

MOTOR VEHICLE REPAIRS ACT 1980—REGULATION

(Relating to records to be kept by licensed repairers in respect of certain motor vehicle parts)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Motor Vehicle Repairs Act 1980, has been pleased to make the Regulation set forth hereunder.

WENDY MACHIN
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 1 March 1994.

Amendments

2. The Motor Vehicle Repairs Regulation 1982 is amended:
 - (a) by inserting before clause 1 the following heading:

PART 1—PRELIMINARY
 - (b) by inserting before clause 3A the following heading:

PART 2—GENERAL
 - (c) by omitting clause 9 and by inserting instead the following provisions:

Identification of inspectors

9. (1) An inspector is not authorised to exercise the functions of a inspector under the Act unless he or she is in possession of an identification card issued by the Chairman.

(2) If an inspector proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the inspector is not authorised to exercise those functions in relation to the person making the demand.

PART 3—RECORDS

Parts to which record requirements apply

10. Each of the following parts of a motor vehicle is a traceable part for the purposes of this Part:

- alloy wheel
- audio system
- bonnet
- boot lid
- bumper bar
- chassis with floor pan
- chassis without floor pan
- door
- electronic control unit of engine management system
- engine
- floor pan
- mudguard
- seat
- tailgate
- transmission

Records to be kept of parts that are purchased or otherwise obtained

11. A licensed repairer must keep records in respect of:

- (a) traceable parts that the repairer acquires by purchase in the course of carrying on the business of a repairer (“**parts acquired by purchase**”); and
- (b) traceable parts that the repairer acquires otherwise than by purchase in the course of carrying on the business of a repairer (“parts acquired otherwise than by purchase”).

Records of parts acquired by purchase

12. Records in respect of parts acquired by purchase are to consist of the following:

- The invoices issued to the repairer in respect of the acquisition by the repairer of a part. A receipt or other document issued in respect of the acquisition of a part is considered to be an “**invoice**” for this purpose.

- Details sufficient to identify the vehicle to which each part is fitted, or the person to whom the part is sold or otherwise disposed of, by the **repairer**.

Records of parts acquired otherwise than by purchase

13. Records in respect of parts acquired otherwise than by purchase are to consist of details sufficient to identify:

- (a) the vehicle from which each part was removed, or the person from whom the part was acquired, by the repairer; and
- (b) the date on which the part was so removed or acquired.

How records are to be kept

14. (1) A record required to be kept by this Part must be in the English language and be decipherable on sight.

(2) The Council may give directions in writing to licensed repairers as to the form and manner in which the records required to be kept by this Part are to be kept. A repairer to whom such a direction is given must comply with it.

(3) A record required to be kept by a licensed repairer by this Part may be kept on behalf of the repairer by an agent or employee of the repairer.

Place at which records are to be kept

15. A licensed repairer must keep a record required to be kept by this Part at the place of business in respect of which the repairer's licence is granted or at another place approved by the Chairman.

Records to be retained for 6 years

16. A licensed repairer must retain a record required to be kept by this Part for at least 6 years after the date the record was created or, if the record relates to more than one traceable part, after the last entry was made in the record.

Offences

17. (1) A licensed repairer must comply with the requirements of this Part.

Maximum penalty: 5 penalty units.

(2) A person must not, in respect of any record required to be kept by this Part, make an entry in a record knowing that it is false or misleading in a material particular.

Maximum penalty: 5 penalty units.

EXPLANATORY NOTE

The object of this Regulation is to require a licensed motor vehicle repairer to keep records relating to certain motor vehicle parts acquired by the repairer.

Parts acquired by purchase in the course of the repairer's business are covered as well as those acquired by other means (e.g. parts removed from a motor vehicle repaired by the repairer and kept for subsequent re-use or sale).

The Regulation:

- (a) requires a licensed repairer:
 - to keep records relating to the acquisition of those parts; and
 - in the case of parts acquired by purchase—to record details identifying the motor vehicles to which the parts are subsequently fitted or the persons to whom the parts are disposed of; and
 - to keep the records at the repairer's business premises (or other place approved by the Chairman of the Motor Vehicle Repair Industry Council); and
 - to retain the records for a period of 6 years; and
- (b) creates offences with a maximum penalty of 5 penalty units (currently \$500) for failure to comply with the Regulation and for knowingly making false entries in a record required to be kept by the Regulation; and
- (c) adds a requirement that inspectors be issued with and produce an identification card; and
- (d) deletes clause 9 of the current regulation (which deals with the manner in which pecuniary penalties are expressed in the regulation) as the provision is redundant.

The Regulation is made under section 89 (1) (c) and (e) of the Motor Vehicle Repairs Act 1980.
