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MOTOR VEHICLE REPAIRERS ACT 2003

**MOTOR VEHICLE REPAIRERS
AMENDMENT
REGULATIONS 2008**

Motor Vehicle Repairers Act 2003

**Motor Vehicle Repairers Amendment
Regulations 2008**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Motor Vehicle Repairers Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Motor Vehicle Repairers Act 2003* Part 2 comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Motor Vehicle Repairers Regulations 2007*.

4. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) in the definition of “gas fuel system” —
 - (i) by inserting after “following” —
“ types of system ”;

Motor Vehicle Repairers Amendment Regulations 2008**r. 4**

(ii) by inserting after paragraph (c) —

“

(d) a hydrogen (or H₂) fuel system;

”.

(b) by deleting the definition of “heavy vehicle servicing work” and inserting instead —

“

“heavy vehicle servicing work” means any work required to do any of the following —

(a) in respect of a heavy vehicle to which paragraph (b) does not apply, to carry out minor electrical servicing or to service any of the following —

- (i) the fuel system;
- (ii) the air induction system;
- (iii) the engine;
- (iv) the ignition system;
- (v) the engine management system;
- (vi) the cooling system;
- (vii) the driveline;
- (viii) any electronic drive management system;
- (ix) the braking system;
- (x) the steering system;
- (xi) the suspension system;
- (xii) a wheel assembly;
- (xiii) any hydraulic system;

(b) in respect of a heavy vehicle during an emergency breakdown —

- (i) to diagnose the cause of the breakdown;

Motor Vehicle Repairers Amendment Regulations 2008

r. 4

- (ii) to carry out emergency servicing or repair on a thing diagnosed as the cause or possible cause of the breakdown;
- ”;
- (c) by deleting the definition of “light vehicle servicing work” and inserting instead —

“

“light vehicle servicing work” means any work required to do any of the following —

- (a) in respect of a light vehicle to which paragraph (b) does not apply, to carry out minor electrical servicing or to service any of the following —
 - (i) the fuel system;
 - (ii) the air induction system;
 - (iii) the engine;
 - (iv) the ignition system;
 - (v) the engine management system;
 - (vi) the cooling system;
 - (vii) the driveline;
 - (viii) any electronic drive management system;
 - (ix) the braking system;
 - (x) the steering system;
 - (xi) the suspension system;
 - (xii) a wheel assembly;
 - (xiii) any hydraulic system;
- (b) in respect of a light vehicle during an emergency breakdown —
 - (i) to diagnose the cause of the breakdown;

Motor Vehicle Repairers Amendment Regulations 2008**r. 4**

- (ii) to carry out emergency servicing or repair on a thing diagnosed as the cause or possible cause of the breakdown;

”;

- (d) by deleting the definition of “motor cycle servicing work” and inserting instead —

“

“motor cycle servicing work” means any work required to do any of the following —

- (a) in respect of a motor cycle to which paragraph (b) does not apply, to carry out minor electrical servicing or to service any of the following —
 - (i) the fuel system;
 - (ii) the air induction system;
 - (iii) the engine;
 - (iv) the ignition system;
 - (v) the engine management system;
 - (vi) any cooling system;
 - (vii) the driveline;
 - (viii) any electronic drive management system;
 - (ix) the braking system;
 - (x) the steering system;
 - (xi) the suspension system;
 - (xii) a wheel assembly;
- (b) in respect of a motor cycle during an emergency breakdown —
 - (i) to diagnose the cause of the breakdown;

Motor Vehicle Repairers Amendment Regulations 2008

r. 4

- (ii) to carry out emergency servicing or repair on a thing diagnosed as the cause or possible cause of the breakdown;

”;

- (e) by inserting in the appropriate alphabetical positions —

“

“apprentice” means an apprentice (including a person on probation) under the *Industrial Training Act 1975*;

“autogas work” means any work required to do any of the following —

- (a) to service, repair, overhaul or modify a gas fuel system that is, was, or may be, fitted to a heavy vehicle or light vehicle;
- (b) to convert a fuel system in a heavy vehicle or light vehicle to a gas fuel system or to a system that consists partly of a gas fuel system;
- (c) to convert a fuel system that consists partly of a gas fuel system —
 - (i) to a fuel system that is not a gas fuel system; or
 - (ii) to a gas fuel system;

“Class E permit or authorisation”, in relation to a type of gas fuel system, means a permit, or authorisation, as defined in the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999* —

- (a) that is of a grade designated as Class E under those regulations; and

Motor Vehicle Repairers Amendment Regulations 2008**r. 4**

- (b) under which the holder is authorised to do gasfitting work on that type of gas fuel system;

“emergency servicing or repair”, when used in connection with a thing diagnosed as the cause or possible cause of the breakdown of a vehicle, means servicing, or repair, that is on-the-spot and of a minor nature and that a person providing a breakdown service is reasonably expected to be required to carry out for the purpose of restoring, or attempting to restore, the vehicle’s mobility, including, if applicable, any of the following —

- (a) carrying out minor electrical servicing and minor electrical repair;
- (b) cleaning or lubricating the thing or any of its components;
- (c) replenishing any oil, lubricant, coolant or other liquid that requires replenishment;
- (d) replacing the thing or any of its component;
- (e) tightening or otherwise adjusting the thing or any of its component,

but not including refuelling a vehicle that has run out of fuel;

“existing repair business” means a person or firm to whom the Act Schedule 3 clause 1 applies and who is an applicant for a business licence;

“licence notice” means a notice issued under regulation 19;

“number of repairers” of an applicant for a business licence or renewal of a business licence, means the number of full-time equivalent individuals that the applicant employs (if the applicant is an existing repair business or a licensee), or proposes to employ (in the case of any other applicant), to

Motor Vehicle Repairers Amendment Regulations 2008

r. 4

carry out or supervise repair work in connection with the business to which the application relates, including —

- (a) any individual whom the applicant engages, or proposes to engage, as the case requires, under a contract for services (other than a contract with a person or firm who holds a business licence); and
- (b) if the applicant is an individual and personally carries out or supervises repair work in connection with the business, or proposes so to do, as the case requires — the applicant; and
- (c) if the applicant is a firm and any individual member of the firm personally carries out or supervises repair work in connection with the business, or proposes so to do, as the case requires — the individual member,

but not including any apprentice or trainee;

“repairer” of a licensee, means an individual employed by the licensee, whether on a full-time, part-time or casual basis, to carry out or supervise repair work in connection with the business to which the licence relates, and includes —

- (a) an individual engaged by the licensee under a contract for services (other than a contract with a person or firm who holds a business licence); and
- (b) if the licensee is an individual and personally carries out or supervises repair work in connection with the business — the licensee; and
- (c) if the licensee is a firm and any individual member of the firm personally carries out or

Motor Vehicle Repairers Amendment Regulations 2008**r. 4**

- supervises repair work in connection with the business — the individual member, but does not include any apprentice or trainee;
- “replacement application”** means an application under the Act section 15, 17 or 19 that —
- (a) is made by the holder of a business licence (the **“old licence”**) for any classes of repair work that include one or more classes of repair work already covered by the old licence; and
 - (b) is requested by the applicant to be a replacement application; and
 - (c) is made more than 3 months before the day on which the old licence is due to expire as mentioned in the Act section 30(2)(a);
- “replacement licence”** means a business licence issued on the grant of a replacement application;
- “replacement licence notice”** means a notice issued under regulation 7B;
- “trainee”** means a trainee (including a person on probation) under a traineeship scheme as defined in the *Industrial Training Act 1975*;
- “transitional application”** means an application under the Act section 15, 17 or 19 that —
- (a) is the first such application made by an existing repair business; and
 - (b) is made before the expiry of 12 months after the commencement of the Act section 9;
- “transitional licence”** means a business licence issued on the grant of a transitional application;

”.

Motor Vehicle Repairers Amendment Regulations 2008

r. 5

- (2) After regulation 3(2)(e) the following paragraph is inserted —

“

(fa) a reference to modifying a gas fuel system in a motor vehicle includes a reference to converting the gas fuel system —

- (i) to a fuel system that is not a gas fuel system; or
- (ii) to a system that consists partly of a gas fuel system;

”

5. Regulation 5 amended

- (1) Regulation 5 is amended by deleting all the words from and including “For” to and including “repair work.” and inserting instead —

“

- (1) For the purposes of the Act Part 2, each kind of work listed in the Table to this regulation is prescribed to be a class of repair work.
- (2) For the purposes of the Act Part 3, each kind of work listed in the Table to this regulation (other than autogas work) is prescribed to be a class of repair work.

”

- (2) The Table to regulation 5 is amended by inserting after item 1 —

“

2A. Autogas work

”

Motor Vehicle Repairers Amendment Regulations 2008**r. 6**

6. Part 2A inserted

After regulation 6 the following Part is inserted —

“

**Part 2A — Licensing of motor vehicle
repair businesses**

7A. Prescribed fee (Act s. 13)

- (1) For the purposes of the Act section 13(3)(a)(ii), the prescribed fee is —
 - (a) in the case of a transitional application, the sum of —
 - (i) \$150; and
 - (ii) the amount determined in accordance with subregulation (2) in respect of the application;
 - (b) in the case of a replacement application, the sum of —
 - (i) \$112; and
 - (ii) the amount determined in accordance with subregulation (4) in respect of the application;
 - (c) in the case of any other application under the Act section 15, 17 or 19, the sum of —
 - (i) \$150; and
 - (ii) the amount determined in accordance with subregulation (6) in respect of the application.
- (2) For the purposes of subregulation (1)(a)(ii), the amount in respect of a transitional application, regardless of the number of classes of repair work to which the

Motor Vehicle Repairers Amendment Regulations 2008**r. 6**

application relates, is the following amount rounded to the nearest dollar —

$$\frac{a}{36} \times p$$

where —

- a is the amount specified in the Table to this regulation in the item that specifies the number of repairers of the applicant at the time the application is made; and
 - p is the period (in months) for which the transitional licence is to be issued if the application is granted, as prescribed under regulation 7E(1)(a).
- (3) For the purposes of the Act section 13(3)(a)(ii), a transitional application is accompanied by the prescribed fee if —
- (a) the amount mentioned in subregulation (1)(a)(i) is paid at the time the application is made; and
 - (b) either —
 - (i) the required payment stated in the licence notice issued in respect of the application is received by the Board before the proposed issue day specified in the notice; or
 - (ii) the amount payable under subregulation (1)(a)(ii) is waived under regulation 20(2).
- (4) For the purposes of subregulation (1)(b)(ii), the amount in respect of a replacement application, regardless of the number of classes of repair work to which the application relates, is the following amount rounded to the nearest 5 cents —

$$\frac{a}{3 \times 365} \times p$$

Motor Vehicle Repairers Amendment Regulations 2008**r. 6**

where —

- a is the amount specified in the Table to this regulation in the item that specifies the number of repairers of the applicant at the time the application is made; and
 - p is the period (in days) for which the replacement licence is to be issued if the application is granted, as prescribed under regulation 7E(1)(b).
- (5) For the purposes of the Act section 13(3)(a)(ii), a replacement application is accompanied by the prescribed fee if —
- (a) the amount mentioned in subregulation (1)(b)(i) is paid at the time the application is made; and
 - (b) any of the following applies —
 - (i) the required payment stated in the replacement licence notice issued in respect of the application is nil;
 - (ii) the required payment stated in the replacement licence notice is received by the Board before the proposed issue day specified in the notice;
 - (iii) the amount payable under subregulation (1)(b)(ii) is waived under regulation 16(3).
- (6) For the purposes of subregulation (1)(c)(ii), the amount in respect of an application that is not a transitional application or replacement application, regardless of the number of classes of repair work to which the application relates, is the amount specified in the Table to this regulation in the item that specifies the number of repairers of the applicant at the time the application is made.

Motor Vehicle Repairers Amendment Regulations 2008

r. 6

Table

Item	Number of repairers	Amount
1.	1 to 2	\$600
2.	3	\$840
3.	4	\$1 050
4.	5 to 7	\$1 530
5.	8 to 10	\$1 950
6.	11 or more	\$2 460

7B. Notice relating to replacement applications

- (1) In this regulation —
 - “**outstanding fee**”, in relation to a replacement application, means the amount payable by the applicant under regulation 7A(1)(b)(ii);
 - “**proposed refund**”, in relation to a notice issued under this regulation in respect of a replacement application, means any amount that the Board will, under the Act section 53, refund to the applicant as the former licensee of the old licence on the surrender of the old licence on the proposed issue day specified in the notice.
- (2) This regulation applies if the Board proposes to issue a replacement licence.
- (3) The Board must issue a notice to the applicant stating —
 - (a) that the Board proposes to issue a replacement licence to the applicant on the proposed issue day specified in the notice, being a date not later than one month after the date of the notice; and

Motor Vehicle Repairers Amendment Regulations 2008**r. 6**

- (b) the amount of payment required, being whichever of the following amounts that is applicable —
 - (i) if the outstanding fee exceeds any proposed refund — the outstanding fee less any proposed refund;
 - (ii) in any other case — nil;and
 - (c) the provisions under subregulations (4) and (5); and
 - (d) whether, for the purpose of subregulation (6), the notice is to cease to have effect or the application is to be taken to have been withdrawn if the required payment is not received, or the old licence is not returned, before the proposed issue day.
- (4) The applicant must, unless the applicant notifies the Board that he, she or it is withdrawing the application —
- (a) ensure that any required payment is received by the Board before the proposed issue day; and
 - (b) return the old licence to the Board before the proposed issue day.
- (5) If the required payment is received, and the old licence is returned, before the proposed issue day, the following provisions apply —
- (a) the applicant is taken to have given notice to the Board under the Act section 53 that the applicant is surrendering the old licence on the proposed issue day;
 - (b) the applicant is taken to have made an application for a refund under the Act section 53 in respect of the old licence;

Motor Vehicle Repairers Amendment Regulations 2008

r. 6

- (c) the amount of refund payable to the applicant under the Act section 53 is the proposed refund;
 - (d) the Board must apply as much of the amount of refund as possible towards payment of the outstanding fee;
 - (e) any amount of refund applied towards payment of the outstanding fee is taken to have been refunded to the applicant;
 - (f) if the amount of refund exceeds the outstanding fee, the Board must refund the balance of the amount to the applicant;
 - (g) the replacement licence is taken to be issued to the applicant on the proposed issue day.
- (6) If the required payment is not received, or the old licence is not returned, before the proposed issue day, the notice ceases to have effect or the replacement application is taken to have been withdrawn, as is stated in the notice.
- (7) If a notice ceases to have effect under subregulation (6), the Board may issue another notice under this regulation specifying a new proposed issue day for the licence.
- 7C. Fee for duplicate business licence**
- For the purposes of the Act section 25, the prescribed fee is \$35.75.
- 7D. Conditions and restrictions attached to business licences for autogas work**
- For the purposes of the Act section 28, the following conditions and restrictions are prescribed for a business licence for autogas work —
- (a) any premises at or out of which the licensee carries out autogas work must comply with

Motor Vehicle Repairers Amendment Regulations 2008**r. 6**

Australian Standard AS 2746-1999, *Working areas for gas-fuelled vehicles*, published by Standards Australia on 5 January 1999 (ISBN 0-7337-2399-3);

- (b) the licensee must not permit a repairer of the licensee to carry out autogas work on a type of gas fuel system unless the repairer —
 - (i) holds a Class E permit or authorisation for that type of gas fuel system; or
 - (ii) carries out the autogas work under the supervision of a person who holds a Class E permit or authorisation for that type of gas fuel system and who is, under the Class E permit or authorisation, authorised to so supervise.

7E. Duration of business licences

- (1) For the purposes of the Act section 30, a business licence is to be issued for the following periods —
 - (a) in the case of a transitional licence — the period determined in accordance with regulation 18 in respect of the licence;
 - (b) in the case of a replacement licence — the period that is the same as the remaining period for which the old licence was to continue to be in force if it were not surrendered under the Act section 53 as provided under regulation 7B(5);
 - (c) in any other case — 3 years.
- (2) For the purposes of the Act section 30, a business licence is to be renewed for a period of 3 years.

Motor Vehicle Repairers Amendment Regulations 2008**r. 6****7F. Fee for renewal of licence**

- (1) For the purposes of the Act section 31(3)(b), the prescribed fee is the sum of —
- (a) \$150; and
 - (b) the amount determined in accordance with subregulation (2) in respect of the application.
- (2) For the purposes of subregulation (1)(b), the amount in respect of an application, regardless of the number of classes of repair work to which the application relates, is the amount specified in the Table to this regulation in the item that specifies the number of repairers of the applicant at the time the application is made.

Table

Item	Number of repairers	Amount
1.	1 to 2	\$600
2.	3	\$840
3.	4	\$1 050
4.	5 to 7	\$1 530
5.	8 to 10	\$1 950
6.	11 or more	\$2 460

7G. Change of certain information to be notified by licensee

- (1) In this regulation —
- “qualified repairer”** of a licensee means —
- (a) a repairer of the licensee who holds a certificate for the class, or any of the classes, of repair work to which the business licence relates; and
 - (b) if the business licence relates to autogas work — a repairer of the licensee who holds a Class E permit or authorisation for the

Motor Vehicle Repairers Amendment Regulations 2008**r. 7**

type, or any of the types, of gas fuel system on which the licensee carries out autogas work.

- (2) This regulation applies to a licensee if any of the following events occurs —
- (a) a person ceases to be a qualified repairer of the licensee;
 - (b) a person becomes a qualified repairer of the licensee.
- (3) The licensee must, within 14 days after an event mentioned in subregulation (2) occurs, notify the Board in writing of the event, specifying —
- (a) the full name of the person concerned; and
 - (b) the day on which the person ceases to be, or becomes, a qualified repairer of the licensee.

Penalty: a fine of \$2 000.

”.

7. Regulation 7 amended

Regulation 7 is amended by inserting after “fee” —

“ , regardless of the number of classes of repair work, ”.

8. Part 3 heading replaced

The heading to Part 3 is deleted and the following heading is inserted instead —

“

Part 3 — Provisions applicable to business licences and to certificates

”.

Motor Vehicle Repairers Amendment Regulations 2008

r. 9**9. Regulation 9 amended**

- (1) Regulation 9 is amended by inserting before “For” the subregulation designation “(2)”.
- (2) At the beginning of regulation 9 the following subregulation is inserted —
 - “
 - (1) For the purposes of the Act section 50(1)(a), the following particulars and matters are prescribed in respect of each business licence that is issued —
 - (a) the number of the licence;
 - (b) the day on which the licence is issued;
 - (c) whether the licence is issued to an individual, a firm or a body corporate;
 - (d) the name of the person or firm to whom the licence is issued;
 - (e) the business name under which the person or firm carries on the business to which the licence relates;
 - (f) if the licence is issued to a body corporate — the address of its registered office;
 - (g) the class or classes of repair work to which the licence relates;
 - (h) the address of each premises (other than any mobile premises) at which the licensee is authorised under the Act section 59 to carry on business under the authority of the licence;
 - (i) for each mobile premises (if any) out of which the licensee is authorised under the Act section 59 to carry on business under the authority of the licence —
 - (i) the make, model and registration number of the motor vehicle constituting the premises;

Motor Vehicle Repairers Amendment Regulations 2008**r. 10**

- (ii) the address at which the vehicle is normally kept;
- (j) any condition or restriction attached to the licence;
- (k) the day on which the licence expires;
- (l) if the licence ceases to be in force under the Act section 30(2)(b), (c), (d) or (e) — the day on which it ceases to be in force.

”.

10. Regulation 10 amended

Regulation 10 is amended by deleting “the register of certificates” and inserting instead —

“ a register ”.

11. Parts 4 and 5 and Schedule 1 inserted

After regulation 11 the following Parts and Schedule are inserted —

“

Part 4 — Miscellaneous**12. Fees for changes in authorised premises**

- (1) In this regulation —
“**fixed premises**” means any premises that are not mobile premises.
- (2) For the purposes of the Act section 61(1)(c), the prescribed fee is —
 - (a) if the application involves adding particulars of any mobile premises or substituting particulars of any premises with particulars of any mobile premises — \$56 for each of the mobile

Motor Vehicle Repairers Amendment Regulations 2008**r. 11**

premises the particulars of which are to be added; and

- (b) if the application involves adding particulars of any fixed premises or substituting particulars of any premises with particulars of any fixed premises — \$112 for each of the fixed premises the particulars of which are to be added.

13. Infringement notice offences and penalties

- (1) The offences created by the provisions specified in column 2 in the Table to this regulation are prescribed under the Act section 98 as offences for which an infringement notice may be given under the Act section 100.
- (2) For the purposes of the Act section 99(1), the modified penalty prescribed for the offence created by the provision specified in column 2 of an item in the Table to this regulation is —
- (a) for an individual — the amount specified in column 3 of that item;
- (b) for a body corporate — the amount specified in column 4 of that item.

Table

Item	Provision	Modified penalty — individual	Modified penalty — body corporate
1.	Section 14(2)	\$150	\$300
2.	Section 27(6)	\$150	\$300
3.	Section 33(2)	\$200	\$400
4.	Section 38(1)	\$200	\$400
5.	Section 38(2)	—	\$400
6.	Section 39(2)	\$500	—
7.	Section 39(3)	\$500	\$2 500
8.	Section 40	\$500	—
9.	Section 43(6)	\$150	\$300

Motor Vehicle Repairers Amendment Regulations 2008**r. 11**

Item	Provision	Modified penalty — individual	Modified penalty — body corporate
10.	Section 48(1)	\$150	—
11.	Section 57	\$500	\$2 500
12.	Section 63(3)	\$150	\$300
13.	Section 64(2)	\$150	\$750
14.	Section 69(2)	\$150	\$300
15.	Section 71(3)	\$150	\$750
16.	Section 108	\$150	\$300
17.	Regulation 7G	\$200	\$400

14. Forms of infringement notice and withdrawal notice

- (1) For the purposes of the Act section 101(1), Schedule 1 Form 1 is prescribed.
- (2) For the purposes of the Act section 103(1), Schedule 1 Form 2 is prescribed.

15. Refund of fee on withdrawal or refusal of certain applications

- (1) This regulation does not apply to or in relation to a transitional application or replacement application.
- (2) If an applicant withdraws an application made under the Act section 15, 17, 19 or 31, the Board must refund to the applicant —
 - (a) so much (if any) of the amount paid under regulation 7A(1)(c)(i) or 7F(1)(a), as the case requires, as the Board determines to be appropriate; and
 - (b) the amount paid under regulation 7A(1)(c)(ii) or 7F(1)(b), as the case requires.

Motor Vehicle Repairers Amendment Regulations 2008

r. 11

- (3) If the Board refuses an application made under the Act section 15, 17, 19 or 31, the Board must refund to the applicant the amount paid under regulation 7A(1)(c)(ii) or 7F(1)(b), as the case requires.
- (4) If an applicant withdraws an application made under the Act section 41 or 61, the Board must refund to the applicant so much (if any) of the amount paid under regulation 7 or 12(2), as the case requires, as the Board determines to be appropriate.

16. Refund or waiver of fee etc. on withdrawal or refusal of replacement applications

- (1) If an applicant withdraws a replacement application, the Board must refund to the applicant so much (if any) of the amount paid under regulation 7A(1)(b)(i) as the Board determines to be appropriate.
- (2) If a replacement application is taken to have been withdrawn under regulation 7B(6), the Board must —
 - (a) if any amount of required payment was received by the Board — refund the amount to the applicant;
 - (b) if the old licence was returned to the Board — return the licence to the applicant.
- (3) If the Board proposes to refuse a replacement application, the Board must waive the amount payable under regulation 7A(1)(b)(ii) in respect of the application.

Part 5 — Transitional matters**17. Application of Part**

This Part applies to and in relation to transitional applications and transitional licences.

Motor Vehicle Repairers Amendment Regulations 2008**r. 11****18. Duration of transitional licences**

- (1) In this regulation —
“round of licence notices”, in relation to a month specified in column 1 of the Table to this definition, means a round constituted by the number of licence notices specified, in column 2 of the Table opposite that month, as the number of licence notices constituting a round.

Table

Month in which licence is to be issued	Number of licence notices constituting a round
August 2008	24
September 2008	23
October 2008	22
November 2008	21
December 2008	20
January 2009	19
February 2009	18
March 2009	17
April 2009	16
May 2009	15
June 2009	14
July 2009	13
August 2009	12
September 2009	11
October 2009	10
November 2009	9
December 2009	8

- (2) For the purposes of regulation 7E(1)(a), the period in respect of a transitional licence is to be determined as follows —
- (a) ascertain, in accordance with the definition of “round of licence notices”, the number of licence notices constituting a round of licence

Motor Vehicle Repairers Amendment Regulations 2008**r. 11**

- notices for the month in which the licence is to be issued;
- (b) ascertain the order in which the licence notice for the licence is to be issued in the current round of licence notices for that month;
- (c) the period in respect of the licence is the period specified, in column 2 of the Table to this subregulation, opposite the order ascertained under paragraph (b).

Table

Note: The notes to this Table are set out in column 3 of the Table.

Order in which licence notice is to be issued in the round	Period (months)	Notes to Table
1 st	24	
2 nd	25	
3 rd	26	
4 th	27	
5 th	28	
6 th	29	
7 th	30	
8 th	31	
9 th	32	Item not applicable for December 2009
10 th	33	Item not applicable for November 2009 and December 2009
11 th	34	Item not applicable for October 2009 to December 2009
12 th	35	Item not applicable for September 2009 to December 2009

Motor Vehicle Repairers Amendment Regulations 2008**r. 11**

Order in which licence notice is to be issued in the round	Period (months)	Notes to Table
13 th	36	Item not applicable for August 2009 to December 2009
14 th	37	Item not applicable for July 2009 to December 2009
15 th	38	Item not applicable for June 2009 to December 2009
16 th	39	Item not applicable for May 2009 to December 2009
17 th	40	Item not applicable for April 2009 to December 2009
18 th	41	Item not applicable for March 2009 to December 2009
19 th	42	Item not applicable for February 2009 to December 2009
20 th	43	Item not applicable for January 2009 to December 2009
21 st	44	Item not applicable for December 2008 to December 2009
22 nd	45	Item not applicable for November 2008 to December 2009
23 rd	46	Item not applicable for October 2008 to December 2009
24 th	47	Item not applicable for September 2008 to December 2009

19. Notice and waiver of fee relating to transitional applications

- (1) In this regulation —
“prescribed fee” means the fee payable under the Act section 13(3)(a)(ii).

Motor Vehicle Repairers Amendment Regulations 2008

r. 11

- (2) This regulation applies if the Board proposes to issue a transitional licence.
- (3) The Board must waive payment of so much (if any) of the prescribed fee as is determined under subregulation (5).
- (4) The Board must issue a notice to the existing repair business stating —
- (a) that the Board proposes to issue a business licence to the existing repair business on the proposed issue day specified in the notice, being the first day of a month and not later than 2 months after the date of the notice; and
 - (b) the period for which the proposed licence is to be issued; and
 - (c) the amount of payment required, being the amount payable by the existing repair business under regulation 7A(1)(a)(ii) less any waiver determined under subregulation (5); and
 - (d) the provisions under subregulations (6) and (7); and
 - (e) whether, for the purposes of subregulation (8), the notice is to cease to have effect or the application is to be taken to have been withdrawn if the required payment is not received by the Board before the proposed issue day.
- (5) For the purposes of subregulation (4)(c), the amount of the prescribed fee to be waived is —
- (a) if the proposed issue day is before the expiry of 12 months after the commencement of the Act section 9, the following amount rounded to the nearest dollar —

$$\frac{a}{36} \times m$$

Motor Vehicle Repairers Amendment Regulations 2008**r. 11**

where —

- a has the meaning given in regulation 7A(2); and
 - m is the number of months in the period beginning on the proposed issue day and ending at the expiry of 12 months after the commencement of the Act section 9;
- (b) if the proposed issue day is after the expiry of 12 months after the commencement of the Act section 9 — nil.
- (6) The existing repair business must, unless the existing repair business notifies the Board that he, she or it is withdrawing the application, ensure that the required payment is received by the Board before the proposed issue day.
 - (7) If the required payment is received by the Board before the proposed issue day, the licence is to be taken to be issued on the proposed issue day.
 - (8) If the required payment is not received by the Board before the proposed issue day, the notice ceases to have effect or the application is taken to have been withdrawn, as is stated in the notice.
 - (9) If a notice ceases to have effect under subregulation (8), the Board may issue another notice under this regulation specifying a new proposed issue day for the licence.
 - (10) The issue of a notice by the Board under this regulation specifying a proposed issue day for a licence that is after the expiry of 12 months after the commencement of the Act section 9 is not to be taken as authorising the existing repair business to carry on the business after that expiry and before the issue of the licence.

Motor Vehicle Repairers Amendment Regulations 2008

r. 11

20. Refund or waiver of fee on withdrawal or refusal of transitional applications

- (1) If an existing repair business withdraws a transitional application, the Board must refund to the existing repair business so much (if any) of the amount paid under regulation 7A(1)(a)(ii) as the Board determines to be appropriate.
- (2) If the Board proposes to refuse a transitional application, the Board must waive the amount payable under regulation 7A(1)(a)(ii) in respect of the application.

Schedule 1 — Forms

[r. 14]

Form 1

<i>Motor Vehicle Repairers Act 2003</i> , s. 101(1)		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or Company name	
	_____ ACN	
Address		
_____		Postcode
Alleged offence	Description of offence	

	<i>Motor Vehicle Repairers Act 2003</i> s.	
	OR	
<i>Motor Vehicle Repairers Regulations 2007</i> r.		
Date _____ / _____ /20		Time _____ a.m./p.m.
Modified penalty \$		
Authorised officer issuing notice	Name	
	Signature	
Date	Date of notice _____ / _____ /20	

Motor Vehicle Repairers Amendment Regulations 2008**r. 11**

Notice to alleged offender	<p>It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send this notice (or a copy) with a cheque or money order (made payable to the Secretary to the Motor Vehicle Industry Board) to: Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>In person: Present this notice and your payment to the cashier at: Department of Consumer and Employment Protection 219 St George's Terrace, Perth WA</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to: Secretary to the Motor Vehicle Industry Board Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>If you want this matter to be dealt with by prosecution in court, sign here</p> <p>_____</p> <p>and, within 28 days after it was given, post this notice to the above postal address.</p>
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Form 2

<i>Motor Vehicle Repairers Act 2003, s. 103(1)</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or Company name	
	_____ ACN	
Address		
_____		Postcode

Motor Vehicle Repairers Amendment Regulations 2008

r. 11

Infringement notice	Infringement notice no.
	Date of issue / /20
Alleged offence	Description of offence _____
	<i>Motor Vehicle Repairers Act 2003 s.</i> OR <i>Motor Vehicle Repairers Regulations 2007 r.</i>
	Date / /20 Time a.m./p.m.
Person giving this notice	Name _____
	Signature _____
Date	Date of withdrawal / /20
Withdrawal of infringement notice <i>[*delete whichever is not applicable]</i>	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. <i>or</i> * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Secretary to the Motor Vehicle Industry Board Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850
	Signature / /20

By Command of the Lieutenant-Governor and
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.