



Western Australia

## **Motor Vehicle Repairers Regulations 2007**

Compare between:

[01 Jul 2011, 01-e0-04] and [06 Jan 2012, 02-a0-03]





Western Australia

Motor Vehicle Repairers Act 2003

## Motor Vehicle Repairers Regulations 2007

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Motor Vehicle Repairers Regulations 2007*<sup>1</sup>.

#### 2. Commencement

These regulations come into operation on the day on which the *Motor Vehicle Repairers Act 2003* Part 3 comes into operation<sup>1</sup>.

#### 3. Terms used **in these regulations**

- (1) In these regulations, unless the contrary intention appears —
- accessory*** when used in connection with a motor vehicle, includes an accessory originally fitted to the vehicle in the course of manufacturing the vehicle, but does not include —
- (a) a component that forms, or will form, part of any of the following of the vehicle and that, but for this definition, would be an accessory —
    - (i) the fuel system;
    - (ii) the air induction system;
    - (iii) the engine;

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- (iv) the ignition system;
- (v) the engine management system;
- (vi) the cooling system;
- (vii) the driveline;
- (viii) the electronic drive management system;
- (ix) the braking system;
- (x) the steering system;
- (xi) the suspension system;
- (xii) the exhaust system;

or

- (b) an air conditioning system that is, or is to be, fitted to the vehicle;

***air conditioning work*** means any work required to install, service, repair, overhaul, remove or retrofit an air conditioning system in a heavy vehicle or light vehicle;

***apprentice*** has the meaning given in the *Vocational Education and Training Act 1996* section 60A;

***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;

***body building work*** —

- (a) means any work required to do any of the following —

(i) to fabricate or modify a body of a motor vehicle to fit the vehicle's chassis;

(ii) to fit the chassis of a motor vehicle with a fabricated or modified body;

but

(b) does not include any of the following —

(i) realigning the chassis of a motor vehicle;

(ii) realigning, repairing, preparing for painting or painting a panel, frame or other component of the body of a motor vehicle;

(iii) installing or removing any glass in the body of a motor vehicle,

other than installing or removing any moveable glass, if required;

**brake work** means any work required to service, repair, overhaul or modify a braking system that is, was, or may be, fitted to a motor vehicle;

**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

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

**cooling system work** means any work required to service, repair, overhaul or modify a cooling system that is, was, or may be, fitted to a motor vehicle;

**cylinder head reconditioning work** means any work required to overhaul a cylinder head of an engine that is, was, or may be, fitted to a motor vehicle;

**diesel fitting work** means any work required to do any of the following —

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- (a) to service, repair, overhaul or modify any of the following that is, was, or may be, fitted to a heavy vehicle or light vehicle —
  - (i) a diesel fuel system;
  - (ii) a diesel engine;
- (b) to service, repair, overhaul or modify any of the following that is, was, or may be, fitted to a heavy vehicle or light vehicle propelled by a diesel engine —
  - (i) an air induction system;
  - (ii) an ignition system;
  - (iii) an engine management system;
  - (iv) a cooling system;
  - (v) a hydraulic system;
- (c) to do any of the following in respect of a heavy vehicle or light vehicle propelled by a diesel engine —
  - (i) to fabricate, service, repair or modify the exhaust system;
  - (ii) to repair or replace a rim, tyre or tube;
  - (iii) to balance a wheel;

***diesel fuel and engine work*** means any work required to do any of the following —

- (a) to service, repair, overhaul or modify a diesel fuel system that is, was, or may be, fitted to a heavy vehicle or light vehicle;
- (b) to service or repair a diesel engine that is, was, or may be, fitted to a heavy vehicle or light vehicle;
- (c) to service or repair any of the following that is, was, or may be, fitted to a heavy vehicle or light vehicle propelled by a diesel engine —
  - (i) an air induction system;
  - (ii) an ignition system;

- (iii) an engine management system;

**driveline** when used in connection with a motor vehicle, means the following in the propulsion system of the vehicle —

- (a) for a motor vehicle described in paragraph (a) of the definition of “**motor cycle**” —
  - (i) any clutch operating system and clutch assembly;
  - (ii) the transmission;
  - (iii) any drive chain, drive belt or drive shaft;
  - (iv) any wheel assembly component that forms part of the propulsion system;
- (b) for any other motor vehicle —
  - (i) any clutch operating system and clutch assembly;
  - (ii) the transmission;
  - (iii) any tail shaft;
  - (iv) the final drive assembly (whether or not its differential is integrated with the transmission);

**driveline servicing and repairing work** means any work required to service or repair a driveline that is, was, or may be, fitted to a motor vehicle;

**driveline work** means any work required to service, repair, overhaul or modify a driveline that is, was, or may be, fitted to a motor vehicle;

**electrical accessory** means an off the shelf accessory that is designed to be fitted to a motor vehicle principally by way of electrical connection, such as an immobiliser, audio or audio-visual equipment, spotlights, a horn, an electric winder for a window, a navigation system or a parking sensor;

**electrical accessory fitting work** means any work required to install or remove an electrical accessory to a motor vehicle;

**electrical work** means any work required to install, service, repair, overhaul or remove any of the following in a motor vehicle —

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- (a) any electrical equipment or system (including any electrical accessory and any electrical component associated with any other prescribed accessory);
- (b) any electrical part of any other thing or 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;

**engine reconditioning work** means any work required to overhaul an engine (including a cylinder head of an engine) that is, was, or may be, fitted to a motor vehicle;

**exempt motorised wheelchair** means a motorised wheelchair —

- (a) that is fitted with 3 or more wheels; and
- (b) for which a vehicle licence is not required under the Road Traffic Act while the vehicle is being used on a road;

**exhaust system work** means any work required to fabricate, service, repair or modify the exhaust system in a motor vehicle;



**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;

**fabricate** when used in connection with a thing or system, means to fabricate the thing or system otherwise than in the course of manufacturing a motor vehicle to which the thing or system is to be fitted;

**final drive assembly** when used in connection with a motor vehicle, means the following in the propulsion system of the vehicle —

- (a) the differential;
- (b) the drive shafts;
- (c) any wheel assembly component that forms part of the propulsion system;

**gas fuel system** means any of the following types of system —

- (a) a compressed natural gas (or CNG) fuel system;
- (b) a liquefied natural gas (or LNG) fuel system;
- (c) a liquefied petroleum gas (or LPG) fuel system;
- (d) a hydrogen (or H<sub>2</sub>) fuel system;

**glazing work** means any work required to install, repair or remove a windscreen or other glass in the body of a motor vehicle;

**gross vehicle mass** of a motor vehicle, means the maximum loaded mass of the vehicle —

- (a) as specified by the manufacturer; or
- (b) as specified by the relevant authority if —
  - (i) the manufacturer has not specified a maximum loaded mass; or
  - (ii) the manufacturer cannot be identified; or
  - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

**heavy vehicle** means a motor vehicle that has a gross vehicle mass of more than 8 000 kg;

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

**heavy vehicle work** means any work required to do any of the following in respect of a heavy vehicle —

- (a) to service, repair, overhaul or modify 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;
- (b) to fabricate, service, repair or modify the exhaust system;
- (c) to service, repair or replace a wheel assembly;
- (d) to balance a wheel or align the wheels;
- (e) to service or repair any hydraulic system;
- (f) to carry out minor electrical servicing or minor electrical repair;
- (g) to install or remove a prescribed accessory;

**ignition system** does not include an immobiliser;

**install** when used in connection with a thing or system, means —

- (a) to install the thing or system in a motor vehicle otherwise than in the course of manufacturing the vehicle; and
- (b) to ensure that the thing or system operates properly, including repairing it if necessary;

**licence notice** means a notice issued under regulation 19;

**light vehicle** means a motor vehicle, not being a motor cycle, that has a gross vehicle mass of not more than 8 000 kg;

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

***light vehicle work*** means any work required to do any of the following in respect of a light vehicle —

- (a) to service, repair, overhaul or modify 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;
- (b) to fabricate, service, repair or modify the exhaust system;
  - (c) to service, repair or replace a wheel assembly;
  - (d) to balance a wheel or align the wheels;
  - (e) to service or repair any hydraulic system;
  - (f) to carry out minor electrical servicing or minor electrical repair;
  - (g) to install or remove a prescribed accessory;

***mechanical accessory*** —

- (a) means an off the shelf accessory that is designed to be fitted to a motor vehicle principally by way of mechanical connection (whether or not the fitting also requires any electrical connection), such as a towbar, protection bar, sunroof, roof-rack, wheel-chair lift or winch; and
- (b) includes any electrical component associated with the accessory;

***mechanical accessory fitting work*** means any work required to install or remove a mechanical accessory to a motor vehicle;

***minor electrical repair*** means replacing a fuse, bulb or terminal, carrying out wiring repairs or otherwise rectifying any open circuit, short circuit or earthing faults;

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**minor electrical servicing** means any of the following —

- (a) replacing a spark plug or spark plug lead;
- (b) charging or replacing a battery;

**motor cycle** means —

- (a) a motor vehicle that is designed to travel on 2 wheels or, with a sidecar attached, 3 wheels; or
- (b) a motor vehicle —
  - (i) that has 3 wheels arranged so that the axis of rotation of 2 wheels lies on the same straight line and each of those 2 wheels is equidistant from the 3rd; and
  - (ii) that is designed to be steered using a handlebar and to have a significant portion of its other controls on the handlebar;

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

***motor cycle work*** means any work required to do any of the following in respect of a motor cycle —

- (a) to service, repair, overhaul or modify 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;
- (b) to fabricate, service, repair or modify the exhaust system;
- (c) to service, repair or replace a wheel assembly;
- (d) to balance a wheel or align the wheels;
- (e) to carry out minor electrical servicing or minor electrical repair;
- (f) to install or remove a prescribed accessory;
- (g) to realign the chassis;

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**moveable glass** means a component, in the body of a motor vehicle, that is made wholly or partly of glass and —

- (a) is designed to be capable of having the position of the component or the glass adjusted; or
- (b) is an accessory;

**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 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;

**overhaul** means —

- (a) when used in connection with a thing —
  - (i) to dismantle the thing; and
  - (ii) to reassemble it after reconditioning or replacing its components so that the useful life of the thing is comparable to its useful life when it was new;
- (b) when used in connection with a system —
  - (i) to dismantle the system; and



- (ii) to dismantle any thing in the system; and
- (iii) to reassemble the thing after reconditioning or replacing its components so that the useful life of the thing is comparable to its useful life when it was new; and
- (iv) to reassemble the system;

***painting work*** —

- (a) means any work required to prepare for painting or to paint a panel, frame or other component of the body of a motor vehicle, otherwise than in the course of manufacturing the vehicle; but
- (b) does not include any of the following —
  - (i) realigning the chassis of a motor vehicle;
  - (ii) realigning or repairing a panel, frame or other component of the body of a motor vehicle;
  - (iii) installing or removing any glass in the body of a motor vehicle,other than installing or removing any moveable glass, if required;

***panel beating work*** —

- (a) means any work required to do any of the following —
  - (i) to realign the chassis of a motor vehicle;
  - (ii) to realign or repair a panel, frame or other component of the body of a motor vehicle;but
- (b) does not include installing, repairing or removing any glass (other than installing or removing any moveable glass) in the body of a motor vehicle;

***power assisted pedal cycle*** means a vehicle designed to be propelled through a mechanism operated solely by human power, to which is attached one or more auxiliary propulsion

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motors having a combined maximum output not exceeding 200\_watts;

**prescribed accessory** means any of the following —

- (a) an electrical accessory;
- (b) a mechanical accessory;
- (c) any of the following accessories (whether off the shelf or custom-made), including any electrical component associated with the accessory —
  - (i) a moveable platform designed to raise and lower things being loaded onto or unloaded from a heavy vehicle or light vehicle;
  - (ii) a canopy;
  - (iii) a tray, a tray lid or a tray liner;
  - (iv) a tool rack;
  - (v) a side step;
  - (vi) a storage drawer;
  - (vii) shelving;

**register of certificates** means the register referred to in the Act section 50(1)(b);

**relevant authority** when used in connection with the gross vehicle mass of a motor vehicle, means —

- (a) if —
  - (i) the vehicle has never been licensed or registered but the vehicle is used or is intended to be used in this State; or
  - (ii) the vehicle was last licensed in this State, the chief executive officer of the department of the Public Service principally assisting in the administration of the licensing provisions of the Road Traffic Act; or
- (b) if the vehicle was last licensed or registered in another State or a Territory — the authority in that State or

Territory whose functions most nearly correspond to those of the chief executive officer mentioned in paragraph (a);

**repair** when used in connection with a thing or system, means —

- (a) to diagnose and detect any fault, or to detect any damage, in the thing or system; and
- (b) to rectify the fault or mend the damage, including, if applicable, replacing the thing or system or any of its components;

**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 supervises repair work in connection with the business — the individual member,

but does not include any apprentice;

**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

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- (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;

**retrofit** an air conditioning system, means to modify the air conditioning system so that it uses another coolant as required under the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* of the Commonwealth;

**Road Traffic Act** means the *Road Traffic Act 1974*;

**service** when used in connection with a thing or system, means to maintain the thing or system in order to maximise its useful life, including, if applicable, any of the following —

- (a) cleaning or lubricating any of its components;
- (b) replenishing or replacing any oil, lubricant, coolant or other fluid that requires periodic replenishment or replacement;
- (c) replacing any of its components that requires periodic replacement;
- (d) tightening or otherwise adjusting any of its components that requires periodic adjustment;

**steering, suspension and wheel aligning work** means any work required to do any of the following in respect of a motor vehicle —

- (a) to service or repair the steering system or suspension system;
- (b) to balance a wheel or align the wheels;

**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;

**transmission work** means any work required to service, repair, overhaul or modify any of the following that is, was, or may be, fitted to a heavy vehicle or light vehicle —

- (a) a transmission;
- (b) a final drive assembly the differential of which is integrated with a transmission;
- (c) an electronic drive management system;

**trimming work** means any work required to fabricate, repair or replace a seat or any interior lining or floor covering in a motor vehicle;

**tyre fitting (heavy) work** means any work required to do any of the following in respect of a heavy vehicle —

- (a) to repair or replace a rim, tyre or tube;
- (b) to balance a wheel;

**tyre fitting (light) work** means any work required to do any of the following in respect of a light vehicle or motor cycle —

- (a) to repair or replace a rim, tyre or tube;
- (b) to balance a wheel;

**underbody work** means any work required to do any of the following in respect of a light vehicle —

- (a) to service or repair any of the following —
  - (i) the braking system;
  - (ii) the steering system;
  - (iii) the suspension system;
- (b) to fabricate, service, repair or modify the exhaust system;

***vintage vehicle*** means a vehicle that displays the description “veteran”, “vintage”, “post-vintage” or “invitation class” above its number plate as required by the department of the Public Service principally assisting in the administration of the licensing provisions of the Road Traffic Act.

- (2) In a definition in subregulation (1), unless the contrary intention appears —
- (a) a reference to an engine that is, was, or may be, fitted to a motor vehicle (whether or not those words are expressly used) is a reference to the internal combustion engine, and any electric motor, in the propulsion system of the vehicle;
  - (b) a reference to any of the following systems that is, was, or may be, fitted to a motor vehicle (whether or not those words are expressly used) is a reference to such a system that is associated with the internal combustion engine in the propulsion system of the vehicle —
    - (i) a fuel system;
    - (ii) an air induction system;
    - (iii) an ignition system;
    - (iv) an engine management system;
    - (v) a cooling system;
    - (vi) an exhaust system;
  - (c) a reference to any of the following things or systems that is, was, or may be, fitted to a motor vehicle (whether or not those words are expressly used) is a reference to such a thing or system in the propulsion system of the vehicle —
    - (i) a driveline;
    - (ii) a transmission;
    - (iii) a final drive assembly (whether or not its differential is integrated with a transmission);
    - (iv) an electronic drive management system;

- (d) a reference to a fuel system in a motor vehicle —
    - (i) does not include a reference to a gas fuel system; and
    - (ii) if the fuel system consists partly of a gas fuel system, is a reference only to the part of the fuel system that is not a gas fuel system;
  - (e) a reference to modifying a fuel system in a motor vehicle does not include a reference to converting the fuel system to a gas fuel system or to a system that consists partly of a gas fuel system;
  - (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;
  - (f) a reference to a thing or system that is, was, or may be, fitted to a motor vehicle (whether or not those words are expressly used) includes a reference to any electrical or other part of the thing or system (including any accessory that forms part of the thing or system);
  - (g) a reference to any electrical equipment or system, electrical component or electrical part includes a reference to any electronic equipment or system, electronic component or electronic part, as the case requires.
- (3) Without limiting the generality of a definition in subregulation (1), unless the contrary intention appears, a reference to any work required in connection with a thing or system that is, was, or may be, fitted to a motor vehicle (whether or not those words are expressly used) includes a reference to any of the following that is required —

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- (a) checking the condition and operation of the thing or system by looking at it, listening to it, measuring it or testing it;
- (b) disconnecting and reconnecting any electrical circuit;
- (c) removing the thing or system or any other thing or system from, and refitting it to, the vehicle.

*[Regulation 3 amended in Gazette 24 Jun 2008 p. 2803-11; 28 Jul 2009 p. 2975-6.]*

**4. Exclusions from definition of “motor vehicle”**

Each of the following is excluded from the definition of “*motor vehicle*” in the Act section 3(1) —

- (a) a box-trailer without brakes;
- (b) a vintage vehicle;
- (c) a power assisted pedal cycle;
- (d) an exempt motorised wheelchair.

**5. ~~Prescription of classes~~ Classes of repair work prescribed (Act s. 5)**

- (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.

**Table**

<b>Item</b>	<b>Class of repair work</b>
1.	Air conditioning work
2A.	Autogas work
2.	Body building work
3.	Brake work
4.	Cooling system work



Item	Class of repair work
5.	Cylinder head reconditioning work
6.	Diesel fitting work
7.	Diesel fuel and engine work
8.	Driveline servicing and repairing work
9.	Driveline work
10.	Electrical accessory fitting work
11.	Electrical work
12.	Engine reconditioning work
13.	Exhaust system work
14.	Glazing work
15.	Heavy vehicle servicing work
16.	Heavy vehicle work
17.	Light vehicle servicing work
18.	Light vehicle work
19.	Mechanical accessory fitting work
20.	Motor cycle servicing work
21.	Motor cycle work
22.	Painting work
23.	Panel beating work
24.	Steering, suspension and wheel aligning work
25.	Transmission work
26.	Trimming work
27.	Tyre fitting (heavy) work
28.	Tyre fitting (light) work
29.	Underbody work

*[Regulation 5 amended in Gazette 24 Jun 2008 p. 2811.]*

**6. Work ~~prescribed~~ that is not ~~to be~~ repair work prescribed (Act s. 5)**

Each of the following kinds of work is prescribed not to be repair work for the purposes of the Act —

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- (a) washing or otherwise cleaning or polishing a motor vehicle for the sole purpose of improving its appearance;
- (b) installing, removing, repairing or otherwise working on a refrigeration unit in a refrigerated trailer;
- (c) installing, removing, repairing or otherwise working on a fridge, stove, sink, toilet or other article of furnishings normally associated with human habitation that is, was, or may be, fitted to a motor vehicle;
- (d) installing, removing, repairing or otherwise working on —
  - (i) a crane, air compressor, concrete mixer, welder or other industrial or commercial plant that is, was, or may be, permanently affixed to a heavy vehicle or light vehicle and is not a prescribed accessory; and
  - (ii) any component, that is, was, or may be connected to the vehicle, the sole purpose of which is associated with the use of the plant;
- (e) the removal or dismantling by a wrecker of a thing or system that is, or was, fitted to a motor vehicle.

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

*[Heading inserted in Gazette 24 Jun 2008 p. 2812.]*

**7A. Prescribed fee Fees prescribed (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) \$155; 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) \$155; 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 application relates, is the following amount rounded to the nearest dollar —

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

where —

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- 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 Commissioner 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 —

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

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 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 Commissioner 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.

**Table**

<b>Item</b>	<b>Number of repairers</b>	<b>\$</b>
1.	1 to 2	649
2.	3	906
3.	4	1 132
4.	5 to 7	1 647
5.	8 to 10	2 098

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<b>Item</b>	<b>Number of repairers</b>	<b>\$</b>
6.	11 or more	2 645

[Regulation 7A inserted in Gazette 24 Jun 2008 p. 2812-15;  
amended in Gazette 23 Jun 2009 p. 2447; 22 Jun 2011 p. 2370;  
30 Jun 2011 p. 2667.]

~~**7B. Notice relating to replacement applications**~~

**7B. Replacement licences, issue of**

- (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 Commissioner 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 Commissioner proposes to issue a replacement licence.
- (3) The Commissioner must issue a notice to the applicant stating —
  - (a) that the Commissioner 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
  - (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 Commissioner that he, she or it is withdrawing the application —
- (a) ensure that any required payment is received by the Commissioner before the proposed issue day; and
  - (b) return the old licence to the Commissioner 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 Commissioner 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;
  - (c) the amount of refund payable to the applicant under the Act section 53 is the proposed refund;
  - (d) the Commissioner 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;

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- (f) if the amount of refund exceeds the outstanding fee, the Commissioner 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 Commissioner may issue another notice under this regulation specifying a new proposed issue day for the licence.

*[Regulation 7B inserted in Gazette 24 Jun 2008 p. 2815-17; amended in Gazette 30 Jun 2011 p. 2667.]*

**7C. ~~Fee for duplicate~~Duplicate business licence, fee for (Act s. 25)**

For the purposes of the Act section 25, the prescribed fee is \$38.25.

*[Regulation 7C inserted in Gazette 24 Jun 2008 p. 2817; amended in Gazette 23 Jun 2009 p. 2448; 22 Jun 2011 p. 2371.]*

**7D. ~~Conditions and restrictions attached to business~~Business licences for autogas work, conditions etc. prescribed for (Act s. 28)**

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 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.

*[Regulation 7D inserted in Gazette 24 Jun 2008 p. 2817-18.]*

**7E. ~~Duration of business~~Business licences, duration of (Act s. 30)**

- (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.

*[Regulation 7E inserted in Gazette 24 Jun 2008 p. 2818.]*

**7F. ~~Fee for renewal~~Renewal of licence, fees for (Act s. 31(3)(b))**

- (1) For the purposes of the Act section 31(3)(b), the prescribed fee is the sum of —
  - (a) \$155; and

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- (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**

<b>Item</b>	<b>Number of repairers</b>	<b>\$</b>
1.	1 to 2	649
2.	3	906
3.	4	1 132
4.	5 to 7	1 647
5.	8 to 10	2 098
6.	11 or more	2 645

*[Regulation 7F inserted in Gazette 24 Jun 2008 p. 2819; amended in Gazette 23 Jun 2009 p. 2448; 22 Jun 2011 p. 2371.]*

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

- (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 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 Commissioner 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.

*[Regulation 7G inserted in Gazette 24 Jun 2008 p. 2819-20; amended in Gazette 30 Jun 2011 p. 2667.]*

**7H. Exemption from requirement for planning certificate [in Act s. 13, 58 and 60](#)**

- (1) In this regulation —
- relevant day* means the day on which the *Motor Vehicle Repairers Amendment Regulations 2009*, other than regulations-1 and 2 of those regulations, come into operation<sup>1</sup>.
- (2) On and after the relevant day, an application by an existing repair business for a business licence is exempt from the operation of sections 13(3)(b), 58(1)(b) and 60 of the Act in respect of each of the premises specified in the application.

*[Regulation 7H inserted in Gazette 31 Mar 2009 p. 1021-2.]*

## Part 2 — Certification of individuals performing repair work

7. ~~Application fee for repairer's~~ Repairer's certificate, fee for (Act s. 41(2)(b))

For the purposes of the Act section 41(2)(b), the prescribed fee, regardless of the number of classes of repair work, is \$72.

[Regulation 7 amended in Gazette 17 Jun 2008 p. 2555; 24 Jun 2008 p. 2820; 23 Jun 2009 p. 2448; 22 Jun 2011 p. 2372.]

~~8. Prescribed qualifications~~

8. Qualifications prescribed (Act s. 42(2)(a)(i))

- (1) In this regulation, unless the contrary intention appears —  
*AUR05* means version 1 of the training package AUR05 entitled *Automotive Industry Training Package Retail, Service and Repair*, published by Australian Training Products Ltd;  
*AUR99* means version 1, 2, 3 or 4 of the training package AUR99 entitled *Automotive Industry National Training Package — Retail, Service and Repair Sector*, published by Australian Training Products Ltd;  
*descriptor* has the same meaning as it has in AUR05.
- (2) Subject to subregulation (3), for the purposes of the Act section 42(2)(a)(i), a person has the qualifications prescribed for a class of repair work listed in column 2 of the Table to this regulation if the person meets either of the following requirements —
  - (a) the person holds the qualification, issued under AUR99, of the code and title stated opposite that class in column 3 of the Table;
  - (b) the person —

- (i) holds the qualification, issued under AUR05, of the code and title stated opposite that class in column 4 of the Table; and
  - (ii) if a descriptor is stated opposite that class in column 4 — is entitled, under AUR05, to use the descriptor in conjunction with the qualification.
- (3) To have the qualifications prescribed for air conditioning work, a person must —
- (a) meet the requirements under subregulation (2) for that class of repair work; and
  - (b) hold an automotive air conditioning licence granted under Subdivision 6A.2.2 of the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* of the Commonwealth.

**Table**

Item	Class of repair work	Prescribed qualification under AUR99	Prescribed qualification under AUR05
1.	Air conditioning work	<i>Code:</i> AUR20799 <i>Title:</i> Certificate II in Automotive (Mechanical — Air Conditioning)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Air Conditioning
2.	Body building work	<i>Code:</i> AUR31599 <i>Title:</i> Certificate III in Automotive (Vehicle Body — Building)	<i>Code:</i> AUR30805 <i>Title:</i> Certificate III in Automotive Vehicle Body  <i>Descriptor:</i> Body Building

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<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
3.	Brake work	<i>Code:</i> AUR30399 <i>Title:</i> Certificate III in Automotive (Mechanical — Brakes)	<i>Code:</i> AUR30605 <i>Title:</i> Certificate III in Automotive Specialist  <i>Descriptor:</i> Brake
4.	Cooling system work	<i>Code:</i> AUR21299 <i>Title:</i> Certificate II in Automotive (Mechanical — Radiator Repair)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Cooling System
5.	Cylinder head reconditioning work	<i>Code:</i> AUR20899 <i>Title:</i> Certificate II in Automotive (Mechanical — Cylinder Head Reconditioning)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Cylinder Head Reconditioning
6.	Diesel fitting work	<i>Code:</i> AUR30499 <i>Title:</i> Certificate III in Automotive (Mechanical — Diesel Fitter)	<i>Code:</i> AUR30605 <i>Title:</i> Certificate III in Automotive Specialist  <i>Descriptor:</i> Diesel Fitting

<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
7.	Diesel fuel and engine work	<i>Code:</i> AUR30599 <i>Title:</i> Certificate III in Automotive (Mechanical — Diesel Fuel Specialist)	<i>Code:</i> AUR30605 <i>Title:</i> Certificate III in Automotive Specialist  <i>Descriptor:</i> Diesel Fuel
8.	Driveline servicing and repairing work	<i>Code:</i> AUR20999 <i>Title:</i> Certificate II in Automotive (Mechanical — Driveline)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Driveline/ Transmission
9.	Driveline work	<i>Code:</i> AUR30699 <i>Title:</i> Certificate III in Automotive (Mechanical — Driveline)	<i>Code:</i> AUR30605 <i>Title:</i> Certificate III in Automotive Specialist  <i>Descriptor:</i> Driveline
10.	Electrical accessory fitting work	<i>Code:</i> AUR20699 <i>Title:</i> Certificate II in Automotive (Electrical — Accessory Fitting)	<i>Code:</i> AUR20405 <i>Title:</i> Certificate II in Automotive Electrical Technology
11.	Electrical work	<i>Code:</i> AUR30199 <i>Title:</i> Certificate III in Automotive (Electrical)	<i>Code:</i> AUR30305 <i>Title:</i> Certificate III in Automotive Electrical Technology

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<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
12.	Engine reconditioning work	<i>Code:</i> AUR30799 <i>Title:</i> Certificate III in Automotive (Mechanical — Engine Reconditioning)	<i>Code:</i> AUR30605 <i>Title:</i> Certificate III in Automotive Specialist  <i>Descriptor:</i> Engine Reconditioning
13.	Exhaust system work	<i>Code:</i> AUR21099 <i>Title:</i> Certificate II in Automotive (Mechanical — Exhaust Fitting & Repair)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Exhaust Fitting
14.	Glazing work	<i>Code:</i> AUR22799 <i>Title:</i> Certificate II in Automotive (Vehicle Body — Glazing)	<i>Code:</i> AUR20905 <i>Title:</i> Certificate II in Automotive Vehicle Body  <i>Descriptor:</i> Vehicle Glazing
15.	Heavy vehicle servicing work	<i>Code:</i> AUR21799 <i>Title:</i> Certificate II in Automotive (Mechanical — Vehicle Servicing)	<i>Code:</i> AUR20505 <i>Title:</i> Certificate II in Automotive Vehicle Servicing  <i>Descriptor:</i> Heavy Vehicle



<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
16.	Heavy vehicle work	<p><i>Code:</i> AUR30899</p> <p><i>Title:</i> Certificate III in Automotive (Mechanical — Heavy Vehicle Road Transport)</p>	<p><i>Code:</i> AUR30405</p> <p><i>Title:</i> Certificate III in Automotive Mechanical Technology</p> <p><i>Descriptor:</i> Heavy Vehicle Road Transport</p>
17.	Light vehicle servicing work	<p><i>Code:</i> AUR21799</p> <p><i>Title:</i> Certificate II in Automotive (Mechanical — Vehicle Servicing)</p>	<p><i>Code:</i> AUR20505</p> <p><i>Title:</i> Certificate II in Automotive Vehicle Servicing</p> <p><i>Descriptor:</i> Light Vehicle</p>
18.	Light vehicle work	<p><i>Code:</i> AUR31099</p> <p><i>Title:</i> Certificate III in Automotive (Mechanical — Light Vehicle)</p>	<p><i>Code:</i> AUR30405</p> <p><i>Title:</i> Certificate III in Automotive Mechanical Technology</p> <p><i>Descriptor:</i> Light Vehicle</p>
19.	Mechanical accessory fitting work	<p><i>Code:</i> AUR22499</p> <p><i>Title:</i> Certificate II in Automotive (Vehicle Body — Accessory Fitting “Mechanical”)</p>	<p><i>Code:</i> AUR20205</p> <p><i>Title:</i> Certificate II in Automotive Aftermarket Manufacturing</p> <p><i>Descriptor:</i> Accessory Fitting</p>

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<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
20.	Motor cycle servicing work	<i>Code:</i> AUR21799 <i>Title:</i> Certificate II in Automotive (Mechanical — Vehicle Servicing)	<i>Code:</i> AUR20505 <i>Title:</i> Certificate II in Automotive Vehicle Servicing  <i>Descriptor:</i> Motorcycle
21.	Motor cycle work	<i>Code:</i> AUR31199 <i>Title:</i> Certificate III in Automotive (Mechanical — Motor Cycle)	<i>Code:</i> AUR30405 <i>Title:</i> Certificate III in Automotive Mechanical Technology  <i>Descriptor:</i> Motorcycle
22.	Painting work	<i>Code:</i> AUR31899 <i>Title:</i> Certificate III in Automotive (Vehicle Body — Vehicle Painting)	<i>Code:</i> AUR30805 <i>Title:</i> Certificate III in Automotive Vehicle Body  <i>Descriptor:</i> Vehicle Painting
23.	Panel beating work	<i>Code:</i> AUR31699 <i>Title:</i> Certificate III in Automotive (Vehicle Body — Panel Beating)	<i>Code:</i> AUR30805 <i>Title:</i> Certificate III in Automotive Vehicle Body  <i>Descriptor:</i> Panel Beating

<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
24.	Steering, suspension and wheel aligning work	<i>Code:</i> AUR21399 <i>Title:</i> Certificate II in Automotive (Mechanical — Steering and Suspension)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Steering and Suspension
25.	Transmission work	<i>Code:</i> AUR30299 <i>Title:</i> Certificate III in Automotive (Mechanical — Automatic Transmission)	<i>Code:</i> AUR30605 <i>Title:</i> Certificate III in Automotive Specialist  <i>Descriptor:</i> Transmission
26.	Trimming work	<i>Code:</i> AUR31799 <i>Title:</i> Certificate III in Automotive (Vehicle Body — Trimming)	<i>Code:</i> AUR30805 <i>Title:</i> Certificate III in Automotive Vehicle Body  <i>Descriptor:</i> Vehicle Trimming
27.	Tyre fitting (heavy) work	<i>Code:</i> AUR21499 <i>Title:</i> Certificate II in Automotive (Mechanical — Tyre Fitting & Repair Heavy)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Tyre Fitting Heavy

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<b>Item</b>	<b>Class of repair work</b>	<b>Prescribed qualification under AUR99</b>	<b>Prescribed qualification under AUR05</b>
28.	Tyre fitting (light work)	<i>Code:</i> AUR21599 <i>Title:</i> Certificate II in Automotive (Mechanical — Tyre Fitting & Repair Light)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Tyre Fitting Light
29.	Underbody work	<i>Code:</i> AUR21699 <i>Title:</i> Certificate II in Automotive (Mechanical — Underbody)	<i>Code:</i> AUR20705 <i>Title:</i> Certificate II in Automotive Mechanical  <i>Descriptor:</i> Underbody

## Part 3 — Provisions applicable to business licences and to certificates

*[Heading inserted in Gazette 24 Jun 2008 p. 2820.]*

### 9. **Particulars ~~and matters~~etc. to be recorded in register** **(Act s. 50(1)(a))**

- (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;
    - (ii) the address at which the vehicle is normally kept;
  - (j) any condition or restriction attached to the licence;

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- (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.
- (2) For the purposes of the Act section 50(1)(b), the following particulars and matters are prescribed for each individual to whom a certificate is granted —
- (a) the full name and residential address of the individual;
  - (b) the day on which the individual first applied for a certificate under the Act section 41;
  - (c) if the individual is granted a provisional repairer's certificate —
    - (i) the day on which it is granted;
    - (ii) the class or classes of repair work for which it is granted;
    - (iii) any condition or restriction attached to it;
    - (iv) the day on which it expires;
    - (v) if it ceases to be in force under the Act section 46(2)(a) or (b) — the day on which it ceases to be in force;
  - (d) if the individual is granted a repairer's certificate —
    - (i) the day on which it is granted;
    - (ii) the class or classes of repair work for which it is granted;
    - (iii) any condition or restriction attached to it;
    - (iv) if it ceases to be in force under the Act section 46(1) — the day on which it ceases to be in force.

*[Regulation 9 amended in Gazette 24 Jun 2008 p. 2821-2.]*

10. ~~Fees for inspecting~~ Inspecting etc. ~~register etc.~~ fees for (Act s. 51)

For the purposes of the Act section 51, the prescribed fees in relation to a register are —

- (a) to inspect the register — \$18;
- (b) to obtain a copy —
  - (i) of one or more specific entries of the register — \$18 for the first page and \$3.60 for each subsequent page;
  - (ii) of all entries in the register — \$228.

*[Regulation 10 amended in Gazette 17 Jun 2008 p. 2555; 24 Jun 2008 p. 2822; 23 Jun 2009 p. 2448-9; 22 Jun 2011 p. 2372.]*

11. ~~Fee for certified~~ Certified copy of certificate, fee for (Act s. 54(1))

For the purposes of the Act section 54(1), the prescribed fee is \$39.50.

*[Regulation 11 amended in Gazette 17 Jun 2008 p. 2555; 23 Jun 2009 p. 2449; 22 Jun 2011 p. 2372.]*

## Part 4 — Miscellaneous

*[Heading inserted in Gazette 24 Jun 2008 p. 2822.]*

12. ~~Fees for changes in~~ Changes of authorised premises, fees for  
(Act s. 61(1)(c))

- (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 — ~~—~~ \$59.50 for each of the mobile 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 — \$119 for each of the fixed premises the particulars of which are to be added.

*[Regulation 12 inserted in Gazette 24 Jun 2008 p. 2822-3; amended in Gazette 23 Jun 2009 p. 2449; 22 Jun 2011 p. 2373.]*

13. **Infringement notice offences and modified penalties**  
(Act s. 98 and 99(1))

- (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
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

*[Regulation 13 inserted in Gazette 24 Jun 2008 p. 2823-4.]*

**14. ~~Forms of infringement~~ Infringement notice and withdrawal notice, forms of (Act s. 101(1) and 103(1))**

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

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

*[Regulation 14 inserted in Gazette 24 Jun 2008 p. 2824.]*

**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 Commissioner 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 Commissioner determines to be appropriate; and
  - (b) the amount paid under regulation 7A(1)(c)(ii) or 7F(1)(b), as the case requires.
- (3) If the Commissioner refuses an application made under the Act section 15, 17, 19 or 31, the Commissioner 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 Commissioner 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 Commissioner determines to be appropriate.

*[Regulation 15 inserted in Gazette 24 Jun 2008 p. 2824-5; amended in Gazette 30 Jun 2011 p. 2667.]*

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

- (1) If an applicant withdraws a replacement application, the Commissioner must refund to the applicant so much (if any) of

the amount paid under regulation 7A(1)(b)(i) as the Commissioner determines to be appropriate.

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

*[Regulation 16 inserted in Gazette 24 Jun 2008 p. 2825;  
amended in Gazette 30 Jun 2011 p. 2667.]*

## **Part 5 — Transitional matters**

*[Heading inserted in Gazette 24 Jun 2008 p. 2825.]*

### **17. Application of Part**

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

*[Regulation 17 inserted in Gazette 24 Jun 2008 p. 2825.]*

### **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**

<b>Month in which licence is to be issued</b>	<b>Number of licence notices constituting a round</b>
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 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 <sup>st</sup>	24	
2 <sup>nd</sup>	25	
3 <sup>rd</sup>	26	
4 <sup>th</sup>	27	
5 <sup>th</sup>	28	
6 <sup>th</sup>	29	
7 <sup>th</sup>	30	
8 <sup>th</sup>	31	
9 <sup>th</sup>	32	Item not applicable for December 2009
10 <sup>th</sup>	33	Item not applicable for November 2009 and December 2009
11 <sup>th</sup>	34	Item not applicable for October 2009 to December 2009
12 <sup>th</sup>	35	Item not applicable for September 2009 to December 2009

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

*[Regulation 18 inserted in Gazette 24 Jun 2008 p. 2826-8.]*

**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).

- (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 —

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

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

where —

a has the meaning given in regulation 7A(2); and

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- 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.

*[Regulation 19 inserted in Gazette 24 Jun 2008 p. 2828-30.]*

**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.

*[Regulation 20 inserted in Gazette 24 Jun 2008 p. 2831.]*

**Schedule 1 — Forms**

[r. 14]

[Heading inserted in Gazette 24 Jun 2008 p. 2831.]

**Form 1**

<i>Motor Vehicle Repairers Act 2003</i> , s. 101(1)		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Alleged offence</b>	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 \$ _____		
<b>Authorised officer issuing notice</b>	Name _____	
	Signature _____	
<b>Date</b>	Date of notice ____ / ____ /20	
<b>Notice to alleged offender</b>	<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><b>How to pay</b></p> <p><b>By post:</b> Send this notice (or a copy) with a cheque or money order (made payable to the Commissioner) to:            Department of Commerce - Consumer Protection            Locked Bag 14 Cloisters Square            Perth WA 6850</p> <p><b>In person:</b> Present this notice and your payment to the cashier at:            Department of Commerce - Consumer Protection            219 St George's Terrace, Perth WA</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted.</p>	

	<p><b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to:</p> <p style="text-align: center;">The Commissioner Department of Commerce - Consumer Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p><b>If you want this matter to be dealt with by prosecution in court,</b> sign here _____ and, within 28 days after it was given, post this notice to the above postal address.</p>
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*[Form 1 inserted in Gazette 24 Jun 2008 p. 2831-2; amended in Gazette 30 Jun 2011 p. 2665-6.]*

**Form 2**

<i>Motor Vehicle Repairers Act 2003, s. 103(1)</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue / /20	
<b>Alleged offence</b>	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.
<b>Person giving this notice</b>	Name _____	
	Signature _____	
<b>Date</b>	Date of withdrawal / /20	
<b>Withdrawal of infringement notice</b>	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.	
[*delete whichever is not applicable]	* Your refund is enclosed.	
	or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:	
		The Commissioner Department of Commerce - Consumer Protection Locked Bag 14 Cloisters Square Perth WA 6850
Signature _____		/ /20

*[Form 2 inserted in Gazette 24 Jun 2008 p. 2832-3; amended in Gazette 30 Jun 2011 p. 2666.]*



Notes

<sup>1</sup> This [reprint](#) is a compilation [as at 6 January 2012](#) of the *Motor Vehicle Repairers Regulations 2007* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Motor Vehicle Repairers Regulations 2007</i>	9 Feb 2007 p. 391-426	19 Mar 2007 (see r. 2 and <i>Gazette</i> 9 Feb 2007 p. 451)
<i>Motor Vehicle Repairers Amendment Regulations (No. 2) 2008</i>	17 Jun 2008 p. 2554-5	r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Motor Vehicle Repairers Amendment Regulations 2008</i>	24 Jun 2008 p. 2801-33	r. 1 and 2: 24 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b) and <i>Gazette</i> 24 Jun 2008 p. 2885)
<b>Reprint 1: The <i>Motor Vehicle Repairers Regulations 2007</i> as at 5 Sep 2008</b> (includes amendments listed above)		
<i>Motor Vehicle Repairers Amendment Regulations 2009</i>	31 Mar 2009 p. 1021-2	r. 1 and 2: 31 Mar 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Apr 2009 (see r. 2(b))
<i>Motor Vehicle Repairers Amendment Regulations (No. 2) 2009</i>	23 Jun 2009 p. 2447-9	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Motor Vehicle Repairers Amendment Regulations (No. 3) 2009</i>	28 Jul 2009 p. 2975-6	r. 1 and 2: 28 Jul 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Jul 2009 (see r. 2(b)(i))
<i>Motor Vehicle Repairers Amendment Regulations (No. 2) 2011</i>	22 Jun 2011 p. 2369-73	r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))

## Motor Vehicle Repairers Regulations 2007

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Citation	Gazettal	Commencement
<i>Motor Vehicle Repairers Amendment Regulations (No. 3) 2011</i>	30 Jun 2011 p. 2665-7	r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))

[Reprint 2: The Motor Vehicle Repairers Regulations 2007 as at 6 Jan 2012 \(includes amendments listed above\)](#)

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