



## Motor Dealers

At Macpherson Kelley, we have good reason to follow the industry closely: motor dealers form one of our key industry groups. Our dedicated team of lawyers works closely with Motor Dealers to improve dealership profit by making sales stick, reducing the risk of building cost blowouts and minimising staff disruptions.

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We understand that the automotive industry is highly competitive where margins are tight; with this comes unique legal, regulatory and business issues.

In any year, we will be involved in up to a dozen buy/sell transactions for motor dealers. We know the traps and how to get the deal successfully over the line and can help dealers grow or divest in accordance with their strategic plan.

We have also seen some automotive manufacturers try to undermine local motor dealerships by setting unreachable sales targets, restricting dealers from having multiple brands and threatening to not renew Dealership Agreements. Our team at Macpherson Kelley have assisted with disputing the validity of sales targets and negotiating or dealing with manufacturers requirements on the Dealer's behalf.

We can reduce and manage risk through effective debt collecting, recovering vehicles from wholesalers in administration, getting your affairs in order before selling or purchasing a dealership and in succession planning to ensure your empire has a solid future.

### Our expertise

- > Buying an existing or establishing a new Dealership
- > Selling a Dealership or dealing with succession
- > Shareholder or Unitholder agreements where Dealer Principal is introduced into equity
- > Buying, leasing or developing property
- > Advice on your Dealership and Business Agreements
- > Dealing with customers in Sales, Service or Parts
- > Dealing with employment issues from contract to union disputes
- > Taxation and structuring of your business
- > Negotiating or dealing with manufacturers requirements
- > Motor Car Traders Act advice and licensing matters
- > Consumer credit licensing, compliance and advice
- > Prosecutions by Fair Trading and ASIC
- > Finance Agreements and dealing with Banks
- > Lease and Hire Purchase deals with customers

## Our Team



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## Our Clients

Brands we act for include: BMW, Chrysler, Dodge, Ford, Holden, Honda, Hyundai, Jaguar, Jeep, Kia, Land Rover, Lexus, Mazda, Mercedes, Mitsubishi, Nissan, Peugeot, Porsche, Renault, Skoda, Toyota, Volkswagen and Volvo.

## Our Experience

### Motor dealer – Succession planning

Worked with the second generation of a family in relation to structuring the ownership and control of their business and family “constitution” in order to: protect the business asset from unwanted in-law family challenges; maintain blood-line controlled; document rules and structures through shareholders agreements and trust provisions; advise on and document succession and personal roles; advise and establishing structures to commence involvement and inclusion of third generation; assist with family constitution and interrelated personal aspects.

### Motor dealer councils – Advice

Advised various dealer councils (on behalf of their members) as to the terms of new Dealer Agreements proposed by the manufacturers. Advised on what is usual, unreasonable or of significant risk and then represented the dealer council to negotiate changes to the proposed Dealer Agreement. Understanding franchising, but additionally with a deep appreciation of the particular concerns of dealers, we were well placed to explain concerns and suggest compromises to the manufacturers.

> New South Wales  
Sydney

> Queensland  
Brisbane

> Victoria  
Melbourne  
Dandenong

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