



**Small
Business
Commissioner**

Small Business Commissioner
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OUT19/9892

Fair Trading Regulation 2019
Better Regulation Division, Regulatory Policy
McKell Building
Level 5, 2-24 Rawson Place
SYDNEY NSW 2000
Email: fttr@finance.nsw.gov.au

Dear Sir or Madam

Submission on the Proposed *Fair Trading Regulation 2019* (under the *Fair Trading Act 1987*).

Thank you for the opportunity to make a submission to the Better Regulation Division, Proposed *Fair Trading Regulation 2019*.

As the NSW Small Business Commissioner, I am appointed to support small businesses in NSW by speaking up for small business within government.

I am committed to supporting improvements to the operating environment for small businesses throughout NSW. I provide the following submission in response to feedback received from motor vehicle smash repairers in relation to the impacts of the current operation of the national Motor Vehicle Insurance and Repair Industry (MVIRI) Code of Conduct on small business smash repairers.

Representatives of my office attend Code of Conduct Administrative Committee (CAC) meetings to assist the industry and promote the best possible operation of the Code for smash repairer small businesses and the motor vehicle repair industry.

Signatories to the Code of Conduct

Membership of the Code for motor vehicle smash repairers and insurers is mandatory in NSW. Signatories are those insurers, repairers and repairer representative organisations which are listed on the Code register of signatories and which have agreed to be bound by the provisions of the Code.

MVIRI Code of Conduct Website (www.abrcode.com.au)

To become a signatory repairers are asked to register through a login process on the MVIRI Code website. Repairer representatives on the CAC have advised my office that too often small business repairers find the website registration process very difficult to navigate and do not complete the process. Repairers that do not register are unable to access the industry's Internal Dispute Resolution (IDR) process.

Internal Dispute Resolution (IDR)

Section 11.2(b) of the Code says "*Disputes must in the first instance be registered through the Code Website, whereupon the CAC will immediately advise the relevant insurer of the IDR dispute lodgement*". Many repairers are experiencing difficulty with the Code registration process and the same repairers feel they are being denied reasonable access to the IDR submission process.

Given the Code is mandatory in NSW, I submit that the *Fair Trading Regulation 2019* amends the Code to provide all smash repairers licenced in NSW with an automatic registration (or similar) and equivalent streamlined access to the Code Website. NSW Fair Trading would provide each repairer with the login details they need to be able to use the Code Website. This change will improve the access repairers have to the IDR process and help promote the Code to all industry stakeholders.

Yours sincerely

Robyn Hobbs OAM
NSW Small Business Commissioner
21 July 2018