

Statement of Regulatory Intent

Motor Dealers and Repairers Act 2013 **Motor Dealers and Repairers Regulation 2014**

This is a Statement of Regulatory Intent about “minor works or repairs” that are not “repair work” within the meaning of *Motor Dealers and Repairers Act 2013 (the Act)* and the Motor Dealers and Repairers Regulation 2014 (**the Regulation**).

Section 16 of the Act provides that repair work must be done by a person holding a tradesperson’s certificate for a class of repair work prescribed by the Regulation, unless the person is doing the work in the course of an apprenticeship or traineeship or in other circumstances prescribed by the Regulation. In order to obtain a tradesperson’s certificate, an applicant must have a prescribed Certificate Level III qualification (or a valid restricted or conditional certificate) for the relevant class of repair work.

The Regulation was amended on 29 September 2017 to insert new clause 35(c1) specifying that 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) are not “repair work” and therefore a tradesperson’s certificate is not required to perform those works or repairs. Clause 35(c1)(ii) explicitly exempts from the definition of “repair work” the removal or replacement of wheels “*but not including the replacement of tyres*”.

Concerns have been raised with NSW Fair Trading about clause 35(c1)(ii) and the impact its enforcement has had on individuals and businesses in the tyre fitting industry. In particular, NSW Fair Trading has had regard to advances in the tyre fitting industry.

This Statement of Regulatory Intent confirms NSW Fair Trading’s position that people who are engaged in car tyre fitting repair work that does not affect the mechanical operation of the vehicle, the structure of the vehicle or vehicle safety features (such as impact sensors and airbags) may continue to do so even if they do not hold a tradesperson’s certificate.

The requirement to obtain the relevant tradesperson’s certificate is maintained for the following work:

- tyre fitting that affects the mechanical operation of the vehicle, the structure of the vehicle or vehicle safety features (such as impact sensors and airbags);
- wheel alignment;
- tyre fitting for wheels with split rims; or
- work requiring the disassembly of braking or suspension systems such as tyre fitting for motorcycles.

NSW Fair Trading has committed to an ongoing review of the various tasks involved in, and appropriate classification of, the tyre fitting work. It will continue to consult with the motor vehicle industry on any proposed changes to the Regulation and to clarify the need for any further exemption.



Rose Webb
Commissioner and Deputy Secretary

16 January 2018