



New South Wales

# Motor Dealers and Repairers Amendment (Fees) Regulation 2020

under the

Motor Dealers and Repairers Act 2013

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

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

The object of this Regulation is to amend the *Motor Dealers and Repairers Regulation 2014* to—

- (a) provide for the partial refund of certain application fees for licences payable under the *Motor Dealers and Repairers Act 2013* (*the Act*), and
- (b) prescribe certain fees payable in connection with the administration of the Act.

This Regulation is made under the *Motor Dealers and Repairers Act 2013*, including sections 21(4), 24, 33A(4)(b), 34(2), 36, 166, 177(5) and 186 (the general regulation-making power).

## **Motor Dealers and Repairers Amendment (Fees) Regulation 2020**

under the

Motor Dealers and Repairers Act 2013

### **1 Name of Regulation**

This Regulation is the *Motor Dealers and Repairers Amendment (Fees) Regulation 2020*.

### **2 Commencement**

This Regulation commences on 1 July 2020 and is required to be published on the NSW legislation website.

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

### [1] Clause 8 Fees

Omit “each fee is to be calculated by adding together the various components set out in Columns 2, 3 and 4” from clause 8(2).

Insert instead “the fee payable is the amount specified in Column 5”.

### [2] Clause 9

Omit the clause. Insert instead—

#### 9 Partial refund of application fees for certain licences

- (1) This clause applies to an application fee for a licence with a term of 3 years or 5 years, paid by or on behalf of a person who—
  - (a) has surrendered the licence granted under the Act, or
  - (b) if the application fee was paid by or on behalf of an individual—has died.
- (2) A person may apply to the Secretary for a refund of the application fee if the person—
  - (a) paid the application fee, or
  - (b) is applying for or on behalf of the person who paid the application fee, or
  - (c) is the legal representative of a deceased individual who paid the application fee.
- (3) A person is not entitled to make an application under this clause if the licence was cancelled or suspended as a result of disciplinary action.
- (4) A person who makes an application under subclause (2) is—
  - (a) for a licence with a term of 3 years—entitled to a refund of one-third of the application fee paid (other than the processing component) for each complete year remaining for the licence, or
  - (b) for a licence with a term of 5 years—entitled to a refund of one-fifth of the application fee paid (other than the processing component) for each complete year remaining for the licence.
- (5) In this clause—

*application fee* means any of the following—

  - (a) an application fee for the grant of a licence,
  - (b) an application fee for the renewal of a licence,
  - (c) an application fee for the restoration of a licence.

*processing component*, of an application fee, is the amount set out in Column 3 of Part 1 of Schedule 1 in relation to the fee.

### [3] Clause 11 Licence fee for dealing in motor vehicles on wholesale basis only

Insert “, renewal or restoration” after “grant” in clause 11(4)(b)(ii).

### [4] Clause 11(4)(c)

Insert after clause 11(4)(b)—

- (c) in relation to a 5 year licence—

- (i) if the payment is made not more than 1 year after the date of the grant, renewal or restoration of the licence, the whole of the Compensation Fund contribution component set out in Column 4 of Part 1 of Schedule 1 in relation to the licence, or
- (ii) if the payment is made more than 1 year but not more than 2 years after the grant, renewal or restoration of the licence, four-fifths of the Compensation Fund contribution component set out in Column 4 of Part 1 of Schedule 1 in relation to the licence, or
- (iii) if the payment is made more than 2 years but not more than 3 years after the grant, renewal or restoration of the licence, three-fifths of the Compensation Fund contribution component set out in Column 4 of Part 1 of Schedule 1 in relation to the licence, or
- (iv) if the payment is made more than 3 years but not more than 4 years after the grant, renewal or restoration of the licence, two-fifths of the Compensation Fund contribution component set out in Column 4 of Part 1 of Schedule 1 in relation to the licence, or
- (v) if the payment is made more than 4 years after the grant, renewal or restoration of the licence, one-fifth of the Compensation Fund contribution component set out in Column 4 of Part 1 of Schedule 1 in relation to the licence.

**[5] Schedule 1 Fees**

Omit Part 1. Insert instead—

**Part 1 Fees payable**

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of fee	Fixed component (in fee units)	Processing component (in fee units)	Compensation Fund contribution (in fee units)	Total (in fee units)
<b>Motor dealer</b>					
1	Application for grant of licence				
	(a) 1 year	3.29 per notified premises	2.19	9.48 per notified premises	14.96
	(b) 3 years	9.88 per notified premises	2.19	12.24 per notified premises	24.31
	(c) 5 years	16.45 per notified premises	2.19	20.4 per notified premises	39.04
2	Application for renewal of licence				
	(a) 1 year	3.29 per notified premises	0.71	1.39 per notified premises	5.39
	(b) 3 years	9.88 per notified premises	0.71	4.14 per notified premises	14.73
	(c) 5 years	16.45 per notified premises	0.71	6.95 per notified premises	24.11

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of fee	Fixed component (in fee units)	Processing component (in fee units)	Compensation Fund contribution (in fee units)	Total (in fee units)
3	Application for restoration of licence				
	(a) 1 year	3.29 per notified premises	1.47	1.39 per notified premises	6.15
	(b) 3 years	9.88 per notified premises	1.47	4.14 per notified premises	15.49
	(c) 5 years	16.45 per notified premises	1.47	6.95 per notified premises	24.87
	<b>Motor vehicle repairer</b>				
4	Application for grant of licence				
	(a) 1 year	2.24 per notified premises	2.19	2.79 per notified premises	7.22
	(b) 3 years	4.42 per notified premises	2.19	3.69 per notified premises	10.3
	(c) 5 years	11.2 per notified premises	2.19	5.49 per notified premises	18.88
5	Application for renewal of licence				
	(a) 1 year	1.09 per notified premises	0.71	0.45 per notified premises	2.25
	(b) 3 years	3.27 per notified premises	0.71	1.34 per notified premises	5.32
	(c) 5 years	5.45 per notified premises	0.71	2.25 per notified premises	8.41
6	Application for restoration of licence				
	(a) 1 year	1.09 per notified premises	1.47	0.45 per notified premises	3.01
	(b) 3 years	3.27 per notified premises	1.47	1.34 per notified premises	6.08
	(c) 5 years	5.45 per notified premises	1.47	2.25 per notified premises	9.17
	<b>Motor vehicle recycler</b>				
7	Application for grant of licence				
	(a) 1 year	3.29 per notified premises	2.19	Nil	5.48
	(b) 3 years	9.88 per notified premises	2.19	Nil	12.07
	(c) 5 years	16.45 per notified premises	2.19	Nil	18.64

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of fee	Fixed component (in fee units)	Processing component (in fee units)	Compensation Fund contribution (in fee units)	Total (in fee units)
8	Application for renewal of licence				
	(a) 1 year	3.29 per notified premises	0.71	Nil	4
	(b) 3 years	9.88 per notified premises	0.71	Nil	10.59
	(c) 5 years	16.45 per notified premises	0.71	Nil	17.16
9	Application for restoration of licence				
	(a) 1 year	3.29 per notified premises	1.47	Nil	4.76
	(b) 3 years	9.88 per notified premises	1.47	Nil	11.35
	(c) 5 years	16.45 per notified premises	1.47	Nil	17.92
	<b>Tradesperson's certificate</b>				
10	Application for grant of certificate				
	(a) 1 year	Nil	0.3	Nil	0.3
	(b) 3 years	Nil	0.69	Nil	0.69
	(c) 5 years	Nil	1.15	Nil	1.15
11	Application for renewal of certificate				
	(a) 1 year	Nil	0.2	Nil	0.2
	(b) 3 years	Nil	0.48	Nil	0.48
	(c) 5 years	Nil	0.8	Nil	0.8
12	Application for restoration of certificate				
	(a) 1 year	Nil	0.26	Nil	0.26
	(b) 3 years	Nil	0.57	Nil	0.57
	(c) 5 years	Nil	0.92	Nil	0.92
13	Application to amend certificate to add or remove class of repair work	Nil	0.48	Nil	0.48
	<b>Other fees</b>				

<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
	<b>Type of fee</b>	<b>Fixed component (in fee units)</b>	<b>Processing component (in fee units)</b>	<b>Compensation Fund contribution (in fee units)</b>	<b>Total (in fee units)</b>
14	Application for replacement of licence or certificate	Nil	0.46	Nil	0.46
15	Application for certificate certifying licensee status	Nil	0.31	Nil	0.31

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