

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, the 7th Day of October 1975

MOTOR VEHICLE DEALERS BILL

Proposed Amendments

Hon. Dr FINLAY, in Committee, to move the following amendments:

Clause 3, subclause (1): To insert in paragraph (a), after the word "licence" in line 5 on page 13, the words "in respect of the applicant's proposed principal place of business".

To omit paragraphs (b) to (e) on pages 13 and 14, and substitute the following paragraphs:

(b) In relation to an application under section 9 of this Act for the issue of a licence in respect of any proposed branch office of the applicant, or to a notice of objection to any such application, or to a notice of the Institute's desire to be heard in respect of any such application, means the Magistrate's Court nearest to the proposed branch office:

(c) In relation to an application under section 18 of this Act for the renewal of a licence relating to the licensee's principal place of business, or to a notice of objection to any such application, or to the Institute's desire to be heard in respect of any such application, or to an application under section 20 of this Act for the approval of an officer of a licensee company, or to an application under section 23 or section 24 of this Act for the suspension of a licensee, or to an application under section 24 of this Act made by a licensee for exemption from membership of the Institute, or to an application under section 45 or section 46 of this Act for authority to take possession of or inspect any document, or to an application under section 47 of this Act for the return of any document, or to a notice under section 55 of this Act of a change of registered office, means the Magistrate's Court nearest to the licensee's principal place of business:

(d) In relation to an application under section 18 of this Act for the renewal of a licence relating to a branch office, or to a notice of objection to any such application, or to the Institute's desire to be heard

in respect of any such application, or to an application under section 20A of this Act for the approval of a branch office, means the Magistrate's Court nearest to the branch office:

(e) In relation to an application under section 7 of this Act for exemption from the requirement to hold a licence in respect of any particular place of business, means the Magistrate's Court nearest to that place of business:

(ea) In relation to the surrender of a licence under section 21 of this Act, or to an application under section 22 of this Act for the issue of a temporary licence, or to an application under section 115 of this Act for the cancellation of a licence or the suspension of a licensee, means the Magistrate's Court nearest to the place of business to which the licence relates:

Clause 4, subclause (1): To add the words “; and includes a car consultant”.

Clause 39, subclause (2): To omit paragraph (b) on page 42 and substitute the following paragraph:

(b) Except with leave of the Council, in respect of any act or thing done or omitted to be done after the commencement of this Part of this Act unless written notice of the claim is given to the Council—

(i) In respect of a claim under paragraph (a) of section 38 of this Act, within 3 months after the cheque is dishonoured:

(ii) In respect of a claim under paragraph (b) of that section, within 3 months after lawful demand for the money has been made and the licensee has failed to account:

(iii) In respect of a claim under any of paragraphs (c) to (e) of that section, within 3 months after the date of the determination of the Disputes Tribunal given in respect of the subject-matter of the claim.

Clause 53: To omit subclauses (1) to (3) on pages 49 and 50, and substitute the following subclause:

(1) No licensee shall carry on business as a motor vehicle dealer at any place of business other than his principal place of business, a branch office, or a subsidiary place of business.

Clause 95, subclause (2): To insert in paragraph (c) on page 72, immediately before the words “The cash price” in line 40, the words “Except in the case of a vehicle offered for sale at a public auction,”.

To omit from paragraph (d) on page 73 the words “Except in the case of a vehicle offered for sale at a public auction,”.

Clause 101: To add the following subclause:

(5) There shall be paid to the Chairman of every Disputes Tribunal, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, and allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Chairman were a member of a statutory Board within the meaning of that Act.

Clause 119: To omit the clause.

Clause 122: To omit from line 37 on page 96 the words "manager's certificate,"; also to omit the word "manager," from line 38 and line 39 on that page.

Clause 134: To omit paragraphs (d) and (e) of subclause (1) on page 102.

To omit paragraph (b) of subclause (2) on that page.

To omit the word "manager," from line 3 on page 103, and from line 21 on that page.

EXPLANATORY NOTE

The amendments to *clauses 3, 53, 119, 122, and 134* are all drafting amendments consequential upon the recommendation of the Commerce and Mining Committee to omit Part V of the Bill relating to managers, and to require separate licences to be taken out in respect of each branch office.

The amendment to *clause 4* has the effect of deeming car consultants (as defined in clause 2) to be motor vehicle dealers for the purposes of the Bill.

The amendment to *clause 39* relates to the limitation period within which a claim against the Motor Vehicle Dealer's Guarantee Fund must be notified to the Council. As reported back from the Commerce and Mining Committee claims must be notified within 3 months after the date of the relevant determination of the Disputes Tribunal. However, claims under paragraph (a) (dishonoured cheques) and paragraph (b) (failure to account) of section 38 are not determined by a Disputes Committee. The amendment provides for a three-month limitation period commencing on the date of the dishonouring of the cheque or the failure to account.

The amendments to clause 95 correct a clerical error in the Bill as reported back from the Commerce and Mining Committee. The Committee's recommended amendment to clause 95 (2) (c) has been shown as an amendment to clause 95 (2) (d).

The amendment to *clause 101* provides for the remuneration of Chairmen of Disputes Committees in accordance with the Fees and Travelling Allowances Act 1951.