

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF MOTOR VEHICLE DEALERS REGULATIONS

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Regulations 2004, No. 17

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# NORTHERN TERRITORY OF AUSTRALIA

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Regulations 2004, No. 17\*

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## **Regulations under the *Consumer Affairs and Fair Trading Act***

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Consumer Affairs and Fair Trading Act*.

Dated 31 May 2004.

E. J. EGAN  
Administrator

By His Honour's Command

C. B. BURNS  
Minister for Transport and Infrastructure  
acting for and on behalf of the  
Minister for Justice and Attorney-General

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\* Notified in the *Northern Territory Government Gazette* on 9 June 2004.

**AMENDMENTS OF MOTOR VEHICLE DEALERS REGULATIONS**

**1. Principal Regulations**

The Motor Vehicle Dealers Regulations are in these Regulations referred to as the Principal Regulations.

**2. Citation**

Regulation 1 of the Principal Regulations is amended by omitting "Motor Vehicle Dealers Regulations" and substituting "Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations".

**3. Date of payment of annual licence fee**

Regulation 8 of the Principal Regulations is amended –

(a) by omitting subregulation (2) and substituting the following:

"(2) The annual return to be lodged with the Commissioner under section 141(1)(b) of the Act must contain the information required in Form 7 or 8, whichever applies."; and

(b) by omitting subregulation (4).

**4. Registrar of Motor Vehicle Dealers**

Regulation 9 of the Principal Regulations is amended by inserting in subregulation (2)(g) "and Investments" after "Securities".

**5. Criteria as to material and financial resources**

Regulation 10 of the Principal Regulations is amended –

(a) by omitting paragraph (a); and

(b) by omitting paragraph (g) and substituting the following:

"(g) maintain a level of liquidity, profitability and financial stability that is appropriate for the carrying on of a motor vehicle dealer's business of the size proposed by the applicant, as assessed by the Commissioner in accordance with guidelines issued under regulation 10B, having regard to the financial information that is provided in the application by the applicant.".

**6. New regulations 10A and 10B**

The Principal Regulations are amended by inserting after regulation 10 the following:

**"10A. Audit**

"(1) The Commissioner may require the holder of a licence under Part 10 of the Act to obtain an audit, by a registered company auditor within the meaning of the Corporations Act 2001, of the business conducted under the licence.

"(2) The Commissioner may require the audit to be conducted by an auditor specified by the Commissioner.

"(3) The costs of the audit must be borne by the holder of the licence.

**"10B. Guidelines**

"(1) The Commissioner may issue guidelines in relation to the determination of the financial analysis of the suitability of an applicant for a licence.

"(2) As soon as practicable after making guidelines under subregulation (1), the Commissioner must give notice in the *Gazette* of –

- (a) the making of the guidelines; and
- (b) the place where the guidelines are available for viewing or purchase by members of the public or an electronic address at which the guidelines are available for viewing.

"(3) The Commissioner must ensure the guidelines are available for viewing or purchase in accordance with the notice."

**7. Grounds for withholding approval**

Regulation 13 of the Principal Regulations is amended –

- (a) by omitting all the words from and including "The Commissioner" to and including "following grounds:" and substituting "The Commissioner must withhold the approval of a person as a dealer's manager if any of the following grounds are established:"; and
- (b) by omitting paragraph (f).

**8. Schedule 3**

(1) A reference in this regulation to a form by number is a reference to the form of that number in Schedule 3 to the Principal Regulations.

*Motor Vehicle Dealers Regulations*

(2) Form 1 is amended –

(a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLE DEALERS REGULATION 1992"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

(b) by omitting from item 1 "of Motor Vehicle Dealers";

(c) by omitting item 7, paragraph (g);

(d) by inserting in item 13 "(however titled)" after "dealer";

(e) by omitting item 15 and substituting the following:

"15. I attach a statement, certified by an accountant, of the financial performance and financial position of the corporation –

(a) for the previous financial year; and

(b) for the financial year in which the application is made, as at the date of this application or as near as practicable to that date."; and

(f) by omitting from footnote number 2 "bank" and substituting "ADI (e.g. bank, credit union, building society)".

(3) Form 2 is amended –

(a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLE DEALERS REGULATIONS 1992"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

(b) by omitting from item 1 "of Motor Vehicle Dealers"; and

*Motor Vehicle Dealers Regulations*

- (c) by omitting item 7, paragraph (g).
  - (4) Form 3 is amended –
    - (a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLES DEALERS REGULATIONS 1992"*
    - and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

*CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS"; and*
  - (b) by omitting from item 13 "Bank Charges" and substituting "ADI charges (e.g. bank, credit union, building society charges)".
    - (5) Form 4 is amended –
      - (a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLE DEALERS REGULATIONS 1992"*
      - and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

*CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS";*
      - (b) by omitting from item 15 "electricity" and substituting "electricity"; and
      - (c) by omitting "applicatio" and substituting "application".
    - (6) Form 5 is amended –
      - (a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLE DEALER REGULATION 1992"*

*Motor Vehicle Dealers Regulations*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

- (b) by omitting "Part X – of the *Consumer Affairs and Fair Trading Act 1990*" and substituting "Part 10 of the *Consumer Affairs and Fair Trading Act*".

(7) Form 6 is amended –

- (a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLES DEALERS REGULATIONS 1992"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

- (b) by omitting "Part X" and "Commissioner for Consumer Affairs" and substituting "Part 10" and "Commissioner" respectively.

(8) Form 7 is amended –

- (a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*Motor Vehicle Dealers Regulations 1992"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

- (b) by omitting "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" and substituting "the prescribed fee, must be received by the Commissioner";

- (c) by omitting item 3, paragraph (g);

*Motor Vehicle Dealers Regulations*

- (d) by omitting item 7; and
- (e) by omitting all the words from and including "PLEASE NOTE" to and including "responding to this section)".

(9) Form 8 is amended –

- (a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*Motor Vehicle Dealers Regulations 1992"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

- (b) by omitting "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" and substituting "the prescribed fee, must be received by the Commissioner";
- (c) by omitting item 2, paragraph (g);
- (d) by omitting item 5; and
- (e) by omitting all the words from and including "PLEASE NOTE" to and including "responding to this section)".

(10) Form 9 is amended by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLES DEALERS REGULATIONS 1992"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

(11) Form 10 is amended by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

*MOTOR VEHICLES DEALERS REGULATIONS 1992"*



*Motor Vehicle Dealers Regulations*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS";

(12) Form 11 is amended by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

MOTOR VEHICLE DEALERS REGULATIONS 1992"

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS".

(13) Form 12 is amended by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS".

(14) Form 13 is amended by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990*

MOTOR VEHICLE DEALERS"

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS".

*Motor Vehicle Dealers Regulations*

(15) Form 14 is amended –

(a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

(b) by omitting "**of Motor Vehicle Dealers**"; and

(c) by omitting item 6, paragraph (g).

(16) Form 15 is amended –

(a) by omitting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT 1990"*

and substituting –

*"CONSUMER AFFAIRS AND FAIR TRADING ACT*

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

(b) by omitting "Part X – Motor Vehicle Dealers of the *Consumer Affairs and Fair Trading Act 1990*" and substituting "Part 10 of the *Consumer Affairs and Fair Trading Act*".

**9. Further amendments**

The Principal Regulations are amended as set out in the Schedule.

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*Motor Vehicle Dealers Regulations*

**SCHEDULE**

Regulation 0

| Provision        | Amendment                       |                       |
|------------------|---------------------------------|-----------------------|
|                  | Omit                            | Substitute            |
| Regulation 11(1) | shall be the form of            | must be in            |
| Regulation 12(2) | those particulars as            | those particulars, as |
| Regulation 15    | regulations<br>(all references) | Regulations           |
| Regulation 15(b) | dealers manager                 | dealer's manager      |
| Regulation 17(b) | dealers manager                 | dealer's manager      |