

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1980, No. 22 *

Regulations under the Motor Vehicle Dealers Act

JAMES HENRY MUIRHEAD Acting
I, ~~JOHN ARMSTRONG ENGLAND~~, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Motor Vehicle Dealers Act.

Dated this 26 MAY 1980 day of , 1980.

J. H. MUIRHEAD
Acting Administrator

By His Honour's Command

N. M. DONDAS

Minister for Community Development

MOTOR VEHICLE DEALERS REGULATIONS

1. CITATION

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

2. APPLICATION FOR LICENCE

(1) An application under section 10 of the Act for a licence as a dealer -

(a) by a corporation shall be -

- (i) in accordance with Form 1 of Schedule 1; and
- (ii) signed by at least one director of the corporation; and

* Notified in the Northern Territory Government Gazette on
6 JUN 1980 , 1980.

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- (b) by any other person, shall be in accordance with Form 2 of Schedule 1,

and shall be accompanied by such details as required by Form 1 or 2, as the case may be, of Schedule 1.

(2) An application under section 13(2) of the Act for a renewal of a licence -

- (a) by a corporation shall be -

- (i) in accordance with Form 3 of Schedule 1; and

- (ii) be signed by at least one director of the corporation; and

- (b) by any other person, shall be in accordance with Form 4 of Schedule 1,

and shall be accompanied by such details as required by Form 3 or 4, as the case may be, of Schedule 1.

3. REFEREES

(1) For the purposes of an application for a licence, a referee shall be a person -

- (a) who is prepared to verify that, to the best of his knowledge, in respect of an application -

- (i) by a corporation, a director or manager is a fit and proper person to hold such a position in a corporation which is granted a licence under the Act; or

- (ii) by any other person, the applicant is a fit and proper person to be granted a licence under the Act;

- (b) who has known the applicant, or in the case of an application by a corporation a director or manager of that corporation, for a period of not less than 12 months;

- (c) who is not a relation of the applicant, or in the case of an application by a corporation a director or manager of that corporation; and

- (d) who is -

- (i) a person authorized by the Oaths Act to administer an oath for any purpose;

- (ii) a Justice of the Peace;

- (iii) a Commissioner for Declarations within the meaning of the Statutory Declarations Act 1959 of the Commonwealth;

- (iv) a barrister or solicitor;

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- (v) a member of the Police Force of the Northern Territory of Australia;
- (vi) a bank manager;
- (vii) a magistrate;
- (viii) a notary public;
- (ix) a Clerk of a Local Court; or
- (x) a commissioner for taking affidavits in the Supreme Court of a State or Territory.

(2) For the purposes of sub-regulation (1)(c), "relation" means -

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece or adopted child of the applicant or in the case of an application by a corporation a director or manager of that corporation; or
- (b) the spouse or de facto spouse of the applicant or in the case of an application by a corporation a director or manager of that corporation or of any other person specified in paragraph (a).

4. REQUIREMENTS FOR SECTION 14(5) SIGN

A sign pursuant to section 14(5) of the Act, indicating the address where a dealings register is kept, shall consist of bold black letters, not less than 7 centimetres high and not less than one centimetre wide, on a white background.

5. CONTRACT EXCLUDING STATUTORY WARRANTIES

For the purposes of section 20(8)(a) of the Act, a prescribed contract shall be in accordance with Schedule 2.

6. STATUTORY DECLARATION ON CONTRACT EXCLUDING STATUTORY WARRANTIES

For the purposes of section 20(8)(b) of the Act a prescribed form shall be in accordance with Schedule 3.

7. FORM OF AUTHORIZATION TO SELL

For the purposes of section 21(2) of the Act, an authorization to sell may be in accordance with Schedule 4.

8. REQUIREMENTS FOR SECTION 29 NOTICE

A notice pursuant to section 29 of the Act shall consist of bold black letters, not less than 7 centimetres high and not less than one centimetre wide, on a white background.

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9. CONTRACT EXCLUDING CONDITION THAT MOTOR VEHICLE OF
STANDARD FIT FOR REGISTRATION

For the purposes of section 49(2)(c) of the Act, a prescribed contract shall be in accordance with Schedule 5.

10. FEES

(1) Subject to this regulation, the fees set out in Schedule 6 are the prescribed fees for the purposes of the Act.

(2) Where an applicant for the issue or renewal of a licence -

(a) has been granted a licence or a renewal of a licence; and

(b) carries or intends to carry on, for the term of the licence, business of a dealer in a partnership with one or more other dealers,

only one licence shall be issued to all the applicants in the partnership, naming each of them as a dealer.

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SCHEDULE 1

FORM 1

Regulation 2(1)(a)

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

APPLICATION FOR LICENCE BY A CORPORATION

1., a corporation whose registered
(name of corporation)
address isTelephone no.....,
hereby applies for the grant of a licence to carry on business as a
dealer on and from
to and including 31 December 19 ..

2. The corporation was incorporated in
(place of incorporation)
on/...../.....
(date of incorporation)

*3. The corporation was registered in the Northern Territory as a foreign
company on/...../.....
(date of registration)

4. Enclosed is the prescribed fee of \$10.

§5. The directors of the corporation are -

Name	Date of birth	Present residential address	Residential address during last 3 years
.....	.../.../...
.....	.../.../...
.....	.../.../...

6. The manager/s* of the corporation in the Northern Territory is/are* -

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

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7. 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.

8. The names, addresses and occupations of 2 referees for each director and manager are -

Name of director/manager	Referee's name	Referee's address	Referee's occupation
.....
.....
.....
.....

9. The corporation proposes to carry on business as a motor vehicle dealer -

(a) at caryard/s* located at.....
.....; and

(b) under the name
(name of business)

which was registered on/...../..... under the
(date of registration)

Business Names Act.

- *10. 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.

- *11. 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 are -

.....
.....

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

- #13. Details of the current financial and material resources of the corporation are attached.

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14. The corporation has/has not* been the subject of proceedings under the Companies Act (if corporation has been so subject, attach details).
15. I/we* declare that the details given in this application are true and correct.

.....¶
(signature of director/s*)

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

Signed at

Dated this day of, 19 ..

* Delete if inapplicable.

§ All directors are to be named. Under section 23 of the Act a licence may be revoked if details of any new directors are not given to the Commissioner.

¶ This application must be signed by at least one director.

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.

NOTE: If space provided to complete form is insufficient use back of form or attach additional pages.

Motor Vehicle Dealers

FORM 2

Regulation 2(1)(b)

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

APPLICATION FOR LICENCE BY A PERSON OTHER
THAN A CORPORATION

1. I,
(name)
of
(address)

hereby apply for the grant of a licence to carry on business as a
dealer on and from / / 19 to and including 31 December 19 .

2. Enclosed is the prescribed fee of \$10.
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
.....
and address of partner/s*)

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

(c) under the name/s*

(name of business)

which was/were* registered on/...../..... and

(date of registration)

...../...../..... respectively under the Business Names Act.

7. The names, addresses and occupations of my 2 referees are -

Name

Address

Occupation

.....

*8. 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.

*9. 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 -

.....

.....

10. I intend to sell used and new* motor vehicles.

§11. Details of my current financial and material resources are attached.

12. I declare that the details given in this application are true and correct.

(signature of applicant)

Signed at

Dated this day of, 19....

* Delete if inapplicable.

§ 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.

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

Motor Vehicle Dealers

FORM 3

Regulation 2(2)(a)

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

APPLICATION FOR RENEWAL OF LICENCE BY A CORPORATION

1., a corporation whose registered
(name of corporation)
address is.Telephone no.....,
hereby applies for a renewal of a licence to carry on business as a
dealer on and from 1 January 19 to and including 31 December 19 .

2. Enclosed is the prescribed fee.

- *3. The current directors of the corporation are -

Name	Date of birth	Present residential address
.....	.../.../...
.....	.../.../...
.....	.../.../...

4. The manager/s§ of the corporation in the Northern Territory is/are§ -

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

5. 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.

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6. The names, addresses and occupations of 2 referees for each director and manager taking office since the granting of the current licence are -

Name of director/manager	Referee's name	Referee's address	Referee's occupation
.....
.....
.....
.....

7. The corporation proposes to continue to carry on business as a motor vehicle dealer -

(a) at caryard/s* located at.....
.....
.....; and

(b) under the name/s*
.....
(name of business)

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

8. The corporation holds a licence as a motor vehicle dealer under the Motor Vehicles Dealers Act the details of which are -

.....
.....

9. The corporation intends to continue to sell used and new\$ motor vehicles.

- #10. Details of the current financial and material resources of the corporation are attached.

11. The corporation has/has not\$ been the subject of proceedings under the Companies Act (if corporation has been so subject, attach details).

Motor Vehicle Dealers

12. I/we§ declare that the details given in this application are true and correct.

.....
(signature of director/s§)

.....
(name of director/s§)

Signed at

Dated this day of, 19 ..

* All directors are to be named. Under section 23 of the Act a licence may be revoked if details of any new directors are not given to the Commissioner.

§ Delete if inapplicable.

¶ This application must be signed by at least one director.

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.

NOTE: If space provided to complete form is insufficient use back of form or attach additional pages.

Motor Vehicle Dealers

FORM 4

Regulation 2(2)(b)

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

APPLICATION FOR RENEWAL OF LICENCE BY A PERSON OTHER
THAN A CORPORATION

1. I,
(name)
of
(address)

hereby apply for a renewal of a licence to carry on business as a
dealer on and from 1 January 19 to and including 31 December 19 .

2. Enclosed is the prescribed fee.
3. 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.
4. I propose to continue to carry on business -

*(a) in partnership with
.....
.....
(name and address of partner/s*)

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

(c) under the name/s*
.....
(name of proposed business)
which was/were* registered on / / and ... / ... /
respectively under the Business Names Act.

Motor Vehicle Dealers

- *5. I hold a licence as a motor vehicle dealer under the Motor Vehicle Dealers Act details of which are -

.....
.....

6. I intend to continue to sell used and new* motor vehicles.

- §7. Details of my current financial and material resources are attached.

8. I declare that the details given in this application are true and correct.

.....
(signature of applicant)

Signed at

Dated this day of, 19 ..

* Delete if inapplicable.

§ 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.

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

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SCHEDULE 2

Regulation 5

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

CONTRACT EXCLUDING STATUTORY WARRANTIES*

AGREEMENT made on the of, 19 , between
..... (in this contract called "the dealer")
(name of dealer)
and (in this contract called "the purchaser")
(name of 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.
and chassis No. (in this contract called "the vehicle")

AND

Section 20(1) of the Motor Vehicle Dealers Act deems the obligation of the
vendor to repair and make good, or cause to be repaired and made good,
certain defects in the vehicle to be a term of the contract.

AND

Section 20(8) of the Act states that the statutory warranty deemed to be a
term of the contract by section 20(1) may be excluded by a contract.

IT IS AGREED:

1. THAT the term implied by section 20(1) of the Act is excluded from
the contract of sale and purchase of the vehicle made between the
dealer and purchaser. §

Motor Vehicle Dealers

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 20(1) of the Act.

Signed by

.....
(signature of dealer) (name of dealer)

Signed by

.....
(signature of purchaser) (name of purchaser)

* This contract must be signed in conjunction with Schedule 3.

§ This contract does not restrict or otherwise affect any rights or remedies of the purchaser other than his right to take action under section 20(1) of the Act.

Motor Vehicle Dealers

SCHEDULE 3

Regulation 6

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

STATUTORY DECLARATION ON CONTRACT EXCLUDING
STATUTORY WARRANTIES

I,,
do solemnly and sincerely declare that I understand that the contract I have
signed on the of, 19.....
between
(name of dealer)

and myself excludes any obligation of the dealer deemed to be a term of the
contract under section 20(1) of the Motor Vehicle Dealers Act.

AND I make this solemn declaration by virtue of the Oaths Act and con-
scientiously believing the statements contained in this declaration to be true
in every particular.*

Declared at
the day
of, 19..... }
(signature of person making declaration)

.....
(name of person before whom
declaration is made)

Before me,§
(qualifications of person before whom
declaration is made)

* A person wilfully making a false statement in a statutory declaration
is liable to a penalty of \$1,000 or imprisonment for 6 months, or
both.

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§ This declaration must be made before -

- (a) a Commissioner for Oaths;
 - (b) a Justice of the Peace;
 - (c) a Commissioner for Declarations;
 - (d) a barrister or solicitor;
 - (e) a member of the Police Force of the Northern Territory of Australia;
 - (f) a bank manager;
 - (g) a Judge;
 - (h) a magistrate;
 - (j) a notary public;
 - (k) a commissioner for taking affidavits in the Supreme Court of a State or Territory;
 - (m) a clerk of the court appointed under the Local Courts Act; or
 - (n) a person before whom an oath may be made under the law of the State or Territory in which the declaration is made.
-

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SCHEDULE 4

Regulation 7

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

AUTHORIZATION TO SELL*

1. I,
(name of owner of vehicle)
of
(address)
authorize
(name of dealer)
to sell motor vehicle registration No.
(make and model)
engine No. chassis No. on my behalf.
2. The terms of the authority are as follows:
.....
.....
.....
3. The dealer is entitled to the following remuneration or commission:
.....
.....
.....

Dated this day of, 19 .. §

.....
(signature of owner)

- * This authorization must be signed in duplicate and one copy given to the owner.
- § This authorization expires 3 months after the date of signature.

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SCHEDULE 5

Regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

CONTRACT EXCLUDING CONDITION THAT MOTOR
VEHICLE OF STANDARD FIT FOR REGISTRATION

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

and (in this contract called "the purchaser")
(name of 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 49(1) of the Motor Vehicle Dealers Act states that it is a condition
of the contract of sale and purchase of the vehicle that it is of a standard
fit to meet the requirements as to registration set out in the Motor
Vehicles Act

AND

Section 49(2) of the Motor Vehicle Dealers Act states that the condition
implied by sub-section (1) shall not be a condition of the sale if the
vehicle is sold pursuant to a contract excluding the operation of section
49(1)

IT IS AGREED:

1. THAT the operation of section 49(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 49(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.

Motor Vehicle Dealers

Signed by

.....
(signature of dealer)

.....
(name of dealer)

Signed by

.....
(signature of purchaser)

.....
(name of purchaser)

- * This contract does not restrict or otherwise affect any rights or remedies of the purchaser other than his right to take action under section 49(1) of the Act.

Motor Vehicle Dealers

SCHEDULE 6

Regulation 10

NORTHERN TERRITORY OF AUSTRALIA

Motor Vehicle Dealers Act

SCALE OF FEES

Description of fee	Section of Act	Fee
1. Application for a grant of a licence by a person other than a corporation	8(e)	\$10
2. Application for a grant of a licence by a corporation	9(c)	\$10
3. Application for the issue of a licence	13(1)	\$100 for a licence specifying one caryard \$200 for a licence specifying 2 caryards \$300 for a licence specifying 3 caryards \$400 for a licence specifying 4 caryards \$500 for a licence specifying 5 caryards \$600 for a licence specifying 6 caryards \$700 for a licence specifying 7 caryards \$800 for a licence specifying 8 caryards \$900 for a licence specifying 9 caryards \$1,000 for a licence specifying 10 or more caryards
4. Renewal of licence	13(2)	\$100 for a licence specifying one caryard \$200 for a licence specifying 2 caryards \$300 for a licence specifying 3 caryards \$400 for a licence specifying 4 caryards \$500 for a licence specifying 5 caryards \$600 for a licence specifying 6 caryards \$700 for a licence specifying 7 caryards \$800 for a licence specifying 8 caryards \$900 for a licence specifying 9 caryards \$1,000 for a licence specifying 10 or more caryards
5. Issue of copy of licence	27	\$10
6. Inspection of and extract from Register of Motor Vehicle Dealers	33	\$1