

Official Recognition Concretes AADA's Authority

AADA Limited (AADA) has been granted new powers to protect and represent Dealers after official recognition from the NSW Department of Finance & Services

On 26 September 2014 AADA was classified by the New South Wales State Department of Finance & Services as a 'motor industry group' under Part 6 of the Motor Dealers and Repairers Act 2013 (NSW)(Act). Certificate of registration is attached.

AADA's recognition is an outstanding outcome for automotive dealers in New South Wales as this means that AADA can now represent Dealers or classes of motor dealers in disputes concerning unfair supply contracts, unfair contract terms or unjust conduct by manufacturers instigated under the Act.

'AADA's registration as a motor industry group recognises that it is the peak body representing motor vehicle dealers – it's a defining moment!' said AADA Policy Director, Michael Deed.

As part of its new authority AADA can perform the following actions on behalf of a motor dealer (or class of motor dealers):

- 1. Lodge a complaint to the NSW Small Business Commissioner in respect of:**
 - (a) an unfair contract, or unfair contract term; or
 - (b) unjust conduct by a manufacturer

- 2. If the NSW Small Business Commissioner cannot resolve the issue, AADA can commence legal proceedings in the NSW Civil and Administrative Tribunal (NCAT) seeking a declaration that:**
 - (a) a contract, or term of a contract, is unfair; or
 - (b) conduct of a manufacturer is unjust.

- 3. AADA can also seek orders such as:**
 - (a) declarations that contracts are void or be varied in part;
 - (b) requiring specific performance of a term in a contract; or
 - (c) compensation to be paid to the dealer or class of dealers.

As this is a unique piece of legislation specific to NSW, AADA can only provide the legal support outlined above to dealers who reside in New South Wales. Whilst this is regrettable, it is hoped that similar legislation affording AADA more power to protect members in these matters will extend to other Australian States and Territories. This is on AADA's agenda.

Regardless of the location of your dealership, the registration of AADA as a motor industry group is good news for all Dealers. Being the first, and only Association, officially recognised as the peak body representing motor vehicle dealers in NSW will help create more momentum for nation-wide progress and change.



Finance
& Services

MOTOR DEALERS AND REPAIRERS ACT 2013

APPROVAL FOR THE PURPOSES OF PART 6

I, Anthony Lean, Acting Chief Executive of the Office of Finance and Services, approve Australian Automotive Dealer Association Ltd ACN 167 598 085, as a motor industry group for the purposes of Part 6 of the *Motor Dealers And Repairers Act 2013*.

DATED this 26 day of SEPTEMBER 2014

A handwritten signature in black ink, appearing to read 'Anthony Lean', written over a dotted line.

Anthony Lean
Acting Chief Executive
Office of Finance and Services