

Submission for Motor Dealers and Repairers Amendment Bill 2022

- ***Modifications to Prescribed parts register.***

I believe moving the prescribed parts register to ministerial order gives the opportunity for a more efficient and relevant register to be maintained without the need for the lengthy legislation changes each time a component is identified as needing to be included. The recording of prescribed parts on a digital platform or an approved flexible system is also appropriate.

However, I also believe moving the list and any updates to Ministerial Order and publishing any updates on the NSW Fair Trading website comes with an implied responsibility for NSW Fair Trading to seek ways in which it can confirm that all participants that are required to keep a register are made aware of any changes above and beyond the publication of the list on the NSW Fair Trading website alone.

- ***Modifications to Qualification Requirements.***

Whilst the automotive sector is certainly undergoing changes, these changes have been happening for some time and the forecast of the types of new technology being released by vehicle manufacturers and consumer expectations is clear, well documented, and progressive.

As a result, the education sector has at its disposal global technical resources, Offshore training models, offshore market movements and projections to allow it to also forecast the required training needed to offer appropriate qualification standards for today's modern tradesperson, apprentices, and repairers alike.

These resources will allow the sector to be proactive in maintaining qualification standards and the ability to clearly set future standards without the need for reactive responses.

The removal of the qualification requirements for the issue of a license or tradesperson certificate from the Regulation appears to give the ability for reactionary response. The proposed bill S.25 and S.26 seeks to permanently remove reference to the need for trade specific qualifications or any specifically defined qualifications for the issue of a license.

The legislative process undertaken to draft a bill and amend an act is in place to protect the parties the act was designed for. In this case all motor industry workers and their customers. The need to have specific trade qualifications for specific repairers licenses is critical to maintain the integrity of the industry in terms of measuring workforce skill value, accurate market projections of the future based on sustainable and reliable metrics, real consumer protection without government intervention due to correctly skilled workers delivering acceptable quality standards and also the ability for the industry to work and grow with its complimentary sectors of education and retail sales sectors.

The risk that removal of such mandatory requirements from the act may, over time; lead to the dilution of this requirement and undermine the value of the industry.

- **Online selling.**

I feel the new amendments requirement for online selling seem to offer consumer protection and would be a good addition to the act.

- **Deterring unethical behaviour.**

I see some proposed changes in the penalty structure that deliver the desired effect in relation to deterring unethical behaviour. However, I also see some areas where the penalties seem to offer no deterrent.

Many maximum penalty units and maximum penalties have a proposed increase whilst the same offense still offers no Penalty Infringement Notice. Meaning the offense needs to go through a lengthy and costly judicial process for these penalties to have any consequence.

Penalty Infringement Notices (PIN) are an important tool to deter smaller infringements that may not see the need for such lengthy and costly investigations and court proceedings. Such infringements would suit the common day to day infringements that seemingly go unpenalized due to the lack of PIN.

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Repair work must be done by holder of a tradesperson certificate.

Repair work must be done by a licensed motor vehicle repairer.

False or misleading records

I also think it important to consider the mechanisms needed for compliance. It has become clear to those operating legitimately that unethical operators are continuing to operate outside the act due to a lack of an effective reporting system and poor compliance fulfillment.

A clear and open channel for reporting via NSW fair trading is needed and appropriate funding for the compliance team to fulfill their duties effectively is needed.

Regards,

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Driveway Mobile Mechanics

