

LICENSING, REGULATION AND ALCOHOL STRATEGY

Managers - Motor Vehicle Dealers

This fact sheet has been developed to inform business and individuals of the requirement of a Motor Vehicle Dealer in the Northern Territory to appoint an Approved Manager under the Consumer Affairs and Fair Trading Act, and the process for obtaining approval from the Commissioner of Consumer Affairs.

Requirement for a Motor Vehicle Dealer's Manager

A licensed Motor Vehicle Dealer must not carry on business unless either the dealer is present and in charge of day to day business or has a manager approved by the Commissioner of Consumer Affairs present and in charge of the conduct of the business.

This is particularly relevant where the licensed dealer is a corporation, whereby a Manager is appointed to carry out the day to day operations of the business on behalf of the Directors/Owners.

A licensed sole trader or partnership must also have an Approved Manager unless the licensed dealer is going to be present and in charge of the business during all normal hours of business. This requirement applies for each car yard operated by the dealer.

A Motor Vehicle Dealer who fails to comply with this requirement may incur a maximum fine of 2 500 penalty units. The *Penalty Units Act* prescribes the monetary value of a penalty unit, its indexation and change of value by regulation. As at 1 July 2009, a penalty unit means \$130.

When recruiting a manager, a dealer should consider the Commissioner of Consumer Affairs will carefully examine the character, criminal history and reputation of the person before approving them as the manager.

A person who desires to be approved by the Commissioner as a Dealer's Manager must satisfy the character test and not have a criminal history containing, for example, dishonesty, fraud or physical violence offences. The Commissioner will also take into account the reputation of the applicant in deciding whether they are a fit and proper person to be granted approval.

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Fees and duration of approval

An application fee* and additional fee* for the Authority to Release Criminal History applies (separate payment) when the application is lodged. This is non-refundable and covers the costs of assessment. A certification fee* applies upon approval. The Commissioner's approval is valid for 12 months or such shorter period as the Commissioner determines.

The key steps in obtaining the Commissioner's approval to be a Motor Vehicle Dealer's Manager

- 1) Obtain and complete the relevant forms being -
 - an application for approval of manager form (form 14); together with
 - the Authority to Release Criminal History form.

Note: When lodging the completed application (inclusive of written referee statements) the applicant must provide photographic proof of identity in the form of a current passport or drivers' licence and pay the prescribed fee*.

If the application is being lodged by post, the applicant should ensure the relevant fees* are enclosed, and include a certified true copy of proof of identity for each person covered by an Authority to Release Criminal History form. Cheque payments to be made payable to the Receiver of Territory Monies, or electronic payment (Visa and Mastercard) can be made through Territory Business Centres, telephone (08) 8982 1700.

Please note the Commissioner of Consumer Affairs will only accept applications which have been completed in full.

The key obligations of a Dealer's Manager once approved

A Dealer's Manager must ensure the Dealer's business is carried out in compliance with the law, that transactions are conducted fairly and dealings are restricted to the premises identified on the licence.

**Please refer to the relevant schedule of fees.*

TERRITORY BUSINESS CENTRES

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Development Hse 76 The Esplanade Darwin NT 0800 Phone: (08) 8982 1700	1 Randazzo Bldg 18 Katherine Tce Katherine NT 0850 Phone: (08) 8972 8906	Shop 2, Barkly Hse Cnr Paterson & Davidson Sts Tennant Creek NT 0860 Phone: (08) 8962 4411	Peter Sitzler Bldg 67 Nth Stuart Hwy Alice Springs NT 0870 Phone: (08) 8951 8524	GPO Box 9800 Darwin NT 0801 territory.businesscentre@nt.gov.au

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