



**INSTRUCTIONS TO E C LEGAL
 for
 REVISION AND PREPARATION OF CUSTOMER TRADING TERMS**

ECOLLECT / E C LEGAL CLIENT DETAILS

COMPANY / BUSINESS NAME: _____

ABN: _____ ACN (if applicable): _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

CONTACT NAME: _____

CONTACT DIRECT TELEPHONE: _____

CONTACT EMAIL: _____

NATURE OF CLIENT BUSINESS

Circle: Services Only / Goods Only / Goods and Services

Description: _____

PRICING

Description: _____

Is pricing fixed at time of order? Yes / No If yes, for how long _____

Is deposit required? Yes / No If yes, how much _____

DELIVERY ARRANGEMENTS

Is delivery a separate charge? Yes / No

How is cost calculated?

Description: _____

PAYMENT TERMS

Circle: COD / 7 days / 30 days / Other _____

Accept payment by:	Credit Card	Yes / No	If yes, additional charge of _____%
	Cash	Yes / No	
	Cheque	Yes / No	If yes, bank names: _____
	EFT	Yes / No	

BSB _____

Account No: _____

Reference: _____

Description: _____

DEFAULT ON PAYMENT

Overdue interest? Yes / No Rate of overdue interest _____

Admin Fees? Yes / No Limit? _____

RISK ON SOLD GOODS

OWNERSHIP OF SOLD GOODS

RETURN OF GOODS ARRANGEMENTS

Description: _____

SPECIAL TERMS

Description: _____

ABOUT THE ECOLLECT / E C LEGAL SERVICE

eCollect provides a service in conjunction with E C Legal which involves:

- reviewing our client's needs i.e. the nature of the client's business and the relationships with their customers;
- providing a tailor made solution to enable our client to control the entire relationship with the client's customer including a suite of documents for use within our client's business.

The documents that we may provide include:

Credit Account Application

Sets out the information needed to open a credit account with our client and provides the basis of the trading agreement between our client and their customer.

Letter Advising of Change of Trading Terms

To be used by our client to advise its existing debtors of a change to the trading terms.

Credit Acceptance Procedures

Sets out a policy for our client's staff members to follow when considering whether or not to grant credit to a prospective customer.

Trading Terms and Conditions

Designed to be used in conjunction with the Credit Account Application. It has a comprehensive the set of trading terms designed to protect our client's interests.

Quotation

Sets out a format for our client to provide a quotation to its customer.

Variation of Quotation

Sets out a format for our client to provide a variation of quotation to its customer once a job has commenced.

Personal Guarantee

Provides for a personal guarantee to secure the performance of the trading agreement by the customer.

General Security Agreement

Provides a general form of company or personal charge able to be registered on the Personal Property Securities Register.

The process for the full service involves:

1. review of the client's needs by eCollect staff member i.e. the nature of the client's business and the relationships with their customers. Completion of Client Instructions and submission to E C Legal;
2. provision by client of letterhead and logos direct to E C Legal by email;
3. preparation of draft documents and provision to client for comment and discussion;
4. discussions with E C Legal lawyer on draft documents and any necessary revisions of draft documents by E C Legal following discussions. This may take a couple of sessions (usually of about 15 – 30 minutes by phone) to have the documents tailored to the client's requirements;
5. provision of final form of documents including formatting for immediate use.

Where clients do not require the full service, a terms only service is available which involves providing the Account Application and Trading Terms and Conditions only without formatting to include the client logos etc.

Some important points to note:

- there is always a trade off between having a clear and unambiguous trading arrangement with terms in our client's favour and the commercial reality of attracting and retaining customers. If our client's business is too hard to deal with, our client's customers may choose to deal with someone else. The documents provided will be written by a practicing commercial lawyer and are designed to operate in our client's favour. Every time that text is removed, our clients may lose some sort of benefit;
- eCollect staff members are not qualified to provide advice on the standard trading terms;
- the standard documents are copyright to eCollect and are provided for your use only. You cannot allow any other businesses to use them;
- E C Legal warrants that if the trading terms and other documents prepared by E C Legal are used in accordance with the directions provided, a legally binding agreement will result between you and your debtor. In the event that there is a finding by a competent court or tribunal that you have no binding agreement with your debtor then E C Legal may be liable for any losses suffered as a result.

Businesses with Special Requirements

If your business is has any of the following characteristics, we will need to obtain additional advice and drafting:

Dealing in second-hand goods	Yes / No
Goods or services with patents, licences or special conditions	Yes / No
Building or construction	Yes / No
Hire of goods or provision of goods that must be returned	Yes / No
Any transaction involving loan of money	Yes / No

If yes to any of the above, eCollect will consult with E C Legal and come back to you with a specific proposal. Please give additional details below;

Details: _____

Format for Delivery of Completed Documents

eCollect aims to provide a set of documents to you which are available for immediate use. Please indicate below how you would like the completed documents delivered.

Hard Copy in folder	Yes / No
Soft copy on USB memory stick	Yes / No
Soft copy by email	Yes / No
Logo to be attached to all documents	Yes / No

If yes, send logo to info@eCollect.com.au

Other Instruction

Commencement of Action

If these arrangements are agreeable, please sign below.

