



New South Wales

Motor Dealers and Repairers Amendment Regulation 2015

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 remove heavy vehicles from the list of motor vehicles that are exempt from the application of the *Motor Dealers and Repairers Act 2013 (the Act)*,
- (b) to exempt motor dealers from the application of the Act to the extent that they deal in heavy vehicles,
- (c) to exempt motor vehicle recyclers from the application of the Act to the extent that they recycle heavy vehicles,
- (d) to prescribe an additional qualification that is sufficient for the grant of a tradesperson's certificate for a motor mechanic,
- (e) to enable a person who has not completed a course but has a qualification that would have met the qualification or experience requirements to be granted a tradesperson's certificate (that is not a provisional tradesperson's certificate or subject to any restrictions) under the *Motor Vehicle Repairs Act 1980* before its repeal to be granted a corresponding certificate under the *Motor Dealers and Repairers Act 2013* if the person meets the requirements on 1 September 2015.

This Regulation is made under the *Motor Dealers and Repairers Act 2013*, including sections 26 (2) and 186 (the general regulation-making power) and clause 1 of Schedule 2.

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1 Name of Regulation

This Regulation is the *Motor Dealers and Repairers Amendment Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Motor Dealers and Repairers Regulation 2014

[1] Clause 4 Exemption of certain motor vehicles

Omit clause 4 (b).

[2] Clause 5 Exemption of certain persons

Insert after clause 5 (3):

(4) The Act does not apply to:

- (a) a person who is a motor dealer to the extent that the person carries on, or advertises that the person carries on or is willing to carry on, the business of dealing in heavy vehicles within the meaning of the *Heavy Vehicle National Law (NSW)*, or
- (b) a person who is a motor vehicle recycler to the extent that the person carries on, or advertises that the person carries on or is willing to carry on, the business of recycling heavy vehicles within the meaning of the *Heavy Vehicle National Law (NSW)*.

[3] Clause 36 Required qualifications for tradesperson's certificate

Omit clause 36 (1) (g). Insert instead:

- (g) for a motor mechanic—either:
 - (i) Certificate III in Light Vehicle Mechanical Technology, being part of the Automotive Industry Retail, Service and Repair Training Package, or
 - (ii) Certificate III in Heavy Commercial Vehicle Mechanical Technology, being part of the Automotive Retail, Service and Repair Training Package,

[4] Schedule 4 Savings and transitional provisions

Insert after clause 9 (1):

- (1A) This clause also applies to a person who, on 1 September 2015, had not completed a course but held a qualification that would have met the qualification or experience requirements to be granted a tradesperson's certificate (that is not a provisional tradesperson's certificate or subject to any restrictions) under the 1980 Act as in force immediately before its repeal.

Note. For example, a qualification that would have enabled a person to be granted a non-provisional and unrestricted certificate under the 1980 Act includes an Associate Member grade membership with the Institute of Automotive Mechanical Engineers, together with references from employers covering 6 years of experience.