



New South Wales

# Fair Trading (General) Amendment (Motor Vehicle Insurance and Repair Industries) Regulation 2006

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Fair Trading (General) Regulation 2002* to declare that an industry code of conduct relating to the conduct of the business of motor vehicle insurers and repairers is an applicable industry code of conduct for the purposes of Part 5E of the *Fair Trading Act 1987*. Part 5E of that Act requires insurers and repairers of motor vehicles to comply with an applicable industry code of conduct. The applicable industry code of conduct does not apply in certain circumstances, including in respect of certain motor vehicles registered outside New South Wales.

This Regulation is made under the *Fair Trading Act 1987*, including sections 60X, 92 (the general regulation-making power) and, in particular, section 92 (2).

**2006 No 662**

Clause 1 Fair Trading (General) Amendment (Motor Vehicle Insurance and Repair Industries) Regulation 2006

---

**Fair Trading (General) Amendment (Motor Vehicle Insurance and Repair Industries) Regulation 2006**

under the

Fair Trading Act 1987

**1 Name of Regulation**

This Regulation is the *Fair Trading (General) Amendment (Motor Vehicle Insurance and Repair Industries) Regulation 2006*.

**2 Commencement**

This Regulation commences on 10 November 2006.

**3 Amendment of Fair Trading (General) Regulation 2002**

The *Fair Trading (General) Regulation 2002* is amended as set out in Schedule 1.

---

## Schedule 1 Amendment

(Clause 3)

### Part 4B

Insert after Part 4A:

### Part 4B Industry code for motor vehicle insurers and repairers

#### 88F Declaration of industry code of conduct in relation to motor vehicle insurers and repairers

- (1) For the purpose of section 60X (1) of the Act, the code published in Gazette No 127 on 27 October 2006 at page 9139–9168 (referred to in this Part as the *published code*) is declared to be an applicable industry code of conduct:
  - (a) with effect on 10 November 2006 for all clauses of the published code other than clauses 5 and 9, and
  - (b) with effect on 30 March 2007 for clauses 5 and 9 of the published code.
- (2) For the purpose of section 60X (2) (a) of the Act, the following classes of motor vehicles are excluded from the application of the provisions of the applicable industry code of conduct relating to the repair of any such motor vehicles that are or may be damaged:
  - (a) motor vehicles owned or used by the repairer,
  - (b) motor vehicles not registered in New South Wales, except when repaired in New South Wales.
- (3) For the purpose of section 60X (2) (b) of the Act, any provisions of the published code in so far as they relate to:
  - (a) the code or its application being voluntary, or
  - (b) the signatories to the code and the process by which the signatories are bound, or
  - (c) any other incidental matters,are excluded and the declaration under subclause (1) does not apply to those provisions.

**2006 No 662**

Fair Trading (General) Amendment (Motor Vehicle Insurance and Repair Industries) Regulation 2006

Schedule 1      Amendment

---

**88G    Savings and transitional provision**

- (1) The applicable industry code of conduct applies to a dispute between an insurer and repairer with respect to a motor vehicle insurance policy, even if the policy was entered into before the relevant provisions of the code took effect.
- (2) The applicable industry code of conduct applies to damage to a motor vehicle covered by a motor vehicle insurance policy, even if the policy was entered into before the relevant provisions of the code took effect.
- (3) The applicable industry code of conduct does not apply to an insurer or a repairer who is not a voluntary signatory to the published code until 30 March 2007.

BY AUTHORITY

---