



Media Release

Consumer and Business Affairs

4 January 2006

COMMISSIONER WELCOMES APPEAL RESULT

Consumer Affairs Commissioner Richard O’Sullivan says a recent decision by an appeal judge to order convictions against a motor vehicle trader should send a strong warning against unlicensed and unlawful motor vehicle dealing.

Justice Stephen Southwood allowed an appeal and recorded convictions against Neal Richard Adams who breached the Consumer Affairs and Fair Trading Act in five ways.

“This is a strong reminder to businesses that motor trading is a regulated industry in the NT,” Mr O’Sullivan said.

“A motor vehicle is a significant investment for most people and we are serious about prosecuting any breach of the Act. As Justice Southwood said, there is significant public interest in ensuring the Act is complied with.

“He also re-affirmed the view that breaches of the Act are serious.”

Justice Southwood said there were numerous breaches of the Act over a lengthy period of time and there was no serious attempt (by Adams) to comply with the Act.

“His age and experience meant that the respondent fully understood the obligations that the Act imposed on him,” the judge said. “The obligations were not onerous.”

The five breaches by Mr Adams were that between January 03 and January 04 he:

- 1) completed 20 deals at a place of business which was not the business listed on his motor vehicle dealer’s licence
 - 2) made a false and/or misleading statement on the “Prescribed Annual Return by a Licensed Dealer who is a Natural Person”
 - 3) failed to maintain a dealings register
 - 4) failed to use the prescribed contract of sale in 11 motor vehicle sales
 - 5) published 16 advertisements without specifying his licence number.
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“The regulations under the Act are there for protecting the consumer,” Mr O’Sullivan said.

“For example, the dealings register assists in ensuring consumer protection through documented kilometre readings on odometers and helps establish warranty rights.

“As Justice Southwood pointed out, consumers can sustain significant damage as a result of unfair or dishonest dealing.

“His decision to record convictions on these breaches is welcomed by Consumer and Business Affairs.”

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