postage	\$ _____
Printing & Stationary	\$ _____
Promotional Expenses	\$ _____
Rent of Business Premises	\$ _____
Repairs & Maintenance	\$ _____
Tax Agents Fees	\$ _____
Telephone	\$ _____
Wages	\$ _____
Other Material Costs	\$ _____
TOTAL	\$ _____

14. BUSINESS ESTABLISHMENT COSTS

Costs of Licenses	\$ _____
Council Fees	\$ _____
Department of Industrial Relations Fees	\$ _____
Business Name Registration	\$ _____

Legal Fees – for lease	\$ _____
– for agreements	\$ _____
Rent (4 weeks in advance)	\$ _____
Insurance (12 months in advance)	\$ _____
Signage	\$ _____
Business Association	\$ _____
Others	\$ _____
.....	\$ _____
.....	\$ _____
TOTAL	\$ _____

15. PERSONAL COST OF LIVING FOR YEAR

Housing/Accommodation costs (home loan repayments/rent/board)	\$ _____
Living Expenses (food/clothing/entertainment)	\$ _____
Personal and Property Insurances (differentiate)	\$ _____
Motor Vehicle Expenses (private portion)	\$ _____
Other Personal Loan Repayments	\$ _____
Home Maintenance	\$ _____
Public Utility Charges (electricity /gas/ fuel/water/ telephone)	\$ _____
Rates	\$ _____
Others	\$ _____
.....	\$ _____
TOTAL	\$ _____

I declare that the details given in this application are true and correct and note that under section 8 of the Act, should I furnish information or give an answer which is false or misleading in any material particular, I am liable to be prosecuted for an offence to which a penalty of \$20 000 or imprisonment for 3 years applies.

.....
(signature of applicant)

Dated this day of 19 ..

FORM 5

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLE DEALER REGULATION 1992
MOTOR VEHICLE DEALER'S LICENCE

Dealer(s) Name(s)

.....
.....

is hereby licensed, under the provisions of Part X of the *Consumer Affairs and Fair Trading Act* to carry on business as a Motor Vehicle Dealer and trade under the following Business Names:

from
at

being the principal place of business and other places as stated below.

This licence being granted by the Commissioner subject to the following terms and conditions pursuant to the Commissioner's powers under Section 138(3).

LICENCE NUMBER

..... / /
(Commissioner) (Date)

FORM 6

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLES DEALERS REGULATIONS 1992
NOTICE OF SUSPENSION OF LICENCE

The licence issued to
of

to carry on business as a motor vehicle dealer under Part 10 of the *Consumer Affairs and Fair Trading Act* has been suspended under Section 141(3) of the Act because of the failure to comply with a notice sent by the Commissioner under Section 141(2) of the Act.

Dated 19 ..

Commissioner for Consumer Affairs

FORM 7

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLE DEALERS REGULATIONS 1992

PRESCRIBED ANNUAL RETURN BY A LICENSED DEALER WHO IS A CORPORATION

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE & CONSIDER COMPLETED RETURNS TOGETHER WITH THE PRESCRIBED FEE.

LICENCE HOLDER (S)

LICENCE No. DATE OF ISSUE

ADDRESS (for services of notices)

TRADING NAME(S)

TRADING LOCATION(S) PRINCIPAL:

OTHER:

PLEASE NOTE: This annual return must be completed, and together with the statement of profit and loss and balance sheet and prescribed fee, must be received by the Northern Territory Office of Consumer Affairs and Fair Trading on or before 31 October immediately following the financial year ending 30 June or other substituted period, otherwise:

- A PENALTY OF \$400 IS PAYABLE.
- FAILURE TO COMPLY COULD RESULT IN THE

SUSPENSION OF THE LICENCE PURSUANT TO SECTION 141(3) OF THE ACT.

If insufficient space is given to provide answers or information, attach additional pages specifying the relevant material.

-
1. Does the corporation intend, during the next 12 months, to carry on the business to which the licence relates in partnership? If your answer to this question is "yes", please provide full details of all partners (names, dates of birth, ACN No., Licence No., Business Name etc.) **Yes/No**

.....
.....

2. Specify the full name, position held in the corporation, residential address and date of birth (d.o.b.) of each person concerned in the management of the corporation and of each director of the corporation.

FULL NAME: POSITION HELD: RESIDENTIAL ADDRESS: D.O.B.:

.....
.....

3. In the Northern Territory or elsewhere during the last 12 months has the corporation, a related corporation within the meaning of the Corporations Act 2001, a director, or a person concerned in the management of the corporation:

(a) applied for an authorization (however described), such as a licence or certificate, or registration, under any Act relating to the regulation of any business, trade, profession, industry or occupation? **Yes/No**

(b) had any of the applications for such authorization refused or were any of the applications withdrawn? **Yes/No**

(c) had an authorization granted which is no longer in force for any reason? **Yes/No**

(d) been subject to action of a disciplinary nature relating to any authorization referred to in paragraph (a), or are there any investigations or proceedings, pending or current, which may result in such action being taken in relation to any authorization? **Yes/No**

(e) since being licensed, been convicted of, or served any part of a term of imprisonment, wherever committed, for an offence involving fraud, dishonesty or physical violence or an offence against the *Consumer Affairs and Fair Trading Act*? **Yes/No**

(g) entered into a recognisance, which is still in force, in relation to any offence involving fraud or dishonesty? **Yes/No**

(h) is there a charge pending in relation to an offence involving fraud or dishonesty? **Yes/No**

-
- (i) been known by any other name? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances.

4. In the Northern Territory, or elsewhere during the last 12 months, has any director, or a person concerned in the management of the corporation:
- (a) assigned their estate for the benefit of creditors or been declared bankrupt? **Yes/No**
- (b) been a secretary, a director, or a person concerned in the management of a corporation which has been placed under a receiver or manager, or wound up, or which has entered into a compromise or scheme of arrangement with creditors? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances. If any such matter is pending or current also provide full details.

5. In the Northern Territory, or elsewhere during the last 12 months, has the corporation or a related corporation within the meaning of the Corporations Act 2001 been placed under a receiver or manager or entered into a compromise or scheme of arrangement with creditors, or is the corporation or a related corporation in the process of being wound up?
- Yes/No**

If your answer to the question is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances. If any such matter is pending or current also provide full details.

6. In the past 12 months have there been any change to any of the following:
- (a) the trading name(s)? **Yes/No**
- (b) the principal trading location? **Yes/No**
- (c) any additional, or reduction to, trading location(s)? **Yes/No**
- (d) the Manager of the dealership authorised by the Commissioner under Section 176 of the Act? **Yes/No**
- (e) the Directors **Yes/No**

If your answer to any of these questions is "yes", please provide full detail as an attachment to this form.

7. Has there been any material changes to the financial statements of profit and loss and assets and liabilities since the issuing of the profit and loss statement and balance sheet forming part of this Annual Return, if so please attach a full account of those changes.

PLEASE NOTE: In this Form "material" has the same meaning as is given to that term by guidelines issued by the Institute of Chartered Accountants of Australia or the Australian Society of Certified Practising Accounts. (You may consider it appropriate to enlist the services of your Accountant in responding to this section)

I/We declare that the details given in this application are true and correct and note that under Section 141(6) of the Act, should I/We furnish information or give an answer which is false or misleading in any material particular, I/We shall be guilty of an offence to which a penalty of \$5 000 applies.

_____	_____
Date	Signature on behalf of Licensee

	Full Name

	Capacity
_____	_____
Date	Signature on behalf of Licensee

	Full Name

	Capacity

FORM 8

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLE DEALERS REGULATIONS 1992

PRESCRIBED ANNUAL RETURN BY A LICENSED DEALER WHO IS A
NATURAL PERSON

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE &
CONSIDER COMPLETED RETURNS TOGETHER WITH THE PRESCRIBED
FEE.

LICENCE HOLDER(S)

LICENCE No. DATE OF ISSUE
ADDRESS (for service of notices)

TRADING NAME(S)

TRADING LOCATION(S) PRINCIPAL:

OTHER:

PLEASE NOTE: This annual return must be completed, and together with
the statement of profit and loss and balance sheet and prescribed fee,
must be received by the Northern Territory Office of Consumer Affairs
and Fair Trading on or before 31 October immediately following the
financial year ending 30 June or other substituted period, otherwise:

- A PENALTY OF \$400 IS PAYABLE.
- FAILURE TO COMPLY COULD RESULT IN THE
SUSPENSION PURSUANT TO SECTION 141(3) OF THE
ACT OF THE LICENCE.

If insufficient space is given to provide answers or information, attach
additional pages specifying the relevant material.

-
1. Do you intend, during the next 12 months, to carry on the business to which the licence relates in partnership? If your answer to this question is "yes", please provide full details of all partners (names, dates of birth, ACN No., Business Names) **Yes/No**

.....
.....

2. In the NT or elsewhere during the last 12 months:
- (a) have you applied for an authorization (however described), such as a licence or certificate, or registration, under any Act relating to the regulation of any business, trade, profession, industry or occupation? **Yes/No**
 - (b) were any of the applications for such authorization refused or withdrawn? **Yes/No**
 - (c) in respect of those applications approved, is there any authorization no longer in force for any reason? **Yes/No**
 - (d) in the last 10 years, have you been subject to action of a disciplinary nature relating to any authorization referred to in paragraph (a)? **Yes/No**
 - (e) is there any investigation, or are there any proceedings, pending or current, which may result in action of a disciplinary nature being taken in relation to any authorization referred to in paragraph (a)? **Yes/No**
 - (f) since being licensed, have you been convicted of, or served any part of a term of imprisonment, wherever committed, for an offence involving fraud, dishonesty or physical violence or an offence against the *Consumer Affairs and Fair Trading Act*? **Yes/No**
 - (g) are you bound by a recognisance, in relation to any offence involving fraud? **Yes/No**
 - (h) is there a charge pending in relation to an offence involving fraud or dishonesty? **Yes/No**
 - (i) been known by any other name? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances.

-
3. In the Northern Territory, or elsewhere during the last 12 months, have you:
- (a) assigned their estate for the benefit of creditors or been declared bankrupt? **Yes/No**
 - (b) been a secretary, a director, or a person concerned in the management of a body corporate which has been placed under a receiver or manager, or wound up, or which has entered into a compromise or scheme of arrangement with creditors? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances. If any such matter is pending or current also provide full details.

4. In the past 12 months have there been any change to any of the following:
- (a) the trading name(s)? **Yes/No**
 - (b) the principal trading location? **Yes/No**
 - (c) any additional, or reduction to, trading location(s)? **Yes/No**
 - (d) the Manager of the dealership authorised by the Commissioner under Section 176 of the Act? **Yes/No**

If your answer to any of these questions is "yes", please provide full details as an attachment to this form.

5. Has there been any material changes to the financial statements of profit and loss and assets and liabilities since the issuing of the profit and loss statement and balance sheet forming part of this Annual Return, if so please attach a full account of those changes.

PLEASE NOTE: In this Form "material" has the same meaning as is given to that term by guidelines issued by the Institute of Chartered Accountants of Australia or the Australian Society of Certified Practising Accounts. (You may consider it appropriate to enlist the services of your Accountant in responding to this section)

I declare that the details given in this application are true and correct and note that under Section 141(6) of the Act, should I furnish information or give an answer which is false or misleading in any material particular, I shall be guilty of an offence to which a penalty of \$5 000 applies.

(Date)

(Signature of Licensee)

FORM 9

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLES DEALERS REGULATIONS 1992
APPLICATION FOR VARIATION OF LICENCE

TO: COMMISSIONER OF CONSUMER AFFAIRS

1. The/I
address
.....

a licensed motor vehicle dealer hereby apply/applies for the variation of the condition/s endorsed on the licence issued to it/me.

2. The variation/s sought is/are as follows:
3. The reasons for this application are as follows:

.....
(Signed by/on behalf of)

Dated 19 .

FORM 10

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
 CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
 MOTOR VEHICLES DEALERS REGULATIONS 1992

INFORMATION AND CONTRACT FOR THE SALE OF SECOND HAND
 VEHICLE (Sections 159(2) and 160(1))

Purchaser's name: Date:
 Home/Business address:
 Postcode:
 Mailing address:
 Postcode:
 Occupation:
 Vehicle Usage: Private Commercial Phone (Bus.):
 Hereby orders from:
 Dealers name:
 Address:
 Phone:
 Salesman's Initials:

		MILEAGE		KM	
Make	Model	Body Type	Colour: Body:	Compliance Date Mth / Yr	
	Engine No.	Body/Vin No.	Registration No.	Stock No.	
PURCHASE DETAILS		\$	c	PAYMENT DETAILS	
Cash Price		Deposit: (Receipt No.)			
Options, accessories, additional work		Trade-in allowance*			
		Less pay-out			
Registration Fee 6 or 12 months		To:			
Stamp duty		Account number:			
Transfer fee		Valid to:			
		Equity (deficiency)			

PURCHASE DETAILS		\$	c	PAYMENT DETAILS		\$	C
				Less refund to purchaser			
Comprehensive Insurance (Company)				Net Equity or (deficiency)			
				Total: Deposit and trade-in			
				Balance payable on delivery			
				Financier			
				Invoice No.			
TOTAL PAYABLE				TOTAL PAYMENT			
				TRADE-IN DETAILS			
				MAKE	COMPLIANCE DATE		
					MTH/YR		
				MODEL	REGISTRATION		
					NO:		
				BODY TYPE	ENGINE NO:		
KNOWN DEFECTS				COLOUR	PIN NOS	RADIO:	
						KEY:	
				VIN/BODY NO:			

OWNERSHIP & ODOMETER DECLARATION

I declare that to the best of my knowledge and belief that

(a) the trade-in is my own unencumbered property except as otherwise stated above.

(b) that the odometer reading of m/km at the time of sale is a true and correct recording

*(c) that the trade-in vehicle has not been used as a taxi or hire car

WARRANTY: YES/NO

Signed: _____
 (* Delete if not applicable)

Purchaser and dealer agree that the front and back of this contract correctly recorded the particulars and conditions relation to the sale of the new vehicle described above. Purchaser certifies to being at least 18 years of age and to having received a copy of this contract.

_____/_____/_____
 Dealer's signature Date

_____/_____/_____
 Purchaser's signature Date

CONDITIONS OF CONTRACT

1. Definitions

vehicle means the vehicle to be sold under this contract, including any additional options, accessories additional work to be carried out described on the front of this contract.

trade-in means any vehicle to be traded-in under this contract, as described on the front of this contract.

2. Payment and Delivery

- (1) The amount referred to as being payable on delivery shall be paid when the purchaser is notified by the dealer that the vehicle is ready for delivery.
- (2) The purchaser shall not be entitled to take delivery of the vehicle until all amounts due to the dealer under this contract have been paid and any trade-in has been delivered to the dealer.
- (3) The purchaser shall take delivery of the vehicle from the dealer's address as stated on the front of this contract.

3. Trade-in

- (1) When the trade-in is delivered to the dealer he shall inspect it and, if it is not in substantially the same condition as at the date of this contract, he may propose a reduction of the amount of the trade-in allowance.
 - (2) If the purchaser agrees to the reduction proposed by the dealer and a note recording that agreement is signed by the dealer and the purchaser, then the amount of the reduction shall be added to the amount payable on delivery.
 - (3) If no such agreement is reached and recorded, then the purchaser may cancel this contract and may recover from the dealer all monies paid to the dealer other than monies that the dealer has paid to a third party in relation to registration or insurance.
 - (4) The amount of the trade-in allowance may not be varied after the purchaser has taken delivery of the vehicle.
4. (a) The purchaser will take delivery of the vehicle at the dealer's address within 7 days from the day the purchaser is notified by the dealer that the vehicle are available. Failure by the dealer to deliver within the time limit specified shall not entitle the purchaser to rescind this agreement but the time for delivery for the purposes of this condition shall be extended until 7 days from the day the dealer

notifies the purchaser that the vehicle are in possession of the dealer.

- (b) On or before taking delivery of the vehicle the purchaser will pay to the dealer the cash balance owing in accordance with the conditions contained herein and, if applicable, the purchaser will deliver to the dealer any trade-in and in respect of such trade-in will assign to the dealer the benefit of any existing registration and insurance. Should the dealer be dissatisfied with the condition of the trade-in after the dealer has had reasonable time to inspect the trade-in the dealer may rescind this agreement and retain the vehicle.
 - (c) Until such time as the purchaser pays the cash balance to the dealer and the dealer receives clear title to any trade-in no property in the vehicle shall pass to the purchaser. If the vehicle are delivered to the purchaser before payment has been made or title given as aforesaid the purchaser shall have possession as bailee only notwithstanding that the purchaser has made an offer to take the vehicle on hire purchase or that the dealer has resold the trade-in. The dealer may terminate such a bailment at any time by sending by ordinary notice in writing to the purchaser at the address contained herein notice of the termination.
 - (d) This agreement to purchase is not conditional upon the acceptance by the dealer of any offer that the purchaser may make to take the vehicle on hire purchase. Any such offer made by the purchaser shall not effect the purchaser's liability to pay the cash balance upon delivery of the vehicle.
 - (e) That if the purchaser fails to punctually observe and perform its obligations contained herein all moneys paid and/or trade-in provided by way of deposit shall be forfeited provided however that the such moneys paid and/or trade-in shall not exceed 10% of the total selling price and the dealer shall refund to the purchaser the amount by which the cash deposit and/or the value of any trade-in exceed such amount.
5. (a) For the purposes of section 71 of the Trade Practices Act and section 64 of the *Consumer Affairs and Fair Trading Act* the purchaser's attention is drawn to the defects listed overleaf.
- (b) The purchaser acknowledges that it has not relied on any warranty or representation made by the dealer its servant or agents or any other person on its behalf in entering this agreement other than those contained herein or implied by the Trade Practices Act and the *Consumer Affairs and Fair Trading Act*.
 - (c) Any request for warranty work must be directed to the dealer.

I acknowledge by the execution of this instrument that prior to such execution I have carefully perused the same and fully comprehend its provisions and in particular Condition 2 above.

FORM 11
(DUPLICATES)

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
MOTOR VEHICLE DEALERS REGULATIONS 1992

CONTRACT EXCLUDING CONDITION THAT MOTOR VEHICLE OF
STANDARD FIT FOR REGISTRATION

STOP. READ CAREFULLY BEFORE SIGNING

PRESCRIBED WARNING

This warning is to be read to the purchaser by an officer authorised by the Commissioner, or member of the Police Force of the Northern Territory who is witnessing this contract.

This is to warn you that the vehicle purchased under this contract may not be fit to drive on a public road and may not be safe to use. Therefore it should not be driven by you from the dealers yard in its present condition. Using this vehicle on a public road in its **present unregistrable condition could place you and others at risk.**

AGREEMENT made on the of, 19 ,
between (in this contract called **the dealer**)
(name of dealer)

Trading name
and (in this
(name of purchaser)
contract called **the purchaser**)

WHEREAS

The dealer and the purchaser have entered into a contract for the sale and –
purchase of a
(make and model of vehicle)

registration No engine No
chassis No (in this contract called **the vehicle**)

AND

Section 165(1) of the *Consumer Affairs and Fair Trading Act* states that it is a condition of the sale of a motor vehicle by a dealer that the vehicle, if not registered in the Territory, is of a standard fit to meet the requirements of the *Motor Vehicles Act* with respect to registration

AND

Section 165(1) does not apply to (2)(b) a motor vehicle sold under a contract excluding its application in the prescribed form

IT IS AGREED:

1. THAT the operation of section 165(1) of the Act is excluded from the contract of sale and purchase of the vehicle made between the dealer and the purchaser.*
2. THAT the purchaser will not take any action to enforce against the dealer the condition implied by section 165(1) of the Act that the vehicle is of a standard fit to meet the requirements as to registration set out in the *Motor Vehicles Act*.

Signed by

.....
(signature of dealer)

.....
(name of dealer)

Signed by

.....
(signature of purchaser)

.....
(name of purchaser)

I have read the prescribed warning to the purchaser and am satisfied that the purchaser understands the effect of the exclusion

Witnessed by
(signature of authorised officer or Police Officer)

NOTE: This contract is not valid unless witnessed by an officer authorised by the Commissioner or a member of the Police Force of the N.T. who has read to the purchaser the prescribed warning and is satisfied the purchaser understands the effects of the exclusion.

* This contract does not restrict or otherwise affect any rights or remedies of the purchaser other than his right to take action under section 165(1) of the Act.

FORM 12
(DUPLICATES)

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
CONTRACT EXCLUDING STATUTORY WARRANTIES

PRESCRIBED WARNING

This warning is to be read to the purchaser by an officer authorised by the Commissioner, or member of the Police Force of the N.T. who is witnessing this contract.

"This is to warn you that you are signing away many of your consumer rights and entitlements to warranty repairs to this vehicle, and should you experience a breakdown or require a repair that under the law the dealer is required to repair or see to, you may have to cover such costs yourself. However, you can still expect the vehicle you are purchasing (the subject of this form) to be fit for its intended purpose; which for instance requires the vehicle to be safe and remain registrable under Northern Territory law a reasonable time after you purchase it. If you experience difficulties with this vehicle or it breaks down after purchase, contact the dealer immediately.

Keep this form safe and should you have any further queries regarding this you are advised to contact Consumer Affairs on the telephone numbers below."

AGREEMENT made on the of, 19 ,

between (in this contract called **the dealer**)
(name of the dealer)

and (in this contract called **the purchaser**)
(name of the purchaser)

WHEREAS

The dealer and the purchaser have entered into a contract for the sale and – purchase of a
(make and model)

registration No engine No

chassis No (in this contract called **the vehicle**)

AND

Section 168 of the *Consumer Affairs and Fair Trading Act* deems the obligation of the dealer to repair and make good, or cause to be repaired and made good, defects in the vehicle to be an express term of the contract.

AND

Section 169(1)(c) of the Act states that the statutory warranty deemed to be a term of the contract by section 168 may be excluded by a contract which complies with the requirements of section 169(4).

IT IS AGREED:

1. THAT the term implied by section 168 of the Act is excluded from the contract of sale and purchase of the vehicle made between the dealer and the purchaser.*
2. THAT the purchaser will not take any action to enforce against the dealer any obligation to repair and make good, or cause to be repaired and make good, certain defects in the vehicle which is deemed to be a term of the contract by section 168 of the Act.

Signed by

.....
(signature of dealer)

.....
(name of dealer)

Signed by

.....
(signature of purchaser)

.....
(name of purchaser)

I have read the prescribed warning to the purchaser and am satisfied that the purchaser understands the effect of the exclusion

Witnessed by
(signature of authorised officer or Police Officer)

NOTE: This contract is not valid unless witnessed by an officer authorised by the Commissioner or a member of the Police Force of the N.T. who has read to the purchaser the prescribed warning and is satisfied the purchaser understands the effects of the exclusion.

* This contract does not restrict or otherwise affect any rights or remedies of the purchaser other than his right to take action under section 168 of the Act.

FORM 13
(DUPLICATES)

regulation 6

CONSUMER AFFAIRS AND FAIR TRADING ACT 1990

MOTOR VEHICLE DEALERS

DEALERS AUTHORIZATION TO SELL *

Dealers Register Reference Form No

Dealers Register Stock No

1. I,
(name of owner of vehicle)

of
(address)

authorize
(name of dealer)

to sell motor vehicle
(made and model)

registration No

engine No chassis No

on my behalf, and declare that the odometer reading is/is not a true reflection of the distance travelled by the vehicle and that there is/is not an encumbrance on the vehicle, the details of which are as follows: –

.....
.....

2. The terms of authority are as follows:

.....
.....

3. The dealer is entitled to the following remuneration or commission:

.....
.....

4. NOTE: PERIOD FOR ACCOUNTING TO CONSIGNOR

A dealer shall account to a consignor (the person who the dealer is selling the vehicle for) in respect of the proceeds of the sale on consignment of a motor vehicle within 14 days after the date of sale of the vehicle or, where a different period has been prescribed, within that period as a term of the contract of service.

5. This authorization is conditional on it being signed in duplicate and one copy given to the owner.

Dated this day, 19 .+

.....
(signature of dealer or agent of dealer)

.....
(signature of owner)

- + Unless otherwise agreed, this authorization expires 90 days after the date of this authorization.

FORM 14

regulation 6

NORTHERN TERRITORY OF AUSTRALIA

CONSUMER AFFAIRS AND FAIR TRADING ACT 1990

APPLICATION FOR THE COMMISSIONER'S APPROVAL OF MANAGER

PLEASE NOTE:- THE COMMISSIONER WILL ONLY RECEIVE & CONSIDER COMPLETED APPLICATIONS.

- 1. I,
(full name)
- of
(full address)

hereby apply for approval to carry on business as the Manager of a licensed Motor Vehicle Dealer on and from/...../19 ..

NB No earlier than 45 days from the date when the Commissioner of Motor Vehicle Dealers will receive your completed application.

- 2. Enclosed is the prescribed application fee of \$
- 3. I have attained the age of 18 years.
Date of birth/...../.....
Place of birth

- 4. Subject to approval I propose to undertake the duties of Manager for
.....
being a motor vehicle dealer licensed in accordance with the *Consumer Affairs and Fair Trading Act* and trading as
.....
LMVD No and located at
.....
(the location of the car yard to be managed)

Motor Vehicle Dealers

5. The numbers, addresses and occupations of my 2 referees which conform to the regulations are:

Name	Address	Tel No.	Occupation
.....
.....

Written referee statements by these people are attached to this form which state that in their consideration I am a fit and proper person to be granted approval to hold the position of Manager of a Licensed Motor Vehicle Dealer.

6. In the NT or elsewhere during the last 12 months:

- (a) applied for an authorization (however described), such as a licence or certificate, or registration, under any Act relating to the regulation of any business, trade, profession, industry or occupation? **Yes/No**
- (b) were any of the applications for such authorization refused or withdrawn? **Yes/No**
- (c) in respect of those applications approved, is there any authorization no longer in force for any reason? **Yes/No**
- (d) in the last 10 years, have you been subject to action of a disciplinary nature relating to any authorization referred to in paragraph (a)? **Yes/No**
- (e) is there any investigation, or are there any proceedings, pending or current, which may result in action of a disciplinary nature being taken in relation to any authorization referred to in paragraph (a)? **Yes/No**
- (f) in the last 10 years, have you been convicted of, or served any part of a term of imprisonment, wherever committed, for an offence involving fraud, dishonesty or physical violence or an offence against the *Consumer Affairs and Fair Trading Act*? **Yes/No**
- (g) are you bound by a recognisance, in relation to any offence involving fraud? **Yes/No**
- (h) is there a charge pending in relation to an offence involving fraud or dishonesty? **Yes/No**
- (i) been known by any other name? **Yes/No**

7. In the Northern Territory, or elsewhere during the last 12 months, have you:

(a) assigned their estate for the benefit of creditors or been declared bankrupt? **Yes/No**

(b) been a secretary, a director, or a person concerned in the management of a body corporate which has been placed under a receiver or manager, or wound up, or which has entered into a compromise or scheme of arrangement with creditors?

Yes/No

If your answer to any of these questions is "yes", please provide full details as an attachment to this form, including if you wish, any mitigating circumstances. If any such matter is pending or current also provide full details.

8. I declare that the details given in this application are true and correct and note that under Section 8 of the Act, should I furnish information or give an answer which is false or misleading in any material particular, I shall be guilty of an offence to which a penalty of \$20 000 or imprisonment for 3 years applies.

.....
(signature of applicant)

Dated this day of 19 ..

.....
(signature of licence holder or
Director of Corporation)

.....
(date)

FORM 15

regulation 6

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING ACT 1990
CERTIFICATE OF APPROVAL OF MANAGER

MANAGER'S FULL NAME:

.....

is hereby approved, under Section 176 of Part X – Motor Vehicle Dealers of the *Consumer Affairs and Fair Trading Act 1990* to carry out duties as Manager of the car yard located at;

.....
.....

of the licensed dealership, details of which are as follows: –

LICENSED DEALER:

.....

TRADING NAME:

This approval being granted by the Commissioner subject to the following terms and conditions pursuant to the Commissioner's powers under Section 176.

..... / /
Commissioner Date

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations (SL No. 68, 1992)***

Notified	9 December 1992
Commenced	14 December 1992 (r 2, s 2 <i>Consumer Affairs and Fair Trading Act 1990</i> (Act No. 49, 1990) and <i>Gaz G49</i> , 9 December 1992, p 6)

Amendment of Motor Vehicle Dealers Regulations (SL No. 7, 1993)

Notified	12 May 1993
Commenced	12 May 1993

Amendment of Motor Vehicle Dealers Regulations (SL No. 10, 1993)

Notified	9 June 1993
Commenced	9 June 1993

Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and <i>Cth Gaz S285</i> , 13 July 2001)

3 LIST OF AMENDMENTS

r 20	ins No. 10, 1993
sch 3	amd No. 7, 1993; Act No. 17, 2001, s 22