

Statement of Regulatory Intent

Motor Dealer and Repairers Regulation 2014 – Clauses 34(1)(c1), 34(1)(c3), 36(1)(c1) and 36(1)(c3) – Classes of repair work and required qualifications for tradesperson's certificate

This Statement of Regulatory Intent sets out the compliance and enforcement approach of NSW Fair Trading for two new specialised classes of repair work under clauses 34(1)(c1), 34(1)(c3), 36(1)(c1) and 36(1)(c3) of the *Motor Dealers and Repairers Regulation 2014*.

From 1 November 2021, there will be two new specialised classes of repair work:

1. specialised glazing class of repair work for installing, repairing, or removing windscreens or other glass in or from the bodies of motor vehicles
2. electrical accessory fitting class, recognising the specialised skills that are required to undertake this class of repair.

This is part of the NSW Government's Better Business Reforms aimed to create opportunities for small businesses by reducing costs and complexity without reducing consumer protections.

Transitional arrangements for auto glazing and electrical accessory fitting

The Department intends to provide a transitional period to allow auto glazing and electrical accessory fitter tradespersons to continue to trade while their application for a [tradesperson's certificate](#) is being processed. These tradespersons will have until **1 March 2022** to apply for a certificate.

Similarly, businesses that are undertaking repair work will have **until 1 March 2022** to apply for a [Motor Vehicle Repairer's Licence](#).

During this time NSW Fair Trading will take an educational approach to compliance, to provide guidance on the necessary licencing and qualifications to undertake these classes of repair work on motor vehicles.

This means that, during this period, NSW Fair Trading will not penalise repair businesses and tradespersons for operating without a licence. However, Fair Trading expects businesses who are made aware of the new law to take appropriate steps to apply for the relevant tradesperson's certificate or licence.

NSW Fair Trading does however reserve the right to vary its approach as appropriate to the circumstances, particularly in cases that may involve a significant risk of harm or consumer or community detriment.

Penalties after 1 March 2022

Operating as an unlicensed motor repairer in NSW is an offence and can result in the issue of a penalty notice of \$5,500 or prosecution with a maximum penalty of \$110,000.

Similarly, it is an offence for motor vehicle repairers in NSW to permit an employee to do work for which they are uncertified. This means the person doing the work must either:

- hold a tradesperson's certificate for the class of repair relevant to the work they are doing, or
- be doing work as an apprentice or trainee supervised by someone with a tradesperson's certificate in the relevant class of repair.

This offence can result in the issue of a penalty notice of \$330 or prosecution with a maximum penalty of \$2,200.

More information

NSW Fair Trading will continue to monitor the situation and engage to provide advice and assistance during this period, as appropriate.

For more information, please refer to the NSW Fair Trading website www.fairtrading.nsw.gov.au



Rose Webb
Commissioner for Fair Trading

Date: 14/10/21