



New South Wales

Motor Dealers and Repairers Amendment (Exemption for Certain Trade Shows) Regulation 2018

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 KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to exempt persons from the need to hold a NSW motor dealer's licence in order to offer or display a motor vehicle for sale at a trade show approved by the Minister.

The exemption will have effect only for the duration of an approved trade show and applies to participation in a trade show only to the extent that it involves advising persons with respect to the quality, performance and characteristics of motor vehicles and making offers to, or receiving offers from, persons to enter into agreements for the sale of motor vehicles (other than second-hand motor vehicles). This Regulation makes provision for an exemption to be subject to conditions.

The exemption does not apply to a person who holds a motor dealer's licence issued in New South Wales. This Regulation also clarifies the operation of a provision that specifies work that is not repair work, to make it clear that the removal or replacement of tyres, wheel alignments and disassembly work on motorcycles is repair work.

This Regulation is made under the *Motor Dealers and Repairers Act 2013*, including section 186 (the general regulation-making power), in particular, section 186 (2) (a) (which authorises the making of regulations conferring exemptions).

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1 Name of Regulation

This Regulation is the *Motor Dealers and Repairers Amendment (Exemption for Certain Trade Shows) Regulation 2018*.

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 5A**

Insert after clause 5:

5A Temporary exemptions for approved trade shows

- (1) Section 11 of the Act does not apply to an eligible person who carries on the business of a motor dealer in relation to the offer or display for sale of a motor vehicle at an approved trade show, but only as provided by this clause.
- (2) The exemption conferred by this clause applies only if:
 - (a) the business carried on by the eligible person while participating in the approved trade show is limited to the following:
 - (i) advising persons with respect to the quality, performance and characteristics of motor vehicles,
 - (ii) making offers to, or receiving offers from, persons to enter into agreements for the sale of motor vehicles (other than second-hand motor vehicles), and
 - (b) the eligible person has complied with any conditions specified in the order declaring the event to be an approved trade show or notified to the eligible person in writing by the Secretary before the approved trade show commences, and
 - (c) a sign is displayed at the stall or other place of business operated by the eligible person at the approved trade show that:
 - (i) uses language and a format, and is in a position, that makes the sign easy to read by any person approaching the stall or place, and
 - (ii) includes the registered business name, or company name, address and inter-State or Territory licence name or number (if applicable) of the business ordinarily operated by the eligible person.
- (3) The Minister may, by order published in the Gazette, for the purposes of the exemption conferred by this clause:
 - (a) declare that a specified event, held at a place where a number of motor dealers, motor vehicle manufacturers or other industry participants display motor vehicles, is an *approved trade show*, and
 - (b) specify the period during which the event is an approved trade show.
- (4) The exemption conferred by this clause:
 - (a) starts at the beginning of the period specified by the Minister in that order as the period during which a trade show is an approved trade show, and
 - (b) expires at the end of that period.
- (5) In this clause:

eligible person means a person:

 - (a) who carries on the business of dealing in motor vehicles as a retailer or on a wholesale basis, and
 - (b) whose ordinary place of business is outside the State, and
 - (c) who is not the holder of a dealer's licence issued in the State.

[2] Clause 35 Certain work not repair work

Omit “(except for motorcycles)” from clause 35 (c1) (ii).

Insert instead “or the removal or replacement of wheels or tyres on motorcycles”.