



New South Wales

# Motor Dealers and Repairers Amendment Regulation 2014

under the

Motor Dealers and Repairers Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers and Repairers Act 2013*.

MATTHEW MASON-COX, MLC  
Minister for Fair Trading

## Explanatory note

The objects of this Regulation are as follows:

- (a) to update certain prescribed forms,
- (b) to prescribe parts and accessories for the purposes of the definition of *motor vehicle recycler*,
- (c) to clarify the information that is required to be included in a register kept by a motor vehicle recycler under the Act,
- (d) to make further provision with respect to the identification of parts and accessories by motor vehicle repairers and motor vehicle recyclers.

This Regulation is made under the *Motor Dealers and Repairers Act 2013*, including sections 62, 74, 99, 100 and 186 (the general regulation-making power).

## **Motor Dealers and Repairers Amendment Regulation 2014**

under the

Motor Dealers and Repairers Act 2013

### **1 Name of Regulation**

This Regulation is the *Motor Dealers and Repairers Amendment Regulation 2014*.

### **2 Commencement**

This Regulation commences on 1 December 2014 and is required to be published on the NSW legislation website.

## **Schedule 1      Amendment of Motor Dealers and Repairers Regulation 2014**

**[1]    Clause 6A**

Insert after clause 6:

**6A    Definition of “motor vehicle recycler”**

For the purposes of paragraph (b) of the definition of *motor vehicle recycler* in section 4 (1) of the Act, the following parts or accessories of motor vehicles are prescribed:

- (a) chassis,
- (b) major body section,
- (c) bonnet,
- (d) right side door (front),
- (e) left side door (front),
- (f) right side door (back),
- (g) left side door (back),
- (h) hatchback door,
- (i) boot lid,
- (j) right front guard,
- (k) left front guard,
- (l) front bumper bar,
- (m) rear bumper bar,
- (n) engine or engine block,
- (o) gearbox, transmission or transaxle (front wheel drive vehicles),
- (p) instrument cluster, odometer or hour gauge,
- (q) car radio, tape or compact disc (CD) equipment,
- (r) electronic navigation equipment,
- (s) multimedia equipment,
- (t) airbags and air curtains (side impact airbags),
- (u) alloy wheels,
- (v) seats,
- (w) finaldrive (differential for rear wheel drive vehicles),
- (x) headlights.

**[2]    Clause 20 Particulars in register**

Insert “by a motor vehicle repairer” after “purchase” in clause 20 (2) (b).

**[3]    Clause 20 (2) (b)**

Omit “by the licence holder”.

**[4] Clause 20 (2) (b1)**

Insert after clause 20 (2) (b):

- (b1) if the part was acquired otherwise than by purchase by a motor vehicle recycler:
  - (i) the date on which the part was removed from a vehicle or otherwise acquired, and
  - (ii) the identity of the vehicle from which the part was removed, and
  - (iii) the identity of the person from whom the vehicle or part was acquired,

**[5] Clause 20 (2) (c)**

Insert “if the part was fitted, sold or otherwise disposed of by a motor vehicle repairer—” before “the date”.

**[6] Clause 20 (2) (c)**

Omit “by the licence holder”.

**[7] Clause 25 Form of dealer’s notices**

Omit “for Towable Recreational Vehicles—Damaged Vehicle” from clause 25 (2) (c) (i).  
Insert instead “—Damaged Vehicle (Trailers and Towable Recreation Vehicles)”.

**[8] Clause 25 (2) (d) and (e)**

Insert after clause 25 (2) (c):

- (d) for the purposes of section 74 (2) of the Act:
  - (i) if the motor vehicle is a towable recreation vehicle—Motor Dealer’s Notice—Damaged Vehicle (Trailers and Towable Recreation Vehicles) Form (Form 10), or
  - (ii) in any other case—Motor Dealer’s Notice—Damaged Vehicle Form (Form 6),
- (e) for the purposes of section 74 (3) of the Act—Motor Dealer’s Notice for Motor Cycles—Damaged Vehicle Form (Form 8).

**[9] Clause 35 Certain work not repair work**

Insert “, or contractor with,” after “employee of” in clause 35 (d).

**[10] Clause 46**

Omit the clause. Insert instead:

**46 Parts to be identified by motor vehicle repairers**

- (1) If a motor vehicle repairer buys or receives a prescribed part or accessory in or for the purposes of carrying on business as a motor vehicle repairer, the repairer must cause the part or accessory to be identified by copying onto the part or accessory, by means of an indelible marking substance or, if that is impracticable, by means of a durable label or tag, the entry number from the motor vehicle repairer’s register that relates to the part or accessory.  
Maximum penalty: 20 penalty units.
- (2) In this clause, *prescribed part or accessory* means chassis, major body section, bonnet, right side door (front), left side door (front), right side door (back), left side door (back), hatchback door, boot lid, right front guard, left front guard,

front bumper bar, rear bumper bar, engine or engine block, gearbox, transmission or transaxle (front wheel drive vehicles), instrument cluster, odometer or hour gauge, car radio, tape or compact disc (CD) equipment, electronic navigation equipment, multimedia equipment, airbags and air curtains (side impact airbags), alloy wheels, seats, finaldrive (differential for rear wheel drive vehicles) or headlights.

**[11] Clause 47**

Omit the clause. Insert instead:

**47 Parts to be marked by motor vehicle recyclers**

- (1) For the purposes of section 99 of the Act, the parts that are required to be marked are chassis, major body section, bonnet, right side door (front), left side door (front), right side door (back), left side door (back), hatchback door, boot lid, right front guard, left front guard, front bumper bar, rear bumper bar, engine or engine block, gearbox, transmission or transaxle (front wheel drive vehicles), instrument cluster, odometer or hour gauge, car radio, tape or compact disc (CD) equipment, electronic navigation equipment, multimedia equipment, air bags and air curtains (side impact airbags), alloy wheels, seats, finaldrive (differential for rear wheel drive vehicles) and headlights.
- (2) The prescribed manner in which a motor vehicle recycler is required to mark a prescribed part or accessory is by copying onto the part or accessory, by means of an indelible marking substance or, if that is impracticable, by means of a durable label or tag, the entry number in the motor vehicle recycler's register that relates to the part or accessory.

**[12] Schedule 2 Forms**

Omit “**(details of acquisition continued)**” from the matter under the heading **Details of acquisition** in Form 3.

Insert instead “**(including details of how acquired)**”.

**[13] Schedule 2, Form 4**

Omit “**Name and address or person whom acquired**” from the matter under the heading **Details of acquisition**.

Insert instead “**Name and address of person from whom part was acquired**”.

**[14] Schedule 2, Form 4**

Omit “**Name and address or person whom disposed**” from the matter under the heading **Details of disposal**.

Insert instead “**Name and address of person to whom part was disposed**”.

**[15] Schedule 2, Form 4**

Omit “**AND**” from the note to the Form. Insert instead “**OR**”.

**[16] Schedule 2, Form 5**

Omit the first paragraph in section 3 of the Form.

**[17] Schedule 2, Form 5**

Omit “a new motor vehicle (other than a motor cycle) driven for more than 15,000 km before sale or” from the second paragraph in section 3 of the Form.

**[18] Schedule 2, Form 7**

Omit the first paragraph in section 3 of the Form.

**[19] Schedule 2, Form 7**

Omit “a new motor cycle driven more than 7,000 km before sale or is” from the second paragraph in section 3 of the Form.

**[20] Schedule 2, Form 7**

Insert “(other than a motor cycle of a design that makes it incapable of being registered in this State)” after “second-hand motor cycle” in section 3 of the Form.

**[21] Schedule 2, Form 8**

Omit “an unregistrable second-hand motor cycle driven” from the second paragraph in section 4 of the Form.

Insert instead “a second-hand motor cycle (other than a motor cycle of a design that makes it incapable of being registered in this State)”.