



Fair  
Trading

PO Box 972  
Parramatta NSW 2124  
Tel: 02 9895 0111 Fax: 02 9895 0222  
TTY: 1300 723 404 ABN 81 913 830 179  
www.fairtrading.nsw.gov.au

Ref: FTMIN14/899

Ms Stephanie Hesford  
Inquiry Manager  
Legislative Assembly Select Committee  
on the Motor Vehicle Repair Industry  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Ms Hesford

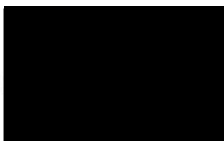
Thank you for your correspondence regarding the Select Committee on the Motor Vehicle Repair Industry public hearing held on Friday 21 March 2014.

As you are aware, during my appearance before the Committee, the following questions were taken on notice:

1. How many inspections of licensed motor vehicle repairers were made in 2012?
2. How many unlicensed tradesmen were found during the inspections of motor vehicle repairers during 2013?
3. Details, broken down into individual categories in relation to penalty notices, prosecutions and disciplinary actions for motor vehicle repairers.
4. Information in relation to how many Fair Trading inspectors are specifically industry trained within the automotive industry? What type of training and background must these inspectors have?

My responses to the above questions are set out in the attached document. Please note, further information in relation to question 1. will be provided under separate cover shortly.

Yours sincerely



Rod Stowe  
Commissioner

Encl. 4/4/14.

**Inquiry into the Motor Vehicle Repair Industry Public Hearing 21 March 2014  
NSW Fair Trading response to questions taken on notice.**

1. *How many inspections of licensed motor vehicle repairers were made in 2012?*

NSW Fair Trading is undertaking further searches to obtain this figure and will provide a response to this question under separate cover.

2. *How many unlicensed tradesmen were found during the inspections of motor vehicle repairers during 2013?*

NSW Fair Trading found ten unlicensed tradespersons during its inspections of motor vehicle repairers in 2013.

3. *Fair Trading to provide details, broken down into individual categories in relation to penalty notices, prosecutions and disciplinary actions regarding motor vehicle repairers.*

Information, broken down into individual categories, in relation to penalty notices, prosecutions and disciplinary actions undertaken by Fair Trading in 2012-2013 is attached (tab A).

4. *Information in relation to how many Fair Trading inspectors are specifically industry trained within the automotive industry? What type of training and background must these inspectors have?*

Fair Trading currently employs ten dedicated automotive inspectors. The main function of automotive inspectors is the resolution of disputes. Automotive inspectors do not undertake general inspection activities. If, during the course of a dispute, an automotive inspector identifies that repair work is not to trade standard, the matter is referred for further assessment. All automotive inspectors are mechanically qualified and have qualifications such as Certificate III (Motor Mechanic), Certificate III (Auto Electrician), Certificate III - Automotive Specialist (Gas Powered Vehicle), Certificate II - Automotive Vehicle Body (Specialising in Paint Preparation) and Mechanical Engineer.

Successful applicants for this role must also demonstrate they possess dispute resolution skills and have a range of automotive industry experience.

In addition, two other compliance officers are specifically trained in the automotive industry. One of these is an autogas specialist and the other is an autogas specialist as well as a qualified motor mechanic.

**TAB A: MOTOR VEHICLE REPAIRER DISCIPLINARY ACTIONS FOR 2012-2013 FINANCIAL YEAR**

Item No.	Conduct	Disciplinary Action
1	Convicted of fraud offences relating to rebirthing of trailers.	Disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee until 30 January 2022.
2	Convicted of fraud offences relating to rebirthing of trailers.	Administrative Decisions Tribunal set aside decision and in lieu thereof placed a condition on the licence not to employ the convicted person in question in any capacity including unpaid work nor allow them to hold any office or share in the business or be a signatory to any bank account operated by the business.
3	Found guilty of criminal offence involving dishonesty.	Administrative Decisions Tribunal set aside decision and in lieu thereof placed a condition on the licence to pay \$500 to the Contingency Fund.
4	Convicted of criminal offence involving dishonesty and receiving stolen motor vehicle parts.	Licence cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee until 11 November 2020.
5	Convicted of criminal offences involving dishonesty and possession of stolen motor vehicle.	Trade certificate cancelled, licence cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee until 8 December 2021.
6	Convicted of fraud offences.	Licence cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee until 9 April 2023.
7	Below trade standard work regarding autogas installations and repairs.	Licence cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee for a period of three years.
8	Below trade standard work regarding autogas installations and repairs.	Trade certificate cancelled in the class of liquefied petroleum gas mechanic.
9	Financial solvency issues.	Licence cancelled.
10	Convicted of dishonesty offences.	Licence cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee until 20 May 2021.
11	Convicted of criminal offences involving dishonesty.	Trade certificate cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee until 20 May 2021.
12	Breaches of <i>Motor Dealers Act 1974</i> concerning dishonesty. Lengthy history of non-compliance with traffic legislation.	Trade certificate cancelled.
13	Convicted of criminal offences involving dishonesty.	Trade certificate cancelled.
14	Below trade standard repair work, carrying on business in a dishonest and unfair manner.	Licence cancelled, disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee for a period of five years.
15	Below trade standard repair work, carrying on business in a dishonest and unfair manner.	Disqualified from holding a licence or from being involved in the direction, management or conduct of a business of a licensee for a period of five years.

## MOTOR VEHICLE REPAIRS ACT 1980

### PENALTY NOTICES ISSUED 2012-13

Section	Short Description	Total
s.15(1)(a)	Advertise or run business of a repairer without licence	8
s.22(1)(a)	Permit any employee to do repair work without tradesman's certificate	64
s.22(2)	Personally do repair work without holding a tradesman's certificate	5
s.22(3)	Enter into agreement for person to do repair work without licence	1
s.44(4)	Licence/certificate holder not comply with requirement	1
cl.4(1)	Licencee fail to keep records of acquired traceable parts	1
cl.8(b)(1)	Not make traceable parts record available for inspection	1
cl.14	Licencee display sign not as prescribed under this clause	1
	<b>Total</b>	<b>82</b>

### PROSECUTIONS UNDERTAKEN 2012-13

Section	Short Description	Total
s.15(1)(a)	Advertise or run business of a repairer without licence	3
	<b>Total</b>	<b>3</b>