

Motor Dealers and Repairers Regulation 2014

[2014-640]



New South Wales

Status Information

Currency of version

Current version for 13 January 2023 to date (accessed 18 November 2024 at 23:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Licensing and Registration \(Uniform Procedures\) Amendment Act 2022 No 2](#) (not commenced)
- **Staged repeal status**
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 23 August 2024

Motor Dealers and Repairers Regulation 2014



New South Wales

Contents

Part 1 Preliminary	5
1 Name of Regulation	5
2 Commencement	5
3 Definitions	5
4 Exemptions	5
5 Exemption of certain persons	6
5A Temporary exemptions for interstate or Territory dealers at declared trade shows.....	7
6 Definition of “financier”	8
6A Definition of “motor vehicle recycler”	8
Part 2 Licensing	9
7 Licence holder to display signs	9
8 Fees	10
9 Partial refund of application fees for certain licences	10
9A Secretary’s power to waive, reduce, postpone or refund fees.....	11
10 Effect of surrendered licence	11
11 Licence fee for dealing in motor vehicles on wholesale basis only.....	11
12 Modification of Licensing and Registration (Uniform Procedures) Act 2002.....	13
13 Conditions of licence	13
14 Required qualifications for licence holders	13
15 Register of undertakings	14
15A Duration of licences.....	14

Part 3 Motor dealers', motor vehicle recyclers' and motor vehicle repairers' registers

.....	14
16 Form of register	14
17 Registers kept in writing	15
18 Registers kept by means of data processing equipment	16
19 Completion of registers	16
20 Particulars in register.....	17
21 Retention of registers	18

Part 4 Motor dealer's notices 18 |

22 Form of notices generally	18
23 Dealer's notices produced from book.....	18
24 Dealer's notices produced by means of data processing equipment	19
25 Form of dealer's notices	19
26 Motor vehicles not for sale	19
27 Completion of dealers' notices	19
28 Retention of dealers' notices	20
29 Manner for attaching dealers' notices	20

Part 5 Sales on consignment..... 20 |

30 Recording of consignment.....	20
31 Audit of trust accounts	21
32 Disbursements from trust account	22
33 Consignment of motor vehicle from one dealer to another	22

Part 6 Tradesperson's certificates 22 |

34 Classes of repair work	22
35 Certain work not repair work	23
36 Required qualifications for tradesperson's certificate.....	24

Part 7 Conduct of business..... 27 |

37 Certain persons not to be employed as manager.....	27
38 Applications for approval to employ disqualified persons.....	28
39 Advertising of charges	28

40 Advertising sale of motor vehicle that is damaged or defective.....	29
41 Representations as to availability of motor vehicle or finance	30
42 Odometer readings.....	30
43 Certain advertisements to identify vehicle	30
44 Examination of motor vehicle.....	31
45 Protection of interest of third party	31
46 Parts to be identified by motor vehicle repairers.....	31
47 Parts to be marked by motor vehicle recyclers.....	32
48 Receipts for engines disposed of by motor vehicle repairers and motor vehicle recyclers.....	32
Part 8 Miscellaneous	33
49 Inspection reports.....	33
50 Auction notice.....	33
51 Cooling off periods.....	33
52 General provisions concerning the recording of information	33
53 Motor Dealers and Repairers Compensation Fund.....	34
53A Certification of loss.....	34
54 Register of licences	35
55 (Repealed)	35
56 Penalty notice officers	35
57 Expenses of administrator.....	36
58 Limitation periods for dealer guarantee	36
59 Trailers and towable recreation vehicles exempt from dealer guarantee	36
Schedule 1 Fees	36
Schedule 2 Forms.....	41
Schedule 3 Penalty notice offences	48
Schedule 4 Savings and transitional provisions.....	50

Motor Dealers and Repairers Regulation 2014



New South Wales

Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

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

3 Definitions

(1) In this Regulation—

advertisement means writing, or any still or moving picture, sign, symbol, or other visual image or audio message or any combination of one or more of these things, including a website, that gives publicity for, or otherwise promotes or is intended to promote, a business.

consignor has the same meaning as in Division 6 of Part 4 to the Act.

fee unit—see Part 2 of Schedule 1.

the Act means the *Motor Dealers and Repairers Act 2013*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

(3) In this Regulation, a reference to a named or numbered form is a reference to a form of that name or number set out in Schedule 2.

4 Exemptions

(1) The Act does not apply to the following motor vehicles—

- (a) a vehicle that is not acquired for use principally for the transport of passengers or goods on public roads (other than a trailer or towable recreation vehicle),
 - (b) a vehicle that is incapable of being registered by Transport for NSW under the [Road Transport Act 2013](#) (other than a motorcycle of a type referred to in section 69(8) of the Act or a defective registrable vehicle).
- (2) Despite subclause (1)(b), the Act does apply to a motor vehicle that is—
- (a) a written-off light vehicle recorded in the NSW written-off light vehicles register, or
 - (b) an interstate written-off light vehicle.
- (3) In this clause—

defective registrable vehicle has the same meaning as in the [Road Transport Act 2013](#).

interstate written-off light vehicle has the same meaning as in section 84 of the [Road Transport Act 2013](#).

NSW written-off light vehicles register means the register established under section 83 of the [Road Transport Act 2013](#).

written-off light vehicle has the same meaning as in section 83 of the [Road Transport Act 2013](#).

5 Exemption of certain persons

- (1) Division 1 of Part 2 of the Act does not apply to a person who carries on, or advertises that the person carries on or is willing to carry on, the business of dealing in motor vehicles only for the purpose of reclaiming scrap metal or scrap rubber.
- (2) Section 13 of the Act does not apply to a person who carries on, or advertises that the person carries on or is willing to carry on, the business of a motor vehicle recycler, if the person—
 - (a) is a motor vehicle repairer, and
 - (b) keeps the register and records that the holder of a motor vehicle recycler is required to keep under the Act in relation to the carrying on of the business of a motor vehicle recycler.
- (3) Sections 16 and 26 of the Act do not apply to the trailer and caravan class of repair work, if the person carrying out the repair work or applying for a licence, carries out the work, or proposes to carry out the work, at a place for which a motor vehicle repairer licence is granted.
- (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)*.

5A Temporary exemptions for interstate or Territory dealers at declared 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 a declared 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 declared 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 a declared trade show or notified to the eligible person in writing by the Secretary before the declared trade show commences, and
 - (c) a sign is displayed at the stall operated by the eligible person at the declared 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, and
 - (ii) includes the registered business name, or company name, address and interstate or Territory licence name or number (if applicable) of the business ordinarily operated by the eligible person, and
 - (iii) identifies the eligible person as a person who ordinarily operates an interstate or Territory business, and
 - (iv) states that the contract of sale must be signed outside of New South Wales.
- (3) The Minister may, by order published in the Gazette, for the purposes of the exemption conferred by this clause—

- (a) declare that a trade show is a **declared trade show**, and
 - (b) specify the period during which the event is a declared 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 a declared 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.

6 Definition of “financier”

For the purposes of paragraph (c) of the definition of **financier** in section 4(1) of the Act, a person who carries on the business of dealing in motor vehicles only as a secured creditor holding security interests in motor vehicles and enforcing those security interests is prescribed.

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.

Part 2 Licensing

7 Licence holder to display signs

The holder of a dealer's licence, motor vehicle repairer's licence, or motor vehicle recycler's licence must include the licence holder's name and the words "licence number", "Lic. No." or a similar abbreviation followed by the licence holder's unique licence identifier—

- (a) on a sign at each notified premises (other than a vehicle) for which the licence is granted that is readily visible to any persons approaching the notified premises, and
- (b) if the licence holder carries on business from a vehicle—on the outside of the vehicle.
- (c) (Repealed)

Maximum penalty—20 penalty units.

8 Fees

- (1) The fees payable for the purposes of the Act are listed in Column 1 of Part 1 of Schedule 1.
- (2) The amount of the fee payable is the amount specified in Column 5 of Part 1 of Schedule 1 in relation to that fee.
- (3) An amount specified in relation to an application fee in Column 3 of Part 1 of Schedule 1 under the heading “**Processing component**” is taken to be a fee to cover the costs incurred by the Secretary in processing the application.

Note—

This amount is consequently a **processing fee** for the purposes of Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*. If an application is made by electronic communication, the processing fee is discounted (see section 13 of that Act). If an application is refused or withdrawn, the applicant is entitled to a refund of all fees paid, other than the processing fee (see section 22 of that Act).

- (4) (Repealed)
- (5) For the purposes of section 166 of the Act, the amount of the total licence fees payable that are to be paid to the Compensation Fund instead of the Consolidated Fund is the component of the fee specified in relation to the fee in Column 4 of Part 1 of Schedule 1.

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.

9A Secretary's power to waive, reduce, postpone or refund fees

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

Example of 'special circumstances'—

circumstances involving a natural disaster or recovery from a natural disaster

10 Effect of surrendered licence

A licence that is surrendered ceases to have effect.

11 Licence fee for dealing in motor vehicles on wholesale basis only

- (1) The Compensation Fund contribution component, set out in Column 4 of Part 1 of Schedule 1, payable for a fee in relation to a motor dealer's licence is not payable if the person carries on the business of dealing in motor vehicles on a wholesale basis only.
- (2) The licence of a person who does not pay the Compensation Fund contribution component payable for a fee for a licence is subject to the condition that the person must not carry on the business of dealing in motor vehicles other than on a wholesale basis.
- (3) If a licence is subject to a condition under this clause, the licence holder may pay the Compensation Fund contribution component in respect of a specified notified premises and, on doing so, the condition ceases to apply in respect of the specified notified premises.

- (4) For the purposes of subclause (3), the amount of the Compensation Fund contribution component that is required to be paid in respect of notified premises is—
- (a) in relation to a 1 year 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
 - (b) in relation to a 3 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, two-thirds 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 after the grant, renewal or restoration of the licence, one-third of the Compensation Fund contribution component set out in Column 4 of Part 1 of Schedule 1 in relation to the licence,
 - (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) In this clause, ***dealing in motor vehicles on a wholesale basis*** means buying motor vehicles and selling to or exchanging those motor vehicles with other motor dealers for the purposes of resale.

12 Modification of *Licensing and Registration (Uniform Procedures) Act 2002*

Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*, as it applies to and in respect of a licence under the Act, is modified as follows—

- (a) that Part does not authorise an application for a licence under the Act to be made by a partnership,
- (b) section 20(3)(b)(v) of that Act does not require a licence to include the date on which the licence comes into force.

13 Conditions of licence

A licence (other than a tradesperson's certificate) is subject to the condition that the holder of the licence must not—

- (a) transfer, attempt to transfer or lend the licence to another person, or
- (b) allow the use of the licence by another person.

Note—

Section 18(1) of the Act provides that the holder of a tradesperson's certificate must not transfer, attempt to transfer or lend the certificate to another person, or allow the use of the certificate by another person.

14 Required qualifications for licence holders

- (1) For the purposes of section 25(2)(e) and (3)(b) of the Act, in order to be qualified to be granted a licence under the Act—
 - (a) the applicant must not be disqualified from holding a licence,
 - (b) the applicant must have sufficient financial resources to enable the person to carry on business pursuant to the authority that would be conferred by the licence if it were granted.
- (2) For the purposes of section 26(2) of the Act, in order to be qualified to be granted a licence under the Act, the applicant must have sufficient financial resources to enable the person to carry on business pursuant to the authority that would be conferred by the licence if it were granted.

15 Register of undertakings

For the purposes of section 107(2) of the Act, the following particulars are prescribed in relation to deeds under which a licence holder gives an undertaking under Division 1 of Part 5 of the Act—

- (a) the licence holder's name and licence number,
- (b) the address of any place or places of business at which the licence holder may carry on business pursuant to the licence,
- (c) the date on which the undertaking was given by the licence holder,
- (d) brief particulars of the circumstances or unjust conduct that led to the giving of the deed,
- (e) a summary of the undertakings given in the deed.

15A Duration of licences

- (1) Section 33 of the Act, as in force immediately before its repeal by the [Fair Trading Legislation Amendment \(Reform\) Act 2018](#), is taken to continue in force until the commencement day.
- (2) An application for the restoration of a licence made under section 33A of the Act before the commencement day is to nominate a term of 1 year or 3 years for the term of duration for the licence.
- (3) In this clause—

commencement day means the day on which section 33 of the Act (as substituted by the [Fair Trading Legislation Amendment \(Reform\) Act 2018](#)) commences.

Part 3 Motor dealers', motor vehicle recyclers' and motor vehicle repairers' registers

16 Form of register

- (1) For the purposes of section 100(3) of the Act, a register required to be kept by a motor dealer, motor vehicle recycler or motor vehicle repairer may be kept—
 - (a) in writing, or
 - (b) by means of data processing equipment.
- (2) A register required to be kept by a motor dealer, motor vehicle recycler or motor vehicle repairer must be kept at notified premises for which the licence held by the dealer, recycler or repairer is granted.
- (3) If the motor dealer, motor vehicle recycler or motor vehicle repairer operates from

more than one notified premises, the records in respect of each notified premises must be accessible from the notified premises to which they relate.

- (4) Subclause (2) does not apply to a motor vehicle repairer if the repairer carries on the business of a motor vehicle repairer solely from a motor vehicle.
- (5) The prescribed particulars to be kept in a register are the particulars specified in the form for the register prescribed by this Regulation.

17 Registers kept in writing

- (1) A register that is kept in writing must be kept in a book, or series of books, that comply with the following requirements—
 - (a) each book must consist of pages permanently bound together,
 - (b) each book must bear on its front cover a number corresponding to its number in the series (such as Book 1, Book 2 and so on),
 - (c) each book must be used for the purposes of one kind of register and for no other purpose.
- (2) Each page in a register must be in the form prescribed and must consist of white paper of a size not less than standard A4.
- (3) The form prescribed for a register is—
 - (a) in the case of a register that is required to be kept by a motor dealer—Motor Dealer's Register Form (Form 1), and
 - (b) in the case of a register that is required to be kept by a motor vehicle repairer—
 - (i) the Motor Vehicle Repairer's Register Form (Form 2), or
 - (ii) in the case of repair work in relation to a trailer or towable recreation vehicle—the Motor Vehicle Repairer's Register (Trailers and Towable Recreation Vehicles) Register Form (Form 4), and
 - (c) in the case of a register that is required to be kept by a motor vehicle recycler—
 - (i) the Motor Vehicle Recycler's Register (Form 3), or
 - (ii) in relation to the acquisition or disposal of a whole motor vehicle—the Motor Vehicle Recycler's Register (Whole Vehicle) (Form 3A).
- (4) A register is not in the prescribed form unless it is clearly legible, contains no erasures and is not torn, defaced or otherwise mutilated.
- (5) This clause does not prohibit matter in the register from being altered by deleting particulars in a manner that leaves the deleted particulars decipherable (for example,

by means of a line drawn through them).

- (6) In any register, each entry must be consecutively numbered, written legibly and able to be copied.

18 Registers kept by means of data processing equipment

A register that is kept by means of data processing equipment must be kept by means of software that ensures that—

- (a) the information in the register—
- (i) is capable of being displayed and printed, on demand, at each notified premises to which the licence relates, and
 - (ii) when it is so displayed or printed, each page in the register is in the form prescribed for the register, and
 - (iii) includes the date on which each record in the register was made, and
- (b) if information in the register 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.

19 Completion of registers

- (1) For the purposes of section 100(4) of the Act, a licence holder who keeps a register in writing must ensure—
- (a) that all information that is required to be entered in the register in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
 - (b) that no information is entered in the register otherwise than by a person authorised by the licence holder.
- (2) For the purposes of section 100(4) of the Act, a licence holder who keeps a register by means of data processing equipment must ensure—
- (a) that all information that is required to be entered in the register in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
 - (b) that no information is entered in the register otherwise than by a person authorised by the licence holder, and

- (c) that the information in the register is backed up at intervals of no greater than one week.

20 Particulars in register

- (1) The particulars to be included in a register under the heading “**how acquired**” are the particulars of the way in which the motor vehicle, part or accessory concerned was acquired, that is, whether it was acquired by consignment, exchange, purchase, trade-in or another specified kind of acquisition.
- (2) The particulars included in a record in a register relating to a part must include the following—
- (a) if the part was acquired by purchase—the unique identification number of the invoice, receipt or other document issued to the licence holder in connection with the licence holder’s acquisition of the part,
- (b) if the part was acquired otherwise than by purchase by a motor vehicle repairer—the date on which the part was removed from a vehicle or otherwise acquired and the identity of—
- (i) the vehicle from which the part was removed, or
- (ii) the person from whom the part was acquired,
- (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,
- (c) if the part was fitted, sold or otherwise disposed of by a motor vehicle repairer—the date on which the part was fitted, sold or otherwise disposed of and the identity of—
- (i) the vehicle to which the part was fitted, or
- (ii) the person to whom the part was sold or otherwise disposed of.
- (3) An invoice, receipt or other document issued to the licence holder in connection with the licence holder’s acquisition of a part that is identified in the register is to be kept with the register.
- (4) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.

- (5) The following abbreviations may be used in a register, namely, “AB” for airbag, “BL” for boot lid, “BON” for bonnet, “BUF” for front bumper bar, “BUR” for rear bumper bar, “CH” for chassis, “DLF” for left front door, “DLR” for left rear door, “DRF” for right front door, “DRR” for right rear door, “E” for engine, “GL” for left front mudguard, “GR” for right front mudguard, “HD” for hatchback door, “IC” for instrument cluster, “MBS” for major body section, “MW” for alloy mags, “N/A” for not available and “T/G” for transmission or gearbox.

21 Retention of registers

A licence holder who keeps a register must retain the register (together with all copies of records that have been printed out and verified in relation to the register) for at least 6 years after the date on which the last entry was made in it.

Maximum penalty—20 penalty units.

Part 4 Motor dealer’s notices

22 Form of notices generally

All dealer’s notices required to be given by a motor dealer, or attached to a motor vehicle before offering or displaying a motor vehicle for sale, are to be in writing in the following form—

- (a) a notice from a book of notices that complies with this Part,
- (b) a notice printed by means of data processing equipment that complies with this Part.

23 Dealer’s notices produced from book

A dealer’s notice that is produced from a book of notices must be taken from a book, or series of books, that comply with the following requirements—

- (a) each book must include—
 - (i) an original and a duplicate copy of each notice, and
 - (ii) if the book is used for a kind of notice that is required to be attached to the vehicle to which the notice relates, an additional copy of each notice for that purpose,
- (a1) the originals of each notice in a book must be permanently bound together,
- (b) each book must bear on its front cover a number corresponding to its number in the series (such as Book 1, Book 2 and so on),
- (c) each book must be used for the purposes of one kind of notice and no other.

24 Dealer's notices produced by means of data processing equipment

A dealer's notice produced by means of data processing equipment must be produced by means of software that ensures that the notice—

- (a) is in a format that is capable of being displayed and printed, on demand, at each notified premises at which the motor dealer is licensed to carry on the business of a motor dealer, and
- (b) when so displayed or printed, each page is in the approved form, and
- (c) is not capable of being amended or deleted, so that any change in the information in the notice has to be effected by creating a new notice, and
- (d) includes the date on which each notice was produced.

25 Form of dealer's notices

- (1) A dealer's notice must—
 - (a) be clearly legible, and
 - (b) be on white paper of a size not less than standard A4, and
 - (c) be numbered sequentially in the order in which it was produced.
- (2) A dealer's notice must not contain alterations or erasures or be torn, defaced or otherwise mutilated.
- (3) (Repealed)

26 Motor vehicles not for sale

For the purposes of section 63(4)(a) of the Act, a notice that a motor vehicle is not for sale must comply with the following requirements—

- (a) the notice must be on white paper of a size not less than standard A4,
- (b) the notice must contain the words "not for sale" in text of a size that is clearly legible to any person standing immediately outside the part of the vehicle to which it is attached.

27 Completion of dealers' notices

A motor dealer who produces a dealer's notice must ensure that—

- (a) all information that is required to be entered in a notice in relation to any transaction or event is entered no later than when the transaction or event occurs, and
- (b) no information is entered in a notice otherwise than by a person authorised by the motor dealer, and

- (c) if the motor dealer produces the notice by means of data processing equipment—the information as to all notices so produced is backed up at intervals of no longer than one week.

28 Retention of dealers' notices

A motor dealer who produces a dealer's notice must—

- (a) retain copies of the notice for the period of 3 years following the sale of the motor vehicle to which the notice relates, and
- (b) in the case of a notice produced by means of data processing equipment or by means of forms downloaded from the website of NSW Fair Trading—retain the copies of all notices so produced (whether or not containing errors or otherwise being incorrect) together with all other notices of the same type, in sequence of the relevant prescribed register's entry number, in a loose-leaf folder, and
- (c) if required to do so by an authorised officer—produce copies of the notices for inspection by the officer.

Maximum penalty—20 penalty units.

29 Manner for attaching dealers' notices

For the purposes of a requirement of the Act that a dealer's notice be attached to a motor vehicle, the notice is attached to the vehicle if—

- (a) it is firmly attached to—
 - (i) the inside surface of the windscreen, or
 - (ii) if it is not practicable to do so, to some other part of the vehicle, and
- (b) it is clearly visible to any person standing immediately outside the part of the vehicle to which it is attached.

Part 5 Sales on consignment

30 Recording of consignment

- (1) A motor dealer who agrees to sell a motor vehicle on consignment—
 - (a) must have a written agreement for the consignment, and
 - (b) must include the particulars required by this clause in the agreement for the vehicle, and
 - (c) must keep one copy of the agreement and give a copy to the consignor.

Maximum penalty—20 penalty units.

- (2) The particulars required by this clause for a motor vehicle are as follows—
- (a) the consignor's name and address and licence number,
 - (b) the consignee's name and address and licence number,
 - (c) a description of the vehicle, including its registration number or, if the motor vehicle is not registered, its vehicle identification number, if any,
 - (d) particulars of any encumbrance to which the vehicle is subject or, if there is no such encumbrance, a statement to that effect,
 - (e) the price agreed to be paid to the consignor,
 - (f) directions for disbursement of the price agreed to be paid to the consignor, specifying—
 - (i) any amount required to be paid to discharge any encumbrance to which the vehicle is subject, and
 - (ii) if any balance is not to be paid to the consignor at the address specified under paragraph (a), directions for payment of that balance,
 - (g) the date of commencement of the consignment and—
 - (i) the date of termination of the consignment, or
 - (ii) the period of the consignment.
- (3) This clause does not apply if the consignor of a motor vehicle is the owner of the vehicle and is a trade owner.

31 Audit of trust accounts

- (1) A dealer who sells motor vehicles on consignment—
- (a) must keep the accounting records required by this clause, and
 - (b) must retain each such record for at least 6 years after the last entry was made in it.
- Maximum penalty—20 penalty units.
- (2) The accounting records required by this clause are the books and records that will enable the dealer's trust accounts to be properly audited, including—
- (a) a trust receipt book containing forms of receipt, machine numbered consecutively in duplicate, and
 - (b) a trust bank, building society or credit union deposit book containing forms in duplicate, and

(c) a trust account cash book or its electronic equivalent.

32 Disbursements from trust account

For the purposes of section 92(1)(e) of the Act, a motor dealer may apply money held in a trust account to the payment of an amount payable to a credit provider in accordance with the written directions of the consignor.

33 Consignment of motor vehicle from one dealer to another

A dealer must not accept delivery from another dealer of a motor vehicle for sale on consignment without making any reasonable inquiries that may be necessary to establish whether or not the consigning dealer is the owner of the vehicle.

Maximum penalty—20 penalty units.

Part 6 Tradesperson's certificates

34 Classes of repair work

- (1) For the purposes of section 6(2) of the Act, the following classes of repair work are prescribed—
 - (a) **automotive electrician**—being the work carried out by persons who install or repair electrical equipment, systems or circuits in motor vehicles,
 - (b) **body maker**—being the work carried out by persons who make motor vehicle bodies (otherwise than in the course of manufacturing new motor vehicles) or who repair motor vehicle bodies,
 - (c) **compressed natural gas mechanic**—being the work carried out by persons who install or repair compressed natural gas equipment in motor vehicles,
 - (c1) **electrical accessory fitting work**—being the work carried out by persons who install or remove electrical accessories in or from motor vehicles, but does not include work carried out on hybrid or electrically powered motor vehicles,
 - (c2) **exhaust repair work**—being the work carried out by persons who fabricate, modify, service or repair the exhaust systems of motor vehicles, but does not include work on the chassis of motor vehicles,
 - (c3) **glazing work**—being the work carried out by persons who install, repair or remove windscreens or other glass in or from the bodies of motor vehicles,
 - (d) **liquefied natural gas mechanic**—being the work carried on by persons who install or repair liquefied natural gas equipment in motor vehicles,
 - (e) **liquefied petroleum gas mechanic**—being the work carried out by persons who install or repair liquefied petroleum gas equipment in motor vehicles,

- (f) **motorcycle mechanic**—being the work carried out by persons who repair the engines or transmissions or the fuel, induction, exhaust, electrical, steering, suspension, cooling or braking systems, or remove or replace wheels or tyres, of motor cycles only,
- (g) **motor mechanic**—being the work carried out by persons who repair the engines or transmissions or the fuel, induction, exhaust, electrical, steering, suspension, cooling or braking systems of motor vehicles,
- (h) **panelbeater**—being the work carried out by persons who repair the structural components, frames or panels of motor vehicles,
- (h1) **radiator repair work**—being the work carried out by persons who repair the radiators, heating equipment, thermostats or fuel tanks of motor vehicles, but does not include work carried out on hybrid or electrically powered motor vehicles,
- (h2) **steering, suspension and wheel alignment work**—being the work carried out by persons to—
 - (i) service or repair the steering or suspension systems of motor vehicles, or
 - (ii) align the wheels of motor vehicles,but does not include work carried out on hybrid or electrically powered motor vehicles,
- (i) **trailer and caravan mechanic**—being the work carried out by persons who repair the underbody of a trailer or towable recreation vehicle,
- (j) **transmission specialist**—being the work carried out by persons who repair the gears, clutches, drive shafts and differentials of motor vehicles,
- (k) **underbody work**—being the work carried out by persons who repair underbody systems of motor vehicles, including brake equipment or systems, exhaust systems or steering or suspension systems, but does not include mechanical systems or electrical equipment, systems or circuits,
- (l) **vehicle painter**—being the work carried out by persons who paint motor vehicles.

(2) (Repealed)

35 Certain work not repair work

Despite clause 34, the following is not repair work—

- (a) work carried out on a trailer or towable recreation vehicle, other than the underbody,
- (b) work carried out on a recreational motor vehicle with a living space, living facilities, or both, other than work in the following classes of repair work—

- (i) underbody work,
 - (ii) motor mechanic,
- (c) replacement or installation of an accessory that does not alter the performance, handling or safety of the vehicle, if the accessory was replaced or installed for one or more of the following purposes—
- (i) cosmetic customisation of the vehicle,
 - (ii) providing enhanced entertainment options,
 - (iii) informing the driver of vehicle functions or performance,
 - (iv) assisting the driver in navigation or communication,
 - (v) equipping the vehicle for occupational tasks,
- (c1) minor works or repairs that do not affect the mechanical operation of the vehicle, the structure of the vehicle or vehicle safety features (such as impact sensors and airbags), including the following—
- (i) the installation or replacement of the battery,
 - (ii) the removal or replacement of wheels (but not including the replacement of tyres, wheel alignment or work requiring the disassembly of braking or suspension systems or the removal or replacement of wheels or tyres on motorcycles),
 - (iii) the repair and restoration of headlights,
 - (iv) the repair of chips and minor scratches (including filling and repainting),
 - (v) repair of dents (but only repairs using techniques that do not involve cracking or damaging the existing paintwork),
 - (vi) removing parts of a vehicle in preparation for repair work or for the assessment of damage to the vehicle,
- (d) emergency breakdown repairs provided by a membership organisation to a member of the organisation, but only if the work is carried out by an employee of, or contractor with, the membership organisation,
- (e) work carried out by an authorised examiner, within the meaning of the [Road Transport \(Vehicle Registration\) Regulation 2017](#), in the course of exercising the functions of an authorised examiner under that Regulation.

36 Required qualifications for tradesperson's certificate

- (1) For the purposes of section 26(2) of the Act, the required qualifications for a class of repair work are the following VET qualifications—

- (a) for an automotive electrician—Certificate III in Automotive Electrical Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
- (b) for a body maker—
 - (i) Certificate III in Automotive Manufacturing Technical Operations—Bus, Truck and Trailer, being part of the Automotive Manufacturing Training Package, or
 - (ii) Certificate III in Engineering—Fabrication Trade,
- (c) for a compressed natural gas mechanic—Certificate III in Automotive Alternative Fuel Technology, including the CNG specialist elective units from the Automotive Industry Retail, Service and Repair Training Package,
- (c1) for electrical accessory fitting work—Certificate II in Automotive Electrical Technology, including the repairing wiring harnesses and looms unit from the Automotive Industry Retail, Service and Repair Training Package,
- (c2) for exhaust repair work—
 - (i) Certificate II in Automotive Underbody Technology, being part of the Automotive Industry Retail, Service and Repair Training Package, or
 - (ii) Certificate II in Automotive Underbody Technology (Exhaust Repair), or
 - (iii) Certificate II in Automotive Exhaust System Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
- (c3) for glazing work—
 - (i) Certificate II in Automotive Body Repair Technology, including the Automotive Glazing specialist elective units from the Automotive Industry Retail, Service and Repair Training Package, or
 - (ii) Certificate III in Automotive Glazing Technology, being part of the Automotive Industry Retail, Service and Repair Training Package, or
 - (iii) Certificate II in Automotive Vehicle Body, including the vehicle glazing specialist elective units from the Automotive Industry Retail, Service and Repair Training Package, or
 - (iv) Certificate III in Automotive Vehicle Body, including the vehicle glazing specialist elective units from the Automotive Industry Retail, Service and Repair Training Package,
- (d) for a liquefied natural gas mechanic—Certificate III in Automotive Alternative Fuel Technology, including the LNG specialist elective units from the Automotive Industry Retail, Service and Repair Training Package,

- (e) for a liquefied petroleum gas mechanic—Certificate III in Automotive Alternative Fuel Technology, including LPG specialist elective units from the Automotive Industry Retail, Service and Repair Training Package,
 - (f) for a motorcycle mechanic—Certificate III in Motorcycle Mechanical Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
 - (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,
 - (h) for a panelbeater—Certificate III in Automotive Body Repair Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
 - (h1) for radiator repair work—
 - (i) Certificate II in Automotive Cooling System Technology, being part of the Automotive Industry Retail, Service and Repair Training Package, or
 - (ii) Certificate II in Automotive Underbody Technology (Radiator and Cooling System Repair), being part of the Automotive Industry Retail, Service and Repair Training Package,
 - (h2) for steering, suspension and wheel alignment work—Certificate II in Automotive Steering and Suspension System Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
 - (i) for a transmission specialist—Certificate III in Automotive Drivetrain Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
 - (j) for underbody work—either—
 - (i) Certificate III in Automotive Underbody Technology, being part of the Automotive Industry Retail, Service and Repair Training Package, or
 - (ii) Certificate III in Light Vehicle Mechanical Technology, being part of the Automotive Industry Retail, Service and Repair Training Package,
 - (k) for a vehicle painter—Certificate III in Automotive Refinishing Technology, being part of the Automotive Industry Retail, Service and Repair Training Package.
- (2) Despite subclause (1), a person has the required qualifications or experience for a tradesperson’s certificate in respect of a class of repair work if the person—
- (a) has, at any time after the commencement of this clause, held a tradesperson’s

certificate in respect of that class of repair work, or

(b) has a higher education qualification (within the meaning of the *Higher Education Act 2001*) in an area that is relevant to that class of repair work.

(3) In this clause, a **VET qualification** has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

Part 7 Conduct of business

37 Certain persons not to be employed as manager

(1) A licence holder must not employ or continue to employ any person as a manager of notified premises to which the licence relates if the licence holder is notified by the Secretary, or if the licence holder is aware or ought reasonably to be aware, that—

(a) within the last 10 years—

(i) a licence held by the person has been cancelled, or

(ii) the person has been convicted of, or has served any part of a term of imprisonment for, an offence in New South Wales or elsewhere involving fraud or dishonesty, or

(iii) the person, or a corporation of which the person was a director or officer, has been refused a licence on a ground or grounds related to the honesty of the person or on the ground of his or her status as a fit and proper person to be a licence holder, or

(b) the person is subject to a good behaviour bond in relation to an offence in New South Wales or elsewhere involving fraud or dishonesty, or

(b1) the person is subject to a community correction order or conditional release order in relation to an offence involving fraud or dishonesty, or

(c) proceedings have been commenced against the person in New South Wales or elsewhere in relation to an offence involving fraud or dishonesty, or

(d) the person is the holder of a suspended licence, or

(e) the person is disqualified from holding a licence or being concerned in the direction, management or conduct of a business for the carrying on of which a licence is required.

Maximum penalty—20 penalty units.

(2) It is not an offence for a licence holder to commence or continue to employ a person referred to in subclause (1)(a), (b), (c) or (d) if—

- (a) the Secretary approves the commencement or continuation, and
 - (b) any conditions of the approval are complied with.
- (3) It is not an offence for a licence holder to continue to employ a person referred to in subclause (1)(a), (b), (c) or (d) if an application for approval to continue to employ the person has been made to the Secretary but not determined.
- (4) The Secretary may, by notice in writing served on the applicant for an approval, direct that subclause (3) does not apply to the person to whom the application relates.

38 Applications for approval to employ disqualified persons

- (1) An application by a licence holder for approval to continue to employ a disqualified person must be made not later than the first day (other than a Saturday, Sunday or public holiday) that succeeds the day on which the licence holder—
- (a) is notified by the Secretary, or
 - (b) ought reasonably to have become aware,
- that the person is a disqualified person.
- (2) On receiving the application, the Secretary may, after due inquiry—
- (a) grant the application, either conditionally or unconditionally, or
 - (b) refuse the application.
- (3) If the Secretary refuses to grant the application, the Secretary must cause notice of the refusal to be served on the applicant and on the disqualified person in respect of whom the application was made.
- (4) In this clause, **disqualified person** means a person whom a licence holder must not employ or continue to employ under clause 37.

39 Advertising of charges

- (1) The holder of a motor dealer's licence must not publish an advertisement that specifies an amount as the purchase price of a motor vehicle (other than a second-hand motor vehicle) in circumstances in which any dealer's charges or statutory charges are payable in addition to the purchase price unless the advertisement also specifies—
- (a) that an additional amount (that must be specified in the advertisement) will be payable by way of dealer's charges, and
 - (b) that a further additional amount (that need not be specified in the advertisement) will be payable by way of statutory charges (to be described by means of the

expression “statutory charges” or “government charges” and not by means of the expression “on road costs” or any other similar expression).

Maximum penalty—20 penalty units.

- (2) Subclause (1)(a) does not apply to the holder of a motor dealer’s licence who does not sell motor vehicles by retail or to the type of advertisement known as a “group advertisement” which refers specifically or generally to more than one dealer.
- (3) In this clause—

dealer’s charges, in relation to a motor vehicle advertised for sale by a dealer, means any amounts, other than—

- (a) the amount of the purchase price of the vehicle, or
- (b) any statutory charges relating to the vehicle,

that are payable to the dealer by a purchaser of the vehicle before, or on, its delivery by the dealer.

statutory charges, in relation to a motor vehicle, means—

- (a) any tax or fee payable on registration, or renewal of registration, of the vehicle, or
- (b) any duty charged on the certificate of registration of the vehicle, or
- (c) any premium and duty payable in respect of a policy of insurance issued, or deemed to have been issued, under the [Motor Accidents Compensation Act 1999](#) in relation to the vehicle.

40 Advertising sale of motor vehicle that is damaged or defective

- (1) A motor dealer who advertises for sale a motor vehicle that is a damaged motor vehicle referred to in section 65 of the Act must include in the advertisement—
- (a) a statement to the effect that the vehicle has been damaged, and
- (b) a further statement specifying whether or not the damage has been repaired.

Maximum penalty—20 penalty units.

- (2) A motor dealer who advertises for sale a motor vehicle the subject of a defect notice referred to in section 74 of the Act must include in the advertisement the words and figures “DEFECTIVE VEHICLE—REPAIR COST \$ ” and specify the repair cost, being the total estimated cost specified in the defect notice in relation to the repairing or making good of the defects so specified.

Maximum penalty—20 penalty units.

(3) A motor dealer must not publish an advertisement offering for sale a motor vehicle the subject of a dealer guarantee if the vehicle has defects—

(a) of a kind that the dealer is required to repair or make good under the guarantee, and

(b) of which the dealer knew, or ought to have known, at the time the dealer published the advertisement,

unless the advertisement includes a statement drawing attention to the existence of defects in the vehicle.

Maximum penalty—20 penalty units.

(4) The matter required by this clause to appear in an advertisement in relation to a motor vehicle must appear in writing of a size that is legible to any person who sees the advertisement.

41 Representations as to availability of motor vehicle or finance

A motor dealer must not—

(a) knowing that a motor vehicle is not for sale, represent that it is for sale, or

(b) represent that the purchase of a motor vehicle may be financed in a manner that the dealer knows to be unlawful or unavailable.

Maximum penalty—20 penalty units.

42 Odometer readings

A motor dealer must not—

(a) publish an advertisement that specifies the reading on the odometer of a motor vehicle, or

(b) during negotiations for the sale of a motor vehicle, specify the reading on the odometer of the vehicle,

if the motor dealer knows, or suspects on reasonable grounds, that the reading on the odometer is a false representation of the distance travelled by the vehicle.

Maximum penalty—20 penalty units.

43 Certain advertisements to identify vehicle

A motor dealer must not publish an advertisement that refers to—

(a) a specified motor vehicle, or

(b) any specified price at which a specified second-hand motor vehicle may be

purchased,

unless the advertisement specifies the registration number or, if the motor vehicle is not a registered vehicle, the stock or entry number, of the vehicle.

Maximum penalty—20 penalty units.

44 Examination of motor vehicle

A motor dealer who offers a motor vehicle for sale must facilitate any reasonable examination of the vehicle by, or on behalf of, a prospective purchaser of the vehicle.

Maximum penalty—20 penalty units.

45 Protection of interest of third party

- (1) If a motor dealer agrees to act as agent for the sale of a second-hand motor vehicle, or to accept a motor vehicle as a trade-in, the dealer must use reasonable diligence—
 - (a) to ascertain whether the vehicle is subject to a lease, hire-purchase agreement or mortgage, and
 - (b) if so, to bring the sale agreement to the notice of the relevant lessor, owner or mortgagee.

Maximum penalty—20 penalty units.

- (2) In this clause, **mortgage** has the same meaning as it has in the [National Credit Code](#).

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.

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.

48 Receipts for engines disposed of by motor vehicle repairers and motor vehicle recyclers

- (1) A motor vehicle repairer or motor vehicle recycler who disposes of a motor vehicle engine to a person must issue to the person a receipt (taken from a receipt book containing duplicate copies of consecutively numbered receipt forms) on which is written the following information—
 - (a) the date of disposal,
 - (b) a description of the engine,
 - (c) the number marked on the engine,
 - (d) the person's name and address.

Maximum penalty—20 penalty units.

- (2) A person who is required to issue a receipt under this clause must—
 - (a) retain the receipt book (in the same place as the repairer's register or recycler's register kept by the person) for at least 6 years after the date on which the last entry was made in it, and
 - (b) if required to do so by an authorised officer before the expiration of the period referred to in paragraph (a), produce the receipt book for inspection by the officer.

Maximum penalty—20 penalty units.

Part 8 Miscellaneous

49 Inspection reports

For the purposes of section 56 of the Act, the period prescribed is the period of 42 days before the day on which the inspection report is being relied on.

50 Auction notice

- (1) (Repealed)
- (2) For the purposes of section 57 of the Act, a notice is attached to a motor vehicle if—
 - (a) it is firmly attached to—
 - (i) the inside surface of the windscreen, or
 - (ii) if it is not practicable to do so, to some other part of the vehicle, and
 - (b) it is clearly visible to any person standing immediately outside the part of the vehicle to which the notice is attached.

51 Cooling off periods

- (1) For the purposes of sections 81(4) and 82(1)(a) of the Act, the prescribed form setting out the purchaser's rights under Division 5 of Part 4 of the Act and form of a waiver of a purchaser's rights under that Division is the Cooling Off Period Notice Form (Form 12).
- (2) The information contained in the form must be contained in the contract for the purchase of a motor vehicle immediately above the place in which the purchaser is to sign the contract.

52 General provisions concerning the recording of information

- (1) The particulars of a motor vehicle to be inserted in a form that requires the vehicle's date of manufacture are the month and year of the vehicle's built date or (if the vehicle does not have a built date) the month and year of the vehicle's identification plate date.
- (2) The following abbreviations may be used for the purpose of recording information in any register or receipt for the purposes of this Regulation, namely, "MD" for Dealer's Licence, "Lic. No." for Licence Number, "C" for consigned, "D" for dismantled, "E" for exchanged, "P" for purchased, "S" for sold, "T" for trade-in and "W" for wholesale.
- (3) If the particulars of a motor vehicle to be inserted in a form include the vehicle's vehicle identification number, but the vehicle does not have such a number, the vehicle's chassis number is to be inserted instead.

(4) Any information required to be recorded by this Regulation must be recorded, legibly, in the English language.

(5) In this clause—

built date, in relation to a motor vehicle, means—

(a) the date entered as the “build date” for the vehicle on the RAV, or

(b) otherwise—the date that, combined with the word “Built” or the words “Built Date”, appears on an adhesive sticker or metal plate affixed to the vehicle or on a sheet metal component of the vehicle.

identification plate date, in relation to a motor vehicle, means the date that appears on an identification plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the [Motor Vehicle Standards Act 1989](#) of the Commonwealth as in force immediately before its repeal.

RAV means the Register of Approved Vehicles kept under the [Road Vehicle Standards Act 2018](#) of the Commonwealth, section 14(1).

53 Motor Dealers and Repairers Compensation Fund

For the purposes of section 168(3) of the Act, a claim for compensation may not be made under Part 8 of the Act in respect of the following—

(a) loss of or damage to a motor vehicle of such design as to be incapable of being registered in New South Wales,

(b) loss of or damage to a motor vehicle that has been modified solely for use in motor racing or off-road motor sport,

(c) loss of or damage to a motor vehicle (other than a motorcycle) that is more than 35 years old,

(d) loss of or damage to a motorcycle that is more than 10 years old,

(e) loss incurred by the claimant in making the claim (including receiving legal advice),

(f) loss or damage to a vehicle that is a vehicle to which the dealer guarantee does not apply under section 72 of the Act,

(g) loss or damage to a motor vehicle that is not a motor vehicle used substantially for private purposes within the meaning of the [Motor Vehicles Taxation Act 1988](#).

53A Certification of loss

For the purposes of section 171(2) of the Act, the amount of \$40,000 is prescribed.

54 Register of licences

For the purposes of section 177(3) of the Act, the following particulars must be included in the register of licences issued under the Act—

- (a) the name of the licence holder,
- (b) the licence holder's notified premises,
- (c) the number of the licence,
- (d) the type of licence,
- (e) the date of expiry of the licence,
- (f) the current status of the licence,
- (g) the conditions (other than conditions imposed by the Act or this Regulation), if any, to which the licence is subject,
- (h) if the licence holder is a corporation—the names of the directors of the corporation,
- (i) instances of any disciplinary action taken against the licence holder under the Act or this Regulation,
- (j) the number of penalty notices issued in relation to offences against the Act or this Regulation,
- (k) the date of an offence against the Act or this Regulation in respect of which proceedings have been brought against the licence holder (other than any prosecution which does not result in the licence holder being found guilty of an offence under the Act or this Regulation),
- (l) if an administrator has been appointed under Division 5 of Part 5 of the Act, a reference to that fact,
- (m) the number of claims (if any) made against the Compensation Fund arising from the conduct of the licence holders that have been allowed by the Secretary.

55 (Repealed)

56 Penalty notice officers

- (1) For the purposes of section 158(6) of the Act, the following are prescribed as penalty notice officers—
 - (a) an officer of the Department of Customer Service who is authorised in writing by the Secretary,
 - (b) an investigator appointed under section 18 of the *Fair Trading Act 1987*,

- (c) a police officer or any other member of the NSW Police Force who is authorised by the Commissioner of Police in writing to exercise the functions of a penalty notice officer under the Act,
- (d) a person authorised in writing as a penalty notice officer by Transport for NSW,
- (e) a Class 10 officer authorised in writing by the Secretary.

(2) In this clause—

Class 10 officer has the same meaning as in the [Road Transport \(General\) Regulation 2021](#), Schedule 4.

57 Expenses of administrator

For the purposes of clause 12(6) of Schedule 1 to the Act, the period within which a person may apply to the Supreme Court to re-open an agreement entered into with respect to the remuneration paid or to be paid to an administrator is 30 days commencing on the day on which the agreement was entered into.

58 Limitation periods for dealer guarantee

A time limit specified in section 69 of the Act does not include any period in which the motor dealer has possession or control of the motor vehicle concerned (including for the purpose of assessing, repairing or making good any defect in the motor vehicle).

59 Trailers and towable recreation vehicles exempt from dealer guarantee

Division 4 (Defects in motor vehicles sold by motor dealers) of Part 4 of the Act does not apply in respect of a trailer or towable recreation vehicle.

Schedule 1 Fees

(Clause 8)

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)
Motor dealer					
	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
	Application for renewal of licence				
	(a) 1 year	3.29 per notified premises	0.71	1.39 per notified premises	5.39
2	(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
	Application for restoration of licence				
	(a) 1 year	3.29 per notified premises	1.47	1.39 per notified premises	6.15
3	(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
	Motor vehicle repairer				
	Application for grant of licence				
	(a) 1 year	2.24 per notified premises	2.19	2.79 per notified premises	7.22
4	(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
	Application for renewal of licence				
	(a) 1 year	1.09 per notified premises	0.71	0.45 per notified premises	2.25
5	(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
	Application for restoration of licence				
6	(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
	Motor vehicle recycler				
	Application for grant of licence				
7	(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
	Application for renewal of licence				
8	(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
	Application for restoration of licence				
9	(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
	Tradesperson's certificate				
	Application for grant of certificate				
10	(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
	Application for renewal of certificate				
11	(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
	Application for restoration of certificate				
	(a) 1 year	Nil	0.26	Nil	0.26
12	(b) 3 years	Nil	0.57	Nil	0.57
	(c) 5 years	Nil	0.92	Nil	0.92
	Application to amend certificate to add or remove class of repair work				
13		Nil	0.48	Nil	0.48
	Other fees				
	Application for replacement of licence or certificate				
14		Nil	0.46	Nil	0.46
	Application for certificate certifying licensee status				
15		Nil	0.31	Nil	0.31

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is—

- (a) in the financial year 2017–18—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$100 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

Editorial note—

Fee unit amount calculated under this clause—

Financial year	Fee unit amount
2018-19	\$102.07
2019-20	\$103.41
2020-21	\$105.48
2021-22	\$106.47
2022-23	\$111.14
2023-24	\$119.23
2024-25	\$123.72

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit (including the amount of a component of a fee) is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.

- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

Schedule 2 Forms

Form 1 Motor Dealer's Register

Motor Dealers and Repairers Act 2013; section 100

Name of licensee: Licence number:

Details of acquisition

Entry No.	Date of acquisition	Name and address of person from whom vehicle acquired (if trade owner also insert motor dealer Licence No.)	How acquired	Make and body type	Model designation and date of manufacture	Registration Number (if any)	Engine No.	VIN or chassis No.	Odometer reading

Details of disposal

Date of disposal	How disposed (or Trust Account entry No. for vehicles consignment)	Type and serial number of disposal form	Cash price at which vehicle disposed	Odometer reading	Name and address of person to whom vehicle disposed (if trade owner also insert motor dealer Licence No.) (if private purchaser at auction also insert driver Licence No.)

Form 2 Motor Vehicle Repairers' Register

Motor Dealers and Repairers Act 2013; section 100

Name of licensee: Licence number:

Details of acquisition

Entry No.	Date of acquisition	How acquired (purchase/non-purchase)	Invoice or receipt (if acquired by purchase)	Name and address of person from whom part was acquired [MD Licence No.]	Prescribed part description	Make and body type	Model and date of manufacture	Engine No.
-----------	---------------------	--------------------------------------	--	---	-----------------------------	--------------------	-------------------------------	------------

Details of disposal

VIN or chassis No. (details of acquisition continued)	Date fitted, sold or disposed	Make and body type (vehicle to which the part was fitted)	Model and date of manufacture	Engine No.	VIN or chassis No. (details of disposal continued)	Name and address of person to whom part disposed
---	-------------------------------	---	-------------------------------	------------	--	--

NOTE—

Each entry **MUST** include the name and address of the persons from whom the prescribed part was acquired/was purchased OR the identity of the vehicles from which the prescribed part was removed/fitted.

Prescribed parts

- 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/engine block
 Gearbox/transmission/transaxle (front wheel drive vehicles)
 Instrument cluster/odometer/hour gauge
 Car radio/tape/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)
 Headlights

Form 3 Motor Vehicle Recycler’s Register

Motor Dealers and Repairers Act 2013; section 100

Name of licensee: **Licence number:**

Details of acquisition

Entry No.	Date of acquisition	Make and body type	Model designation and date of manufacture	Engine No.	VIN or chassis No.	Name and address of person from whom acquired (including trade owner licence (where applicable) or other photo ID)	Prescribed part description (including details of how acquired)	Part salvaged (Y/N)
------------------	----------------------------	---------------------------	--	-------------------	---------------------------	---	--	----------------------------

Details of disposal

Date of disposal	How disposed	Receipt No.
-------------------------	---------------------	--------------------

NOTE—

The name and address of the purchaser, a description of the prescribed part(s), the relevant VIN and the dealer's licence number **MUST** be recorded on each sale receipt for prescribed parts. Each entry **MUST** include the name and address of the persons from whom the part was acquired or to whom the part was sold **AND** the identity of the vehicles from which the part was removed **EXCEPT** where there are multiple entries (i.e. prescribed parts) for each vehicle.

Prescribed parts

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/engine block

Gearbox/transmission/transaxle (front wheel drive vehicles)

Instrument cluster/odometer/hour gauge

Car radio/tape/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)

Headlights

Form 3A Motor Vehicle Recycler's Register (Whole Vehicle)

Motor Dealers and Repairers Act 2013; section 100

Details of acquisition

Date—		Entry number—	
Licensee—		Licence number—	
Make and body type—		Model designation and date of manufacture—	
VIN or chassis number—		Engine number—	
Name and address of person or company from whom vehicle acquired—			
Identification/Licence details—			

Details of disposal

Prescribed part	Salvage (Yes/No)	Date	Receipt no/Disposal details
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/engine block			
Gearbox/transmission/transaxle (front wheel drive vehicles)			
Instrument cluster/odometer/hour gauge			

Car radio/tape/compact disc			
Electronic navigation equipment			
Multimedia equipment			
Airbags/air curtains (side impact airbags)			
Alloy wheels			
Seats			
Finaldrive (differential for rear wheel drive vehicle)			
Headlights			

Form 4 Motor Vehicle Repairer’s Register (Trailers and Towable Recreation Vehicles)

Motor Dealers and Repairers Act 2013; section 100

Name of licensee: Licence number:

Details of acquisition

Entry No.	Date of acquisition	How acquired (purchase/non-purchase)	Invoice or receipt (if acquired by purchase)	Name and address of person from whom part was acquired [MD licence No.]	Prescribed part description	Make and body type	Model and date of manufacture	VIN or chassis No.

Details of disposal

Date fitted, sold or disposed	Make and body type (vehicle to which the part was fitted)	Model and date of manufacture	VIN or chassis No.	Name and address of person to whom part was disposed

NOTE—

Each entry **MUST** include the name and address of the person from whom the part was acquired/was purchased **OR** the identity of the vehicles from which the part was removed/fitted.

Prescribed parts

Axles

External windows

Doors

Water heater

Air conditioners

Fridges

Brake assembly

Awnings

FORM 12: NOTICE FOR COOLING OFF PERIOD FOR VEHICLES PURCHASED THROUGH DEALER FINANCE

Motor Dealer's and Repairers Act 2013: Sections 81 and 82.

DEALER INFORMATION:

Dealer Name—	Motor Dealer Licence Number—
--------------	------------------------------

Dealer Address—

VEHICLE INFORMATION:

Make—	VIN/Chassis number—
-------	---------------------

Model—

CREDIT PROVIDER INFORMATION:

Name of Credit Provider—

YOUR COOLING OFF RIGHTS:

You are signing a contract to buy this vehicle. If finance for the purchase is being provided by the dealer or the dealer is arranging or facilitating the provision of credit through a linked credit provider, you may take advantage of the cooling off period. This is the period in which you may change your mind about buying this vehicle and terminate the sales agreement.

You have the right to decide within one business day of signing the contract not to proceed with the purchase and to terminate the sale agreement. You may take this action up until the end of the cooling off period. The period ends at 5pm on the next business day after you sign the contract. If the dealer closes before 5pm on the next business day after you have signed the contract, the cooling off period ends at the close of business on the next day that the dealer is open for business.

You may terminate the contract by giving a written notice to the dealer. The notice may be signed by you or by your solicitor or barrister. You will not be able to take possession of the vehicle during the cooling off period unless the dealer agrees. If the dealer has agreed to let you take possession of the vehicle during the cooling off period, you may still terminate the contract.

If you terminate the contract during the cooling off period, you will have to pay the dealer \$250.00 or 2% of the purchase price, whichever is the lesser amount. You will also have to repay the dealer any amount paid for a trade-in. You will also be required to return the vehicle if you have taken delivery of it.

NO COOLING OFF PERIOD:

There is no cooling off period in respect of—

- (a) a sale by a motor dealer to another motor dealer, a financier or a motor vehicle recycler,
- (b) a sale at a bona fide auction,
- (c) a sale of a vehicle intended to be used predominantly for business or other commercial purposes, or
- (d) a sale where the provision of credit by a linked credit provider of the motor dealer to the purchaser is not arranged or facilitated by the motor dealer.

WAIVING YOUR RIGHT TO A COOLING OFF PERIOD:

You may waive your right to a cooling off period. Should you waive your right to a cooling off period YOU WILL LOSE YOUR RIGHT TO TERMINATE THE SALES AGREEMENT.

	I wish to keep my right to a cooling off period.
Purchaser's Signature—	Date—
	I wish to waive my right to a cooling off period.
Purchaser's Signature—	Date—

Schedule 3 Penalty notice offences

For the purposes of section 158 of the Act—

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 11	\$5,500
Section 12	\$5,500
Section 13	\$5,500
Section 15(1)	\$550
Section 16(1)	\$330
Section 16(2)	\$330
Section 17	\$330

Section 18(1)	\$330
Section 18(2)	\$330
Section 19	\$330
Section 37	\$330
Section 47(1)	\$330
Section 47(2)	\$330
Section 48(1)	\$330
Section 49	\$330
Section 52	\$1,100
Section 53	\$1,100
Section 57(1)	\$330
Section 58(1)	\$330
Section 59	\$330
Section 63(2)	\$330
Section 63(3)	\$330
Section 64	\$330
Section 83(1)	\$330
Section 89(1)	\$330
Section 90	\$330
Section 91	\$330
Section 94	\$330
Section 95(1)	\$330
Section 97	\$330
Section 98	\$330
Section 99	\$330
Section 100	\$550
Section 102(4)	\$2,200
Section 103(4)	\$330
Section 155(a)	\$330
Section 155(d)	\$330

Section 184	\$330
Offences under this Regulation	
Clause 7	\$330
Clause 21	\$330
Clause 30(1)	\$330
Clause 31(1)	\$330
Clause 39(1)	\$330
Clause 40(1)	\$330
Clause 40(2)	\$330
Clause 40(3)	\$330
Clause 43	\$330
Clause 44	\$330
Clause 46(1)	\$330
Clause 48(1)	\$330
Clause 48(2)	\$330

Schedule 4 Savings and transitional provisions

Division 1 Interpretation

1 Interpretation

- (1) Words and expressions used in this Schedule have the same meaning as in Schedule 2 to the Act.
- (2) In this Schedule, the **principal Act** means the [Motor Dealers and Repairers Act 2013](#).

Division 2 Provisions consequent on enactment of Motor Dealers and Repairers Act 2013

2 Equivalent tradesperson's certificates

- (1) For the purposes of clause 4(1)(e) of Schedule 2 to the Act, the class of repair work corresponding to a class of repair work under the 1980 Act (the **corresponding class**), is—
 - (a) for the liquefied petroleum gas mechanics class of repair work under the 1980 Act—the liquefied petroleum gas mechanic class of repair work, and
 - (b) for the natural gas mechanics class of repair work under the 1980 Act—both the

- liquefied natural gas mechanic and compressed natural gas mechanic classes of repair work, and
- (c) for the automotive electricians—fixed workshops or automotive electricians—mobile workshops class of repair work under the 1980 Act—the automotive electrician class of repair work, and
 - (d) for the body makers class of repair work under the 1980 Act—the body maker class of repair work, and
 - (e) for the brake mechanics, exhaust repairers or front end specialists class of repair work under the 1980 Act—the underbody work class of repair work, and
 - (f) for the motor cycle mechanics class of repair work under the 1980 Act—the motorcycle mechanic class of repair work, and
 - (g) for the motor mechanics—fixed workshops, motor mechanics—mobile workshops class of repair work under the 1980 Act—the motor mechanic class of repair work, and
 - (h) for the panelbeaters class of repair work under the 1980 Act—the panelbeater class of repair work, and
 - (i) for the transmission specialists class of repair work under the 1980 Act—the transmission specialist class of repair work, and
 - (j) for the vehicle painters—fixed workshops or vehicle painters—mobile workshops class of repair work under the 1980 Act—the vehicle painter class of repair work.
- (2) Despite subclause (1), the holder of a tradesperson’s certificate under the 1980 Act, immediately before the repeal of that Act, that does not have a corresponding class or that was subject to a condition or restriction as to the work that may be carried out by the holder, is taken to hold a tradesperson’s certificate—
- (a) that authorises the holder to carry out repair work of the type the holder was authorised to carry out before the repeal of the 1980 Act (and not in respect of the class of repair work specified by subclause (1)), and
 - (b) that may be renewed under the principal Act as if it were a tradesperson’s certificate granted under that Act.
- (3) If a person is taken to be the holder of a tradesperson’s certificate in the underbody work class of repair work by subclause (1)(e), the tradesperson’s certificate is subject to the condition that the person must not undertake work other than work that the person was authorised to carry out under the tradesperson’s certificate that the person held under the 1980 Act.

3 Register of licences to include offences under the 1974 Act or 1980 Act

The particulars of disciplinary action (if any) taken against an existing licence holder, including penalty notices issued or prosecutions (other than any prosecution which does not result in the licence holder being found guilty of an offence) in relation to an offence against the 1974 Act or the 1980 Act (or the regulations under those Acts) are particulars that must be included in the register of licences in respect of a licence that is taken to have been granted to that licence holder by clause 4 of Schedule 2 to the principal Act or this Schedule.

4 Application made before commencement

- (1) The Secretary may deal with any application for a licence made under the 1974 Act or a licence or tradesperson's certificate under the 1980 Act before the commencement of the principal Act as if the relevant Act had not been repealed.
- (2) Schedule 2 to the Act and this Schedule apply to a person who is granted a licence under the 1974 Act or the 1980 Act after the commencement of the principal Act in the same way as it applies to an existing licence holder.

5 Persons disqualified from holding licence under 1974 Act or 1980 Act

- (1) A person who was disqualified from holding a licence or tradesperson's certificate or from being concerned in the direction, management or conduct of a business under either the 1974 Act or the 1980 Act is taken to have been disqualified from holding a licence (of any type) or from being concerned in the direction, management or conduct of a business under the principal Act.
- (2) Any such disqualification from holding a licence under the principal Act ends when the disqualification would have ended had the relevant Act not been repealed.

6 Joint licence holders

- (1) For the purposes of Schedule 2 to the principal Act, if 2 or more persons jointly held a licence granted under the 1980 Act immediately before the repeal of that Act (a **joint licence**), each such person is taken to be a holder of a licence, of the type that was held jointly, until the end of the term for which the licence is taken to have been granted under clause 7.
- (2) A person who was a holder of a joint licence may apply for the renewal of the licence. Such an application must, in addition to any other information that is required to accompany an application for the renewal of a licence, be approved by all of the joint holders of the licence and must nominate one person to be the holder of the licence under the principal Act.

7 Duration of licences held by existing licence holders

- (1) A licence (including a tradesperson's certificate) granted under the 1974 Act or the

1980 Act is taken to have been granted for a term ending on—

(a) the date specified in the licence, or

(b) if no date is specified in the licence, the date of the first anniversary of the day on which the licence was granted occurring after the commencement of the principal Act.

(2) The Secretary may, by notice published in the Gazette, specify a date later than the date determined under this clause for the end of the term of a licence or class of licences (being a date not later than the date of the third anniversary of the commencement of the principal Act) and the licence or class of licences is taken to have been granted for a term ending on the date so specified.

8 References to motor vehicle parts reconstructor's licence

Despite clause 5(c) of Schedule 2 to the principal Act, in any document a reference to a motor vehicle parts reconstructor's licence under the 1974 Act is taken to be a reference to a motor vehicle recycler's licence granted under the principal Act.

9 Qualifications and experience for tradespersons' certificates

(1) This clause applies to a person who, on 1 September 2015—

(a) was enrolled in a course, or

(b) had completed a course, but not yet been awarded a certificate for the completion of the course,

if, on the successful completion of the course, the person meets the qualification or experience requirements to be granted a tradesperson's certificate under the 1980 Act as in force immediately before its repeal.

(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.

(2) A person to whom this clause applies is taken to have the qualifications or experience for the grant of a tradesperson's certificate in respect of the corresponding class of repair work under the principal Act.

10 Reference to cancelled licence

- (1) A reference to a licence is taken to include a reference to a licence issued under the 1974 Act or the 1980 Act and cancelled for disciplinary reasons under that Act. Such a licence is taken to have been cancelled under the principal Act.
- (2) A reference to the cancellation of a person's licence in clause 37 of this Regulation includes the cancellation of a licence held by the person under the 1974 Act or the 1980 Act for disciplinary reasons.

11 Display of licences

Until 1 September 2015, the holder of a licence that was issued under the 1974 Act or the 1980 Act is not guilty of an offence under clause 7 (Licence holder to display signs) of this Regulation if the licence holder continues to comply with the display and signage requirements applicable to the licence holder before the commencement of the principal Act.

12 Record keeping requirements

- (1) Until 1 September 2015, a person who was the holder of a licence which was issued under the 1974 Act or the 1980 Act is not guilty of an offence under Section 100 (Registers must be kept by motor dealers, motor vehicle recyclers and motor vehicle repairers) of the principal Act if the licence holder continues to comply with the record keeping requirements applicable to the licence holder before the commencement of the principal Act.
- (2) Until 1 September 2015, the holder of a licence may keep a register that is required to be kept under section 100 of the principal Act by downloading and printing a copy of the form from the website of NSW Fair Trading. The licence holder must keep a copy of each register as if it were a notice book that complied with Part 4 of this Regulation.
- (3) Until 1 September 2015, the holder of a licence is taken to have used a prescribed form if they download and print a copy of the relevant form from the website of NSW Fair Trading.

13 Transitional provision for repairers of trailers and caravans

- (1) The principal Act and this Regulation, in so far as they require a person who carries on the trailer and caravan mechanic class of repair work to hold a licence under the principal Act, do not apply to or in respect of a person who—
 - (a) was not the holder of a licence under the 1974 Act or the 1980 Act immediately before the repeal of those Acts, and
 - (b) immediately before the commencement of the Act, carried out the business of a motor vehicle repairer or the holder of a tradesperson's certificate in the trailer and caravan mechanic class of repair work, and

- (c) does not carry out repair work other than work within the trailer and caravan mechanic class of repair work, and
 - (d) does not hold a motor vehicle repairer licence under the principal Act.
- (2) Nothing in subclause (1) prevents a person who carries on the trailer and caravan mechanic class of repair work from applying for, or holding, a motor vehicle repairer licence under the principal Act.
- (3) This clause ceases to have effect on 1 September 2015.

Division 3 Provision consequent on [Motor Dealers and Repairers Amendment \(Miscellaneous\) Regulation 2017](#)

14 Continued use of existing forms

A form set out in Schedule 2, as in force immediately before the commencement of the [Motor Dealers and Repairers Amendment \(Miscellaneous\) Regulation 2017](#), continues to be a prescribed form for the period of 4 months after the commencement of that regulation.