

Motor Vehicle Repairs Regulation 1999

[1999-493]



New South Wales

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Motor Vehicle Repairs Regulation 1999



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Motor Vehicle Repairs Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Definitions

(1) In this Regulation:

licensee means the holder of a licence.

parts acquired by purchase means traceable parts that a licensee acquires by purchase in the course of carrying on the business of a repairer.

parts acquired otherwise than by purchase means traceable parts that a licensee acquires otherwise than by purchase in the course of carrying on the business of a repairer.

record of traceable parts means a record referred to in clause 5.

the Act means the *Motor Vehicle Repairs Act 1980*.

traceable part means any of the following:

- (a) major body components, that is:
 - (i) chassis and major body sections, and
 - (ii) bonnets, and
 - (iii) right and left front doors, and
 - (iv) right and left front mudguards, and
 - (v) front and rear bumper bars, and

- (vi) front apron panels,
- (b) major mechanical components, that is:
 - (i) engines and engine blocks, and
 - (ii) gearboxes and transmissions,
- (c) major car accessories, that is, car radio, tape or compact disk equipment.

(2) (Repealed)

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 1A Repair work

4A Classes of repair work

- (1) For the purposes of the definition of **repair work** in section 4 (1) of the Act, the work of each of the following is prescribed as a class:
 - (a) an automotive electrician who works from a fixed workshop,
 - (b) an automotive electrician who works from a mobile workshop,
 - (c) a body maker,
 - (d) a brake mechanic,
 - (e) an exhaust repairer,
 - (f) a front end specialist,
 - (g) a liquefied petroleum gas mechanic,
 - (h) a motor cycle mechanic,
 - (i) a motor mechanic who works from a fixed workshop,
 - (j) a motor mechanic who works from a mobile workshop,
 - (k) a natural gas mechanic,
 - (l) a panelbeater,
 - (m) a radiator repairer,
 - (n) a transmission specialist,
 - (o) a vehicle painter who works from a fixed workshop,

(p) a vehicle painter who works from a mobile workshop.

(2) In this clause:

automotive electrician means a person who repairs electrical equipment, systems or circuits in motor vehicles.

body maker means a person who makes motor vehicle bodies (otherwise than in the course of manufacturing new motor vehicles) or who repairs motor vehicle bodies.

brake mechanic means a person who repairs brake equipment or systems in motor vehicles.

exhaust repairer means a person who repairs exhaust systems on motor vehicles, but does not include a person who repairs any mechanical or electrical system or circuit or any electronic device associated with, or any component of the engine of, a motor vehicle.

front end specialist means a person who repairs the steering or suspension systems of motor vehicles.

liquefied petroleum gas means a liquid or gaseous substance that is a mixture of hydrocarbons basically consisting of butanes or butenes or propane or propene, or any mixture of all or any of them.

liquefied petroleum gas equipment means pipes, fittings, apparatus or appliances used for, or designed for use in, the conveyance or consumption of liquefied petroleum gas in motor vehicles.

liquefied petroleum gas mechanic means a person who installs liquefied petroleum gas equipment in motor vehicles or who repairs liquefied petroleum gas equipment in motor vehicles.

motor cycle mechanic means a person who performs the work of a motor mechanic only on motor cycles.

motor mechanic means a person who repairs the engines or transmissions or the fuel, induction, exhaust, electrical, steering, suspension, cooling or braking systems, of motor vehicles.

natural gas means a liquid or gaseous substance which is a mixture of hydrocarbons basically consisting of methane.

natural gas equipment means pipes, fittings, apparatus or appliances used for, or designed for use in, the conveyance or consumption of natural gas in motor vehicles.

natural gas mechanic means a person who installs natural gas equipment in motor vehicles or who repairs natural gas equipment in motor vehicles.

panelbeater means a person who repairs the structural components, frames or panel work of motor vehicles.

radiator repairer means a person who repairs the radiators, heating equipment, thermostats or fuel tanks of motor vehicles.

transmission specialist means a person who repairs the gears, clutches, driveshafts and differentials of motor vehicles and the controlling systems for those parts in motor vehicles.

vehicle painter means a person who paints motor vehicles.

Part 2 Records

5 Licensee to keep records

A licensee must keep records, in accordance with this Part, of all traceable parts acquired by the licensee.

Maximum penalty: 20 penalty units.

6 Contents of records of traceable parts

- (1) A record of traceable parts must distinguish between parts acquired by purchase and parts acquired otherwise than by purchase.
- (2) The record of a part acquired by purchase must include the following:
 - (a) the invoice, receipt or other document (or a copy of it) issued to the licensee in connection with the licensee's acquisition of the part,
 - (b) details sufficient to identify:
 - (i) the vehicle to which the part was fitted by the licensee, or
 - (ii) the person to whom the part was sold or otherwise disposed of by the licensee,together with the date on which the part was so fitted, sold or otherwise disposed of.
- (3) The record of a part acquired otherwise than by purchase must include the following:
 - (a) details sufficient to identify:
 - (i) the vehicle from which the part was removed by the licensee, or
 - (ii) the person from whom the part was acquired by the licensee,together with the date on which the part was so removed or acquired,

(b) details sufficient to identify:

- (i) the vehicle to which the part was fitted by the licensee, or
- (ii) the person to whom the part was sold or otherwise disposed of by the licensee,

together with the date on which the part was so fitted, sold or otherwise disposed of.

7 Records may be in writing or by means of data processing equipment

A record of traceable parts may be kept in writing or by means of data processing equipment.

8 Records kept in writing

(1) A record of traceable parts that is kept in writing must comply with the following requirements:

- (a) it must be in writing,
- (b) it must be in English,
- (c) it must be readily decipherable,
- (d) it must not be torn, defaced or otherwise mutilated,
- (e) it must not contain any erasures.

(2) This clause does not prohibit matter in a record from being altered by deleting particulars in such a manner (for example, by means of a line through them) as to leave them decipherable in their unaltered form.

9 Records kept by means of data processing equipment

A record of traceable parts that is kept by means of data processing equipment must be kept by means of software that ensures that:

- (a) the information in the record:
 - (i) is capable of being displayed and printed, on demand, at each place of business to which the licence relates, and
 - (ii) is in a format that is readily intelligible when it is so displayed or printed, and
 - (iii) includes the date on which each record in the record was made, and
- (b) in the event that any information in the record is amended or deleted, a record is kept:

- (i) of the information in the form in which it was before it was amended or deleted, and
- (ii) of the date of each occasion on which the information was amended or deleted.

10 Completion of records

- (1) A licensee who keeps a record of traceable parts in writing:
 - (a) must ensure that all information that is required to be entered in the record in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
 - (b) must ensure that no information is entered in the record otherwise than by a person authorised by the licensee.

Maximum penalty: 20 penalty units.

- (2) A licensee who keeps a record of traceable parts by means of data processing equipment:
 - (a) must ensure that all information that is required to be entered in the record in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
 - (b) must ensure that no information is entered in the record otherwise than by a person authorised by the licensee, and
 - (c) must ensure that the information in the record is backed up at intervals of no more than one week.

Maximum penalty: 20 penalty units.

11 Retention of records

- (1) A licensee who keeps a record of traceable parts (whether in writing or by means of data processing equipment):
 - (a) must retain the record (together with all copies of records that have been printed out and verified in relation to the record) for at least 6 years after the date on which the last entry was made in it, and
 - (b) must produce the record for inspection if required to do so by an inspector before the expiration of that period.

Maximum penalty: 20 penalty units.

- (2) In the case of a record kept by means of data processing equipment, it is sufficient compliance with subclause (1) (b) if the licensee makes available to the inspector:

- (a) a computer terminal by means of which the inspector can view the information contained in the record, or
- (b) a computer print-out of the information contained in the record.

12 False or misleading entries

A person must not make an entry in a record of traceable parts in the knowledge that the entry is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

Part 3 Fees

13 Fees

- (1) The following fees are prescribed for the purposes of the Act:
 - (a) \$56 for a tradesperson's certificate, as referred to in section 24 (2) of the Act.
 - (b), (c) (Repealed)
- (2) The following fees are prescribed for the purposes of the Act:
 - (a) \$400 and an additional \$180 for each place of business or mobile workshop in or with respect to which the applicant proposes to carry on business for an application for a licence made under section 16 (1) of the Act, except as provided by paragraph (b),
 - (b) \$278 for each place of business or mobile workshop in or with respect to which the applicant proposes to carry on business for an application for a licence made under section 16 (1) of the Act if the application for the licence:
 - (i) is made by the holder of a previous licence (whether for the same premises as those the subject of the previous licence or for other premises), and
 - (ii) is made within 12 months after the surrender, cancellation or revocation of the previous licence,
 - (c) \$66 for each inspection made by the Authority, as referred to in section 89 (1) (g) of the Act,
 - (d) \$180 for the annual fee for a licence for each place of business or mobile workshop, as referred to in section 21 (3) of the Act.
- (3) (Repealed)

Part 4 General

14 Amendment of licences

For the purposes of section 20 (1) (f) of the Act, the amendment of a licence in such a manner as to reflect the following circumstances is a prescribed manner of amending the licence:

- (a) the acquisition by the licensee of a new registered business name under the *Business Names Act 1962*,
- (b) the loss by the licensee of a former registered business name under the *Business Names Act 1962*,
- (c) in the case of a licence for a corporation, a change in the corporation's corporate name.

14A Prescribed resources in relation to applicants for licences

For the purposes of section 18 (1) (g) and (3) (f) of the Act, an applicant for a licence in respect of a particular class of repair work must have, or employ at least one other person who has, a tradesperson's certificate in respect of that class of repair work.

15 Display of signs

A licensee must display signs complying with the following requirements:

- (a) each sign must contain the words "licensed vehicle repairer",
- (b) each sign must specify the class or classes of repair work for which the licence is granted,
- (c) each sign must contain the words "licence number" followed by the number of the licence,
- (d) the lettering on each sign must be at least 65 millimetres in height,
- (e) each sign must be displayed in a prominent place:
 - (i) at each place of business for which the licence is granted, or
 - (ii) if the licensee carries on business solely from a vehicle, on the outside of the vehicle.

Maximum penalty: 20 penalty units.

16 Display of licence

A licensee must display the licence (or a copy of it) in a prominent place:

- (a) at each place of business for which the licence is granted, and

(b) inside each vehicle from which the licensee carries on business.

Maximum penalty: 20 penalty units.

17 Register of Undertakings

For the purposes of section 48 (3) of the Act, the following particulars are prescribed in relation to a deed executed by a repairer in accordance with Part 5 of the Act:

- (a) the repairer's name and licence number,
- (b) the address of the repairer's premises (if any),
- (c) the date on which the deed was executed by the dealer,
- (d) brief particulars of the circumstances and unjust conduct that led to the execution of the deed,
- (e) a summary of the undertakings given by the repairer in the deed.

18 Evidentiary certificates: section 78

For the purposes of section 78 (2) of the Act, the following are prescribed officers by whom a certificate referred to in that subsection may be certified:

- (a) the Commissioner for Fair Trading, Department of Commerce (or, if there is no such position in that Department, the Director-General of that Department),
- (b) the Director, Motor Vehicle Repair Industry Authority.

19 Prescribed offences and penalties: section 87A

For the purposes of section 87A of the Act:

- (a) an offence under a provision of the Act or this Regulation specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the amount of penalty for each such offence is the amount specified opposite the provision in Column 2 of that Schedule.

20 Repeal

- (1) The *Motor Vehicle Repairs Regulation 1982* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Motor Vehicle Repairs Regulation 1982*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notices

(Clause 19)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 15 (1) (a)	\$5,500
Section 15 (1) (b)	\$5,500
Section 16 (5)	\$330
Section 16 (6)	\$330
Section 18B (2)	\$330
Section 20 (4)	\$330
Section 22 (1)	\$330
Section 22 (2)	\$330
Section 22 (3)	\$330
Section 33 (6)	\$330
Section 40 (a)	\$330
Section 40 (b)	\$330
Section 44 (4)	\$330
Section 44 (7)	\$330
Section 44 (8) (a)	\$330
Section 44 (8) (b)	\$330
Section 47 (4)	\$330
Section 49 (6)	\$330
Section 73 (2)	\$330
Section 75B (5)	\$330
Section 77C (4)	\$2,200
Offences under this Regulation	
Clause 5	\$330
Clause 10 (1)	\$330
Clause 10 (2)	\$330

Clause 11 (1)	\$330
Clause 15	\$330
Clause 16	\$330