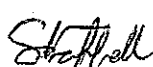


Oppⁿ Amend^t No 10
attached 8:55 pm

19/11/13


LEGISLATIVE COUNCIL

Motor Dealers and Repairers Bill 2013

First print

Proposed amendments

No. 1 Page 4, clause 6 (2), lines 43 and 44. Omit all words on those lines. Insert instead:

- (2) In this Act, *repair work* means the following work:
- (a) carrying out a vehicle damage assessment referred to in Division 3 of Part 4.5 of the *Road Transport Act 2013*,
 - (b) performing the functions of a licenced repairer under section 98 of the *Road Transport Act 2013*,
 - (c) any other work of a class or classes prescribed by the regulations for the purposes of this section.

No. 2 Page 17, Part 3. Insert after line 12:

Division 3 Register of offences and penalty notices

48 Secretary to keep register of offences

- (1) The Secretary is to keep a register of information about offences under this Act or the regulations under this Act relating to serious breaches of this Act or the regulations.
- (2) The register may contain any of the following information in relation to a person who has been convicted by a court of, or has been issued a penalty notice for, an offence under this Act or the regulations that, in the opinion of the Secretary, is a serious breach of this Act or the regulations:
 - (a) the name of the person,
 - (b) the name and address of the place of business at which the offence was committed, including the local government area in which it is located,
 - (c) the name and address of the usual place of business of the person,
 - (d) the trade name under which the person trades,
 - (e) if the person is a company, the name of the chief executive officer and any director of the company,
 - (f) a description of the nature and circumstances of the offence, the decision of the court and penalty imposed or the order made against the person,

- (g) any other information of a general nature in relation to matters connected with the motor vehicle dealing and repairing industry that the Secretary thinks necessary.
- (3) Information relating to a particular offence is not to be published on the register until:
 - (a) in the case of a person who has been convicted by a court:
 - (i) if no appeal is made—after the last day on which an appeal may be made against the conviction, or
 - (ii) if an appeal is made—after a final order has been made on appeal affirming the conviction, and
 - (b) in the case of a person who has been issued a penalty notice:
 - (i) the amount payable under the penalty notice has been fully or partly paid, or
 - (ii) a penalty notice enforcement order under Part 3 of the *Fines Act 1996* has been issued in respect of the penalty notice, or
 - (iii) at least 70 days have elapsed since the penalty notice was served and the penalty notice is unresolved.
- (4) The register may be kept in any form that the Secretary considers appropriate.

No. 3 Page 32, Part 4. Insert after line 28:

Division 8 Motor vehicle repairers to report on incomplete or defective work

100 Motor vehicle repairers to report incomplete or defective repair work

A motor vehicle repairer who becomes aware that repair work carried out, or purported to have been carried out, by another motor vehicle repairer is incomplete or defective, or has been carried out otherwise than in accordance with this Act, must notify the Secretary of that fact as soon as practicable after becoming so aware.

Maximum penalty: 20 penalty units.

- No. 4 Page 36, clause 111 (2) (a), line 19. Insert "(whether or not the work was authorised by the owner or by the insurer of the motor vehicle)" after "has been done".
- No. 5 Page 37, clause 113 (1), lines 3 and 4. Omit "or the defect rectified". Insert instead ", the defect rectified or the owner compensated".
- No. 6 Page 37, clause 113. Insert after line 10:
 - (3) A motor dealer or motor vehicle repairer on whom a rectification order that requires compensation to be paid has been served may apply to the Tribunal for the variation or revocation of the order.
- No. 7 Page 45, clause 141. Insert after line 10:

motor vehicle repairers' group means a body, approved by the Secretary for the purposes of this Part, that represents motor vehicle repairers.

repairer contract means a contract (including documents forming part of, or referred to in, the contract) between an insurer and a motor vehicle repairer for repair work by the motor vehicle repairer.
- No. 8 Page 45, clause 142 (1), line 16. Insert "or repairer contract" after "contract".
- No. 9 Page 45, clause 142 (2), line 23. Omit "supply".
- No. 10 Page 45, clause 142 (2) (e), line 34. Insert "or services" before "goods".

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- No. 11 Page 45, clause 142 (2) (f), line 35. Insert "in the case of a supply contract," before "a term".
- No. 12 Page 45, clause 142 (2) (g), line 38. Insert "in the case of a supply contract," before "a term".
- No. 13 Page 46, clause 143, line 2. Insert "or insurer" after "manufacturer".
- No. 14 Page 46, clause 143 (a), line 4. Insert "or repairer contract" after "contract".
- No. 15 Page 46, clause 143 (b), line 6. Omit "supply".
- No. 16 Page 46, clause 144. Insert after line 14:
- (3) A motor vehicle repairers' group may apply to the Small Business Commissioner for assistance in dealing with a dispute about an unfair term of a repairer contract or a class of repairer contracts or unjust conduct by an insurer who is a party to a repairer agreement or class of repairer contracts.
 - (4) A motor vehicle repairer may apply to the Small Business Commissioner for assistance in dealing with a dispute about an unfair term of a repairer contract or unjust conduct by an insurer who is a party to a repairer contract.
- No. 17 Page 46, clause 145, line 17. Omit "supply".
- No. 18 Page 46, clause 145. Insert after line 24:
- (3) A motor vehicle repairers' group or the Small Business Commissioner may apply to the Tribunal on behalf of a motor vehicle repairer or class of motor vehicle repairers for a declaration that a term of a repairer contract or class of repairer contracts is unfair or that conduct of an insurer is unjust, and for orders under this Part.
 - (4) A motor vehicle repairer may apply to the Tribunal for a declaration that a term of a repairer contract is unfair, or that conduct of an insurer is unjust, and for orders under this Part.
- No. 19 Page 46, clause 145 (3), line 25. Omit "or a motor dealer". Insert instead ", a motor dealer, a motor vehicle repairers' group or a motor vehicle repairer".
- No. 20 Page 46, clause 145 (3), line 26. Omit "or motor dealer". Insert instead ", motor dealer, motor vehicle repairers' group or motor vehicle repairer".
- No. 21 Page 46, clause 146. Insert after line 37:
- (2) The Tribunal may, on application under this Part by a motor vehicle repairers' group, the Small Business Commissioner, or a motor vehicle repairer, declare a term of a repairer contract or a class of repairer contracts to be an unfair term or declare conduct of an insurer to be unjust.
- No. 22 Page 46, clause 146 (2), line 38. Omit "supply".
- No. 23 Page 46, clause 146 (3) (a), line 44. Omit "supply".
- No. 24 Page 47, clause 146 (3) (b), line 2. Omit "supply".
- No. 25 Page 47, clause 146 (3) (c), line 3. Omit "supply".
- No. 26 Page 47, clause 146 (3) (d), line 5. Insert "or motor vehicle repairer" after "motor dealer".
- No. 27 Page 47, clause 146 (3) (d), line 6. Omit "supply".
- No. 28 Page 47, clause 146 (3) (e), line 8. Omit "supply".
- No. 29 Page 47, clause 146 (3) (e), line 10. Omit "supply".
- No. 30 Page 47, clause 146 (3) (g), line 14. Insert "or motor vehicle repairer" after "motor dealer".
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- No. 31 Page 47, clause 146 (3) (g) (i), line 15. Omit "supply".
- No. 32 Page 47, clause 146 (3) (g) (ii), line 17. Omit "supply".
- No. 33 Page 47, clause 146 (3) (g) (iii), line 18. Omit "supply".
- No. 34 Page 47, clause 146 (3) (g) (iii), line 19. Omit "supply".
- No. 35 Page 47, clause 146 (3) (g) (iii), line 21. Omit "supply".
- No. 36 Page 47, clause 147 (1), lines 25 and 26. Omit "supply contract or class of supply contracts". Insert instead "supply contract or repairer contract, or class of supply contracts or repairer contracts,"
- No. 37 Page 47, clause 147 (2), line 37. Insert "or insurer" after "manufacturer".
- No. 38 Page 47, clause 147 (2) (a), line 39. Insert "or insurer" after "manufacturer".
- No. 39 Page 47, clause 147 (2) (a), line 40. Omit "supply".