



Department of Consumer
and Employment Protection
Government of Western Australia
Consumer Protection Division

Certification of motor vehicle repairers

Issues paper and report on
consultations with key stakeholders

May 2005

CONTENTS

1. INTRODUCTION	3
1.1 The Consultation Process	4
1.2 Submission Information	4
1.3 Confidentiality	5
2. MOTOR VEHICLE REPAIRERS ACT 2003	6
2.1 Background and development of <i>Motor Vehicle Repairers Act 2003</i>	6
2.2 Motor Vehicle Industry Board (MVIB)	8
2.2.1 Proposal for a combined MVIB	8
2.2.2 Key Role and Functions of the MVIB	9
3. IMPLEMENTATION AND TRANSITIONAL ARRANGEMENTS	11
3.1 Implementation process	11
3.2 Certification of Repairers (Stage 1)	11
3.3 Licensing of Repair Businesses (Stage 2)	12
3.4 Getting the regulations drafted (subsidiary legislation)	12
4. CERTIFICATION OF REPAIRERS	14
4.1 Requirements of the <i>Motor Vehicle Repairers Act 2003</i>	14
4.2 Classes of Repair Work – who should be regulated?	14
4.2.1 Definitions of repair work and motor vehicle	14
4.2.2 The Western Australian marketplace	15
4.2.3 Risk to consumers / promoting high standards of repair	16
4.2.4 Existing regulation of certain activities	18
4.2.5 Aligning classes of repair work with the National Automotive Training Package AUR99	19
4.2.6 Ensure that classes of repair work capture problem repair areas that represent the most risk to consumers	21

4.3	Qualifications	26
4.3.1	The marketplace – qualifications or experience	27
4.3.2	Points system	29
4.3.3	Skills recognition/competency assessment	29
4.3.4	Capstone test	30
4.3.5	Grandfather clause with base level of experience	30
4.4	Skills shortages	32
4.4.1	Regional Western Australia	33
5.	LICENSING OF REPAIR BUSINESSES.....	36
5.1	Motor Vehicle Repairer’s Licence.....	36
6.	REGULATION IN OTHER JURISDICTIONS	39
6.1	New South Wales.....	39
6.2	Australian Capital Territory.....	39
6.3	Other States and Territories	39
7.	KEY QUESTIONS.....	40
8.	CONCLUSION	42
9.	LIST OF KEY STAKEHOLDERS CONSULTED.....	43
	APPENDICES	44

1. INTRODUCTION

The passing by Parliament of the *Motor Vehicle Repairers Act 2003* (MVRA) signaled the commencement of a new era for the motor vehicle repair industry and consumers in Western Australia. The implementation of the MVRA will, for the first time, regulate the activities of the motor vehicle repair industry in Western Australia, resulting in increased consumer protection and confidence in the industry by promoting high standards of repair.

The centerpiece of the MVRA is its provision for the certification of individual repairers to undertake or supervise prescribed classes of repair work and the licensing of business proprietors and their premises to carry out prescribed classes of repair work.

The implementation of the MVRA is a significant project that will be undertaken in two stages. Stage one of the project will be to implement the certification of individual repairers with the second stage being the licensing of repair businesses. To assist stakeholders in considering matters relating to the regulation of the motor vehicle repair industry, this Options Paper has been prepared. It puts forward options for consideration in four key areas, these being:

- ## classes of repair work
- ## skills shortages
- ## qualifications
- ## tools and equipment.

Some of the factors that will have to be considered include:

- ## the participants in the motor vehicle repair industry in Western Australia;
- ## the evidence of consumer risk (complaints) in dealing with various types motor vehicle repairers;
- ## the existing (and future) regulation of some motor vehicle repair activity; and
- ## the regulation of motor vehicle repairers in other States and Territories.

1.1 The consultation process

In the preparation of this paper, the Department of Consumer and Employment Protection (DOCEP) conducted a series of consultative meetings with key stakeholder groups (Page 46) to obtain their feedback on the four key areas mentioned above.

The consultative meetings assisted in formulating the issues for consideration in this paper. The feedback to this paper will further assist DOCEP in gauging the level of support for the various options in order to formulate the final policy positions. DOCEP believes that by undertaking this community consultation it will enable the best possible framework for the implementation of the certification of repairers to be developed.

The consultation process from this point comprises the following steps:

- €# a call for written submissions in conjunction with the distribution of this paper to obtain the views of all interested stakeholders;
- €# analysis of submissions received and other available information; and
- €# development of final recommendations regarding the regulations required to implement the certification of repairers for consideration by the Minister for Consumer and Employment Protection.

1.2 Submission information

DOCEP is aware that responding to all the issues or options raised in this paper may not be relevant to all people interested in making a submission. Therefore, making a submission that addresses only the issues you wish to comment on is acceptable. If you have any questions, or require further information, you can telephone 9282 0816 (to leave a voice mail message), fax or email your query to the address below.

A submission should be made in writing and either posted, faxed or emailed to the to the addresses provided below by **close of business on 30 June 2005.**

Please forward your submission to:

The Project Manager
Implementation of the Motor Vehicle Repairers Act 2003
Department of Consumer and Employment Protection
Locked Bag 14
CLOISTERS SQUARE WA 6850

or

By fax: (08) 9282 0727
By email: startmvra@docep.wa.gov.au

1.3 Confidentiality

Please note that when you lodge your submission it will become a public document that can be viewed by others and may be quoted for the purposes of this project. If you do not want your submission to be made public or to be quoted, please advise DOCEP of this in writing when making your submission. You should be aware, however, that the right of third parties to access documents in possession of DOCEP under the *Freedom of Information Act 1992 (WA)* means that DOCEP cannot guarantee the confidentiality of your submission.

2. MOTOR VEHICLE REPAIRERS ACT 2003

2.1 Background and development of *Motor Vehicle Repairers Act 2003*

The *Motor Vehicle Repairers Act 2003* (MVRA) is the culmination of two Committees of Inquiry and extensive industry and consumer consultation over a number of years commencing in 1992, when the then Minister for Consumer Affairs, responded to industry concerns about the standard of motor vehicle repairs by appointing a Motor Vehicle Repair Industry Review Committee. The Committee released its preliminary report in December 1992 supporting the need for regulation.

Following the change in Government in 1993, a second Committee was established and in December 1997, the Committee recommended establishing a Motor Vehicle Repair Industry Council, similar to that established in New South Wales some 15 years earlier, to oversee the regulation of the industry. It was proposed that the Council would be funded by licence fees and also be responsible for, amongst other things:

- €# licensing and registration of businesses and tradespeople;
- €# setting of equipment standards for classes of repairers; and
- €# disciplinary action including the power to cancel, suspend or disqualify people and impose fines.

Notwithstanding the Committee's recommendations, because of the length of time that had elapsed since industry surveys were conducted (1993 and 1995) indicating support for the proposed regulation, a discussion paper about the proposal to regulate motor vehicle repairers was released for general public consultation in June 2000.

While there was considerable support for the proposal, there were some concerns about the impact of licensing in regional areas and about the regulation of repairs to agricultural vehicles. To address these concerns provision has been made in the Act to exclude from regulation repairs to any vehicle constructed or adapted for use in primary production or any other vehicle not intended primarily for road use. Provision has also been included that will allow, if required, exemptions to be made in respect of any specified area or areas of the State.

To coincide with the release of the discussion paper, in July 2000, a detailed survey was also conducted to determine the extent of consumer support for industry regulation. The survey included:

- €# focus groups with urban consumers;
- €# in-depth phone interviews with regional consumers; and
- €# a phone interview survey of 400 urban and regional consumers.

The research undertaken indicated a high level of support amongst consumers for regulation:

- €# 64% of all respondents expressed dissatisfaction with the motor vehicle repair industry, citing poor quality (82%) as a major reason for dissatisfaction with their current repairer; and
- €# 80% of respondents supported the introduction of new laws to regulate the motor vehicle repair industry. Only 4% of all respondents were opposed.

In June 2003, draft legislation was prepared and tabled in Parliament for public comment. The Motor Vehicle Repairers Bill 2003 was subsequently passed by Parliament on 2 December 2003.

The key elements of the MVRA are:

- €# provision to licence the proprietors of repair businesses involved in the carrying out of a prescribed class of repair work;
- €# provision for the certification of individual repairers to undertake or supervise a prescribed class of repair work;
- €# the obligation on a licensee to ensure that repairs to motor vehicles are conducted by, or under the supervision of, a certified repairer;
- €# regulation of the motor vehicle repair and motor vehicle sales industries by the Motor Vehicle Industry Board;
- €# that it establishes a Compensation Fund to compensate owners of vehicles who suffer loss in the event of a licensee's bankruptcy or insolvency; and
- €# that it establishes an Education and Research Fund to fund education or research or any other public purpose in connection with motor vehicle repair work.

2.2 Motor Vehicle Industry Board (MVIB)

2.2.1 Proposal for a combined MVIB

Although establishing a Motor Vehicle Repair Industry Council was recommended by the original review Committee, in June 2001 a paper was released to seek views from industry about a proposal to regulate the motor vehicle repair industry and the motor vehicle sales industry under a combined Motor Vehicle Industry Board (MVIB). The proposed MVIB was to replace the current Motor Vehicle Dealers Licensing Board, therefore, avoiding the creation of a separate new Board for motor vehicle repairers only.

The proposal received overwhelming industry support resulting in the MVIB being comprised of nine members and their respective deputies:

- €# an independent chairperson;
- €# two members who have knowledge of, and experience in, the motor vehicle dealing sector of the industry;
- €# two members who have knowledge of, and experience in, the motor vehicle repairing sector of the industry;
- €# three members who represent the interests of purchasers of motor vehicles or customers of motor vehicle repairers; and
- €# one member nominated from a panel of names provided by the RAC.

2.2.2 Key role and functions of the MVIB

The MVIB is established under the *Motor Vehicle Dealers Act 1973* and has the functions, powers and duties conferred on it by the *Motor Vehicle Dealers Act 1973* and the *Motor Vehicle Repairers Act 2003*. The MVIB was appointed in October 2004 and officially commenced in its role on 22 December 2004.

The MVIB is responsible for the licensing of motor vehicle dealers, yard managers, salespeople, motor vehicle repair businesses and the certification of repairers.

The MVIB will be involved in referring disciplinary actions against licensees to the State Administrative Tribunal¹. The MVIB oversees the conciliation of disputes between licensees and consumers, and makes recommendations to the Director General of DOCEP regarding claims against the Motor Vehicle Repairers Compensation Fund.

As regulator, the MVIB is one of the key stakeholders in the development of the regulations that are necessary to implement the certification of repairers and the licensing of repair businesses.

¹ The State Administrative Tribunal commenced operations in 2005 and is responsible for decisions on various administrative matters. In relation to the MVIB's jurisdiction, the SAT is responsible for hearing disciplinary matters against licensees referred to it by the MVIB and for hearing appeals against licensing decisions made by the MVIB.

3. IMPLEMENTATION AND TRANSITIONAL ARRANGEMENTS

3.1 Implementation process

The MVRA contains transitional provisions to provide for the certification of repairers and licensing of repair businesses to be implemented at different times, therefore, enabling a stage-by-stage implementation of the MVRA. The first stage will be to implement the certification of repairers and the second stage will be to implement business licensing. The MVRA allows people up to 12 months in which to obtain certification as a repairer from the time the relevant provisions are commenced. The same application period (12 months) will apply when the provisions for business licences are commenced.

DOCEP estimates that there could be up to 10,000 individuals in WA who will be eligible to apply for certification and approximately 4,000 to 5,000 repair businesses. Although a significant number of applications are anticipated, the 12 month application period should provide a sufficient period for people to compile and submit their applications, and allow sufficient time for each application to be assessed and processed.

The transitional provisions also provide that when the certification and licensing requirements of the MVRA are commenced, an individual repairer carrying out repairs or a person carrying on a repair business, will be deemed to be certified or licensed until the expiration of the 12 month application period.

3.2 Certification of repairers (stage 1)

It is proposed that Part 3 of the MVRA, which requires individual repairers to obtain certification, be introduced before the requirement for businesses to become licensed. Under the MVRA, repair businesses are required to employ at least one certified repairer to undertake or supervise any repair work that is undertaken. Accordingly, the introduction of certification for repairers is a necessary prerequisite to business licensing.

3.3 Licensing of repair businesses (stage 2)

Following the commencement of certification for repairers, the implementation of Part 2 of the Act, which requires people who carry on a repair business to be licensed, will be undertaken. Depending on the progress of processing certification applications, it may be possible to commence licensing of repair businesses during the Stage 1. The same implementation steps will apply for the licensing of repair businesses as for the certification of repairers as outlined at **Appendices 1 and 2**.

3.4 Getting the regulations drafted (subsidiary legislation)

The MVRA provides for specific matters to be dealt with by subsidiary legislation (ie. regulations). For example, the MVRA requires regulations to be prescribed for classes of repair work for which people will be required to obtain certification. In order to implement the certification of repairers and business licensing requirements of the MVRA, various regulations will be required to prescribe:

- €# the classes of repair work for which a person will be required to obtain a certification or a licence;
- €# the qualifications and/or experience requirements for classes of repair work;
- €# any exemption from the provisions of the MVRA; and
- €# what is, or is not, repair work for the purposes of the MVRA;

The process for the development of the regulations requires various steps to be undertaken which are outlined in the flowchart at **Appendix 3**. The same process will be undertaken when the implementation phase moves to the licensing of repair businesses (Stage 2).

Following consultation with stakeholders and approval from the Minister for Consumer and Employment Protection, DOCEP will be responsible for arranging for the regulations to be drafted. This will require detailed drafting instructions to be provided to the Parliamentary Counsel's Office describing the policy requirements seeking to be achieved by the regulations. Parliamentary Counsel's Office is responsible for drafting all of the laws in WA.

4. CERTIFICATION OF REPAIRERS

4.1 Requirements of the *Motor Vehicle Repairers Act 2003*

After the regulations are drafted and the relevant provisions of the MVRA commence, any individual who undertakes a prescribed class of repair work will be required to hold a repairer's certificate for that class of repair work. A person will not be able to supervise another person undertaking repair work unless the supervisor has a repairer's certificate for that class of repair work.

When considering the classes of repair work that should be prescribed key stakeholder groups that were consulted contemplated various issues including the definition of "repair work" and "motor vehicle" in the MVRA, the make-up of the WA marketplace, the purpose of the MVRA and the areas likely to present the most risk to consumers in their dealings with repairers.

4.2 Classes of repair work - who should be regulated?

4.2.1 *Definitions of repair work and motor vehicle*

Under the MVRA, the meaning of various terms are defined in order to clarify what they mean for the purposes of the MVRA. "Repair work" is one such term. It has been defined to mean a range of activities that may be prescribed as repair work that is undertaken to a motor vehicle for which a class of repair work may be prescribed. This includes:

- ⌘ examining motor vehicles;
- ⌘ diagnosing and detecting faults in motor vehicles;
- ⌘ adjusting, servicing and maintaining motor vehicles;
- ⌘ overhauling motor vehicles;
- ⌘ replacing components of motor vehicles;
- ⌘ modifying and altering motor vehicles; and
- ⌘ painting or treating the surfaces of motor vehicles.

“Motor vehicle” has also been defined under the MVRA. It is defined as meaning a vehicle that is propelled wholly or partly by any volatile spirit, steam, gas, oil or electricity or any other means apart from human or animal power. A trailer has been included for the purposes of the definition, however, vehicles that are constructed or adapted for use on a railway or tramway, or principally for use in primary production are not. Also not included are vehicles constructed or adapted otherwise for use in a manner that does not involve the carriage of people or goods over public roads (eg. plant and equipment, bobcats, cranes, ride-on mowers etc...), farm machinery, boats, bicycles or similar. Therefore, the MVRA should be seen as primarily applying to motor vehicles that are constructed principally to carry people or goods over public roads (ie. cars, trucks, motorcycles).

4.2.2 The Western Australian marketplace

The WA marketplace contains a diverse range of fixed and mobile repair services to which the MVRA may apply. These range from general mechanical repair services that undertake all types of mechanical repairs, to the “specialist type” repairers who focus their repairs in a particular activity (eg. exhaust systems, brake repairs, radiator repairs).

4.2.3 Risk to consumers / promoting high standards of repair

The Minister for Consumer and Employment Protection said in Parliament that the legislation was designed principally to protect consumers in their dealings with motor vehicle repairers and that it will also serve to promote high standards of workmanship in the motor vehicle repair industry. The MVRA does this by providing the framework to regulate certain activities and to promote standards within the industry through such means as the Motor Vehicle Repair Industry Education and Research Fund.

To assist in the consultative process, the table of “*Possible Classes of Repair Work*” (**Appendix 4**) was provided to key stakeholder groups as one possible model for classes of repair work and the types of activity that may be undertaken within the class for which a person will be required to be certified.

The model contains six classes of repair work in which various types of repair activity are defined and categorised (including a class for a combination of activities). For example, a person who is a motor mechanic (light vehicles) would be certified in the “mechanical repairs class” and would be able to undertake or supervise all types of repair work described in the definition of motor mechanic (light vehicles). However, a person who undertakes or supervises work in a repair business that specialises in a particular activity (eg. brake repairers) would be certified in the “specialist class” and would only be able to undertake the repair work of “brake repairer.”

However, if a repair business combines specialist repair activities, then the class of repair work that provides for “any combination of repair work” will cater for such repairers. For example, a person may undertake or supervise work that combines brake and exhaust repairs. Under the “any combination of repair work” category that person could be certified to only undertake the repair work of “brake and exhaust repairer.”

Feedback on the concept proposed in Appendix 4 from key stakeholder groups was generally positive. One stakeholder suggested that the concept was too generalised whereas another suggested that it needed to be as broad and flexible as possible to accommodate future changes in the repair industry. Stakeholders also raised several issues including:

- €# that LPG, natural gas, hydrogen fuel and air-conditioning mechanics should be included as activities for which a person requires certification;
- €# that classes of repair work should be aligned with the national Automotive Training Package (AUR99²);
- €# the application of WA *Industrial Training Act 1975* in declaring apprenticeships trades in WA³;
- €# that classes of repair work need to recognise the differences between past, current and future competencies; and
- €# that the public's expectation would be to ensure that classes of repair work capture problem repair areas that represent the most risk to consumers and that there should not be an expectation that peripheral activities would be covered (ie. it may not be necessary to regulate every type of repair).

² AUR99 training package has been reviewed. It is anticipated that the new package AUR04 is likely to replace the current package during 2005.

³ Declared automotive trades in WA include autobody refinisher; autobody repairer; automotive electrical fitting; engineering tradesperson (automotive) – includes the motor, marine, motorcycle and small engine mechanic streams; fuel injection fitting; and trimming.

4.2.4 Existing regulation of certain activities

There are currently two types of motor vehicle repair activity which are regulated in WA.

Autogas

In WA, a person who undertakes any type of gasfitting work is required to be licensed. In regard to motor vehicles, the installation, servicing or repair of autogas is regulated under the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999. A person seeking to undertake such activity is required to obtain a “Class P Permit” from the Office of Energy Safety. The permit authorises a person to install, service, repair, commission or decommission autogas installations in motor vehicles.

Air conditioning

Automotive air conditioning repairs are regulated under the *Environmental Protection (Ozone Protection) Policy Approval Order 2000*. A person undertaking such repairs is required to obtain Ozone Depleting Substance Accreditation. Under the Order an individual, body or association can be approved as an issuing body. Currently, the Motor Trade Association of WA (MTAWA) has been authorised to issue accreditation for automotive air conditioning repairs on behalf of the Environmental Protection Authority (EPA).

From 1 January 2005, new national laws commenced to regulate the activities of people working with ozone depleting substances or synthetic greenhouse gases. The Federal Government's *Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No.2)* require a person who handles a refrigerant for any work on air conditioning equipment fitted to the cabin of a motor vehicle to be licensed. Under the regulations a person is "taken to be licensed" if they hold a current WA authorisation as outlined above. However, this is only valid until the authorisation expires or until 31 December 2006, whichever occurs first. Therefore, before an authorisation expires or before 31 December 2006, a person will have to apply for a Commonwealth Refrigerant Handling Licence to continue undertaking automotive air conditioning repairs.

4.2.5 Aligning classes of repair work with the National Automotive Training Package AUR99

Automotive repair apprenticeships and traineeships currently operate under the Automotive Industry Retail, Service and Repair Industry Training Package (AUR99). The nationally endorsed package replaced state accredited courses and introduced competency based training and assessment. The package provides a range of automotive apprenticeships (Certificate III) and traineeships (Certificate II) that are accessible through various means including high schools, directly with employers and group training organisations. **(Appendix 5 and 6)**

A person seeking a formal qualification in relation to automotive repair work would generally do so through the completion of an apprenticeship and, in more recent times, traineeships. An apprenticeship combines full-time employment based training and off-the-job training over a fixed period, generally up to four years. Apprentices are contracted (indentured) to the employer during which time they combine practical experience in the workplace with training at a registered training organisation. A traineeship is an employment based training arrangement usually lasting for 12 months. During the traineeship, a trainee has the opportunity to learn new skills through work experience. Upon successful completion, a nationally recognised qualification is attained which can provide a useful segue into an apprenticeship.

In WA, however, not all of the automotive repair apprenticeships (Certificate III) in the national training package are recognised as trade qualifications. This is because the *Industrial Training Act 1975* prescribes the trades which are declared apprenticeship trades for the purposes of the Act. In relation to automotive trade apprenticeships the declared trades include:

- ☞ autobody refinisher;
- ☞ autobody repairer;
- ☞ automotive electrical fitting;
- ☞ engineering tradesperson automotive (includes motor mechanic light and heavy, marine mechanic, motorcycle mechanic and small engine mechanic streams);
- ☞ fuel injection fitting; and
- ☞ trimming.

A concern raised during consultations was that if classes of repair work were aligned with all the qualifications and occupations in the training package (apprenticeships and traineeships) it would be inconsistent with the way automotive trade apprenticeship system operates under the *Industrial Training Act 1975* (as outlined above). It was suggested that this could potentially undermine the apprenticeship training system in WA as people will only seek traineeship qualifications if such classes of repair work were prescribed in which a person could be certified or licensed.

As previously mentioned, the WA marketplace contains repair services that do specialise in a particular type of repair work. It would, therefore, be difficult to consider not incorporating classes of repair work to regulate such repair activities even though they may only undertake a specific type of repair work (eg. radiator repairs).

4.2.6 Ensure that classes of repair work capture problem repair areas that represent the most risk to consumers

Complaints data held by the Department of Consumer and Employment Protection (DOCEP) may provide a useful guide in identifying repair areas that represent the most risk to consumers.

DOCEP dealt with over 300 complaints in relation to motor vehicle repairs in each of the past two financial years. The data shows that most of the complaints received are about mechanical repairs, panel & paint and reconditioned/exchange engines, with the main reason for complaint being the unsatisfactory performance of the service/repair/installation or the unsatisfactory performance of a product or goods.

Complaints from the Albany, Bunbury, Geraldton, Kalgoorlie and Karratha regional offices of DOCEP accounted for 84 of the complaints received.

It should be noted that DOCEP also dealt with over 300 complaints in relation to used car statutory warranty repairs in each of the past two financial years. While some of the complaints about statutory warranty relate to contractual disputes or breaches of the legislation, most are about the quality or performance of warranty repair work to used vehicles. Under the MVRA, motor vehicle dealers will be required to have used car warranty repairs undertaken or supervised by a certified tradesperson.

Tables relating to the complaints data received by DOCEP for the 2002/2003 financial year is included at **Appendix 7**.

Tables relating to the complaints data received by DOCEP for the 2003/2004 financial year is included at **Appendix 8**.

Summary

It is clear from the preceding discussion that identifying the classes of repair work that should be prescribed for the purposes of the MVRA is a complex issue. Along with the issues identified for consideration during consultations with key industry stakeholder groups, there are likely to be others that will arise as result of this paper. Some of these are discussed in the following chapters of this paper (Qualifications, Skills Shortages and Tools & Equipment) and also have a bearing on determining the classes of repair work that should be prescribed.

Another major factor for consideration is that the MVRA is required to operate as a self-funding regulatory scheme. Fees derived from the certification of repairers and the licensing of repair businesses will be required to fund the key responsibilities of the MVRA. These being:

- €# the certification of repairers;
- €# the licensing of repair businesses;

- €# compliance activities;
- €# conciliation services;
- €# the Motor Vehicle Repair Industry Education and Research Fund; and
- €# the Motor Vehicle Repair Industry Compensation Fund.

It should be noted that a repairer's certificate is continuous and applicants will pay a "once-only" nominal fee at the time of application. Currently, the fee for a repairer's certificate in New South Wales is \$51. The fee in WA is likely to be similar. Business licences are renewable and it is anticipated that a consultant will be engaged to assist in determining licence fees when phase 2 of the implementation is undertaken. During the debate in Parliament of the MVRA the Minister indicated that the fee for a repairer's licence will be roughly comparable to current fees for a motor vehicle dealers licence. This is currently \$1115-00 for three years.

Fees are yet to be determined, however, they are a factor to consider. Sufficient fees need to be raised in order to be able to effectively deliver the responsibilities mentioned above for the classes of repair work that are prescribed.

The MVRA also provides flexibility by allowing a person to carry out repair work under the supervision of a certified repairer. This will enable less complex repair work to be undertaken without a person having to be certified and in some instances without that type of repair work being prescribed as a class of repair work (eg. lube & oil change).

It should also be noted that by being able to prescribe classes of repair work in the regulations⁴ to the MVRA, it is a relatively straightforward process to include other classes of repair as required. For example, if in the future a marketplace failure is identified in a type of repair work that is not prescribed (as a class of repair work) the regulations can be amended⁴ to require a person undertaking such repairs to be certified or licensed.

Revised classes of repair work for consideration

In contrast to the model at Appendix 4 outlined below is another possible model of classes of repair work for consideration. In this model, rather than grouping the repair activity, each activity is prescribed as a class of repair work and defined. The model attempts to take account of the issues raised by stakeholders and discussed in this chapter. It does not include activities that appear to be adequately regulated under existing laws (ie. autogas and air conditioning) or that will result in the imposition of another layer of regulation, but seeks to capture repair work that is likely to:

- ☞ cover the majority of repair services in the marketplace used by consumers;
- ☞ present the greatest risk to consumers in terms of complaints, potential financial risk and in relation to quality of repairs;
- ☞ provide the best possible framework for the MVIB to effectively administer the key responsibilities of the MVRA; and
- ☞ takes account of the way apprenticeships and traineeships operate in WA.

⁴ Regulations to Acts can be amended without having to introduce amending legislation to Parliament. Following appropriate consultation with stakeholders the Minister may approve that a change be drafted to the regulations. Regulation amendments, however, are subject to disallowance by Parliament.

Revised model of classes of repair work for consideration

Class of repair work	Definition
Auto electrical repairer	means a person who repairs electrical equipment, systems or circuits of motor vehicles.
Brake repairer	means a person who repairs brake equipment or systems of motor vehicles.
Exhaust repairer	means a person who repairs exhaust systems of motor vehicles.
Fuel injection repairer	means a person who repairs diesel fuel systems, emission control systems or engine forced induction systems of motor vehicles.
Motorcycle repairer	means a person who performs the work of a motor vehicle repairer (light vehicles) only on motorcycles.
Motor vehicle repairer (light vehicles)	means a person who repairs the engines or transmissions or the fuel induction, exhaust, electrical, steering, suspension, cooling or braking systems of motor vehicles.
Motor vehicle repairer (heavy vehicles)	a person who repairs the engines or transmissions or the fuel induction, exhaust, electrical, steering, suspension, cooling or braking systems of heavy vehicle road transport.
Panel repairer	means a person who repairs the structural components, frames or panel work of motor vehicles.
Radiator repairer	means a person who repairs radiators, heating equipment thermostats or fuel tanks of motor vehicles.
Steering and suspension repairer	means a person who repairs the steering or suspension systems of motor vehicles.
Transmission repairer	means a person who repairs the gears, clutches, driveshafts and differentials of motor vehicles and the controlling system for these parts in motor vehicles.
Vehicle paint repairer	means a person who paints motor vehicles.

Question 1

Should the classes of repair work listed in the above model be prescribed as the classes of repair work for which a person will be required to apply for certification instead of the model at Appendix 4?

Question 2

Are there classes of repair work included in the above model that should not be included? If so, which are they and why?

Question 3

Are there classes of repair work not included in the above model that should be included? If so, which are they and why?

4.3 Qualifications

Under the MVRA, in order to be granted a repairer's certificate, the MVIB must be satisfied that a person is a fit person to hold the certificate and that the person is sufficiently qualified to carry out each class of repair work for which they have applied for certification. When considering if a person is "fit" to hold a repairer's certificate such matters as a person's honesty, their knowledge and that they have the ability to do the work may be considered by the MVIB.

A person is sufficiently qualified if he or she either has the qualifications or has passed the examinations prescribed by the regulations for the class of repair work concerned. Alternatively, the person may have some other qualifications or passed some other examinations or has experience that the Board determines to be sufficient for the class of repair work concerned.

4.3.1 The marketplace – qualifications or experience

As the WA motor vehicle repair industry has not been previously regulated the marketplace will contain a mix of qualified, semi-qualified and unqualified people currently working in the industry. Some may have:

- €# attained a formal qualification such as an apprenticeship or traineeship;
- €# developed their skills and knowledge by experience obtained through “on-the-job” learning;
- €# attained qualifications and/or experience outside of Western Australia or Australia; or
- €# attained an apprenticeship qualification through some other means (eg. the defence forces).

In each of these scenarios there will be people with different competency levels. The requirements of the MVRA in relation to qualifications or experience provide the flexibility to cater for the scenarios that may arise when the certification of individual repairers is undertaken. In determining the appropriate qualification or experience requirements for the different classes of repair work, care will need to be taken to ensure that a person is given every opportunity to attain certification.

For example, a person with a formal qualification may only be required to provide proof of that qualification. However, a person without a formal qualification also needs to be catered for. During consultations with key stakeholders various options were discussed.

This included:

- €# a “grandfather clause⁵,” under which all people currently working in a prescribed class of repair work would be certified in that class of repair work regardless of their qualifications or experience;
- €# assessing a person’s claimed prior learning, experience or work in the class of repair work for which they are seeking certification; or
- €# using a combination of claimed prior experience and membership of recognised industry bodies or associations.

Several key stakeholders expressed concern at the prospect of implementing a “grandfather clause” unless some requirement was incorporated that required a person to substantiate their application to some degree in the class of repair work for which they are seeking certification, such as a minimum level of experience (eg. five years). One stakeholder was opposed to using a grandfather clause.

It was suggested that unless some assessment is in place a person is likely to seek certification at a higher level than their qualifications, training or experience may entitle them to. For example, a person may seek certification as a “motor vehicle repairer (light vehicles)” in order to be able to undertake all types of mechanical repairs when perhaps their skills, expertise and training is in “auto electrical repairs.” It was also suggested that the credibility of the industry was at stake if appropriate checks were not in place from the start.

⁵ “Grandfather clause refers to “...the preservation of the benefits of regulatory and public policy arrangements for those who qualify, while phasing in the new policy or program for those who will be affected in the future” (Butterworths Online definition). An example is the introduction of changes to taxation reform without retrospectivity (Butterworths Online definition).

Given that there could be up to 10,000 individuals in WA who will be eligible to apply for certification, this presents a significant challenge in processing and assessing each application particularly as the industry has not been previously regulated. During consultations with key stakeholders several options were discussed that could be used to rate the suitability of applicants for certification.

4.3.2 *Points system*

In this situation a person may be required to attain a pre-determined number of points by providing various pieces of evidence to support their application, each of which would have a certain points value. Proof of a recognised formal qualification/training, membership of an industry body, proof of experience, testimonials or references from customers or employers or tax returns could be examples of the types of supporting material that may be required.

4.3.3 *Skills recognition/competency assessment*

It was suggested that the current competencies of the national automotive training package could be used as the basis against which an unqualified person is assessed to determine their competency for certification in a prescribed class of repair work. Should a person require some further training a provisional certificate⁶ could be issued to enable them undertake appropriate training.

⁶ Section 44 of the MVRA provides for the MVIB to issue a provisional repair's certificate if the person is not sufficiently qualified but the MVIB is satisfied that the person has acquired or is capable of acquiring the skills to become qualified.

4.3.4 *Capstone test*

A “capstone test” is used in the licensing of electricians. It refers to a final assessment that is performed toward the end of an electrical apprenticeship to ensure an apprentice’s competency in 32 specified critical items out of 66 essential performance capabilities contained in the national training package for electricians. It is usually done by the registered training organisation as part of the quality assurance process after the completion of all other assessment requirements and is designed to provide assurance to the licensing authority of the quality of the candidate seeking an electrician’s licence.

In terms of the certification of repairers it was suggested that a similar assessment for prescribed classes of repair work could be established to assess a repairer’s competency for certification. Critical competencies that are considered imperative for a person to have in order to be certified would be identified and assessed for each class of repair work. Any deficiencies would then be identified for which a person may be required to undertake further training.

4.3.5 *Grandfather clause with base level of experience*

Discussions with stakeholders also considered the possibility of using a “modified grandfather clause” to certify repairers without qualifications by recognising all people working in a class of repair work but would require them to have a minimum level of experience in order to be certified. Determining, the minimum level of experience would need to take into account the type of repair work and could possibly vary between classes of repair work. For example, a person seeking a certification as a motor vehicle repairer may have to have more experience than a person seeking certification as a radiator repairer.

Summary

Key stakeholders acknowledged the need to find a balance between the requirements of the MVRA and the realities of a marketplace that will contain qualified, semi-qualified and unqualified repairers. In order to ensure that one of the key objectives of the MVRA (to promote high standards of workmanship) is met it seems appropriate that some assessment benchmarks are set. However, these should not be too onerous so that repairers are discouraged from applying for certification nor should a person be discouraged or prevented from seeking certification if they do not hold a qualification.

Question 4

Do you support using a “grandfather clause,” where all people currently working in the industry would be certified as part of the initial implementation of the certification and licensing requirements of the *Motor Vehicle Repairers Act 2003*?

Question 5

Do you support using a “modified grandfather clause” which requires a person to have a minimum level of experience in order to be certified as part of the initial implementation of the certification and licensing requirements of the *Motor Vehicle Repairers Act 2003*?

Question 6

If a “grandfather clause” is not used, what should the minimum requirements be in the initial implementation for a person to be certificated in a particular class of repair work? For example:

- €# a formal qualification;
- €# experience;
- €# membership of a professional industry body;
- €# points system;
- €# capstone test; or
- €# any combination of these requirements depending on the class of repair work.

4.4 Skills shortages

Factors such as skills shortages may need to be contemplated when considering the classes of repair work and qualifications that should be prescribed.

Reports about skills shortages across most industries in Australia are well documented. A report tabled in Federal Parliament in 2003 by the Senate Employment, Workplace Relations and Education References Committee⁷ recognised that action was necessary to address a worsening situation. It made a number of recommendations to improve the situation across all aspects of vocational education and training in Australia. Recently, the Federal Government released a directions paper⁸ for vocational education and training in Australia. The paper sets out the guiding principals for proposed changes to a new training system including:

- €# developing more flexible and accelerated pathways;
- €# providing a more consistent approach across jurisdictions in relation to the standard of training and qualifications; and
- €# eliminating unnecessary regulation.

In WA, skills shortages and difficulty in attracting young people to mechanical trades in WA over the past few years have been acknowledged. In the Skill Shortage List of December 2004⁹, WA was identified as having a statewide shortage of motor mechanics, auto electricians, panel beaters and vehicle painters. This has also been acknowledged by the State Training Board which has included addressing these, and other shortages, as part of the automotive industry priorities in the current State Training Profile 2004-2006¹⁰.

⁷ Bridging the Skills Divide - Senate Employment, Workplace Relations and Education References Committee, November 2003

⁸ Skilling Australia – New Directions for Vocational Education and Training, February 2005

⁹ Skill Shortage List – Trades December 2004, Department of Employment and Workplace Relations

¹⁰ Western Australian State Training Profile 2004-2006, State Training Board, Department of Education and Training

4.4.1 Regional Western Australia

There are likely to be many regional communities of the State that do not have access to a broad range of motor vehicle repair services. Therefore, classes of repair work and qualifications may take on a different context when considering regional communities. For example, a regional community in WA may only have access to a motor vehicle repairer who may not have a formal trade qualification yet services the requirements of the community competently. It is possible in this situation, depending on the classes of repair work and qualifications that are prescribed, that the repairer may not be able to meet these requirements in order to be certified.

The net result being that a regional community could be left without access to a motor vehicle repairer. Such concerns were expressed recently to DOCEP officers visiting the Kimberley for community education purposes. The opportunity was used by the officers to canvas a small group of community and industry representatives with whom they came in contact in Fitzroy Crossing, Halls Creek and Derby about the MVRA.

Their feedback provided an interesting snapshot about the new MVRA and how it may impact their communities. Although none were specifically aware about the existence of the new legislation they were supportive. The main issues identified were that the tyranny of distance contributed to the high cost of repairs they face, the lack of access to spare parts and the difficulty in attracting quality, or qualified repairers, to the region.

The majority of those canvassed also expressed concern that the new laws may:

- €# result in a lot of mechanics having difficulty obtaining qualifications;
- €# make it more difficult to get qualified staff; or
- €# make it more difficult to recruit staff quickly, resulting in the temporary or permanent closure of some repairer businesses.

It should be noted that WA's geography has been contemplated in the MVRA. The new laws provide for exemptions to be made from the provisions of the MVRA in certain circumstances, including the exemption of a specified area (or areas) of the State.

Key stakeholders were of the view that the MVRA should apply across WA although some acknowledged the difficulty this presented and felt that an open mind may need to be kept on the situation. Depending on the circumstances exemptions could be considered on a case by case basis. One stakeholder suggested that in terms of regional WA, the implementation of the MVRA could be rolled out in stages ensuring that all repairers likely to be effected are aware "that it will be their turn next" so they can have time to ensure they can meet certification requirements.

Summary

The impact of the MVRA on skills shortages is difficult to predict. However, one thing appears certain, that balancing the requirements of the MVRA to ensure that the marketplace is not adversely effected in the current environment will require careful consideration when contemplating classes of repair work and qualification requirements. This is particularly important in regional WA where attracting skilled workers is difficult.

Question 7

Should the MVRA apply to all of Western Australia either at the same time or in stages?

Question 8

Should a specified area, or specified areas, of the State be exempted from the certification and licensing provisions of the *Motor Vehicle Repairers Act 2003*?

5. LICENSING OF REPAIR BUSINESSES

5.1 Motor vehicle repairer's licence

The licensing of repair businesses will be undertaken following the completion of the certification of tradespeople. This is necessary because the MVRA requires repair businesses to ensure that repair work is undertaken, or supervised by certified repairers. Accordingly, the introduction of the certification of repairers is a necessary prerequisite to business licensing.

A person (or people) seeking a motor vehicle repairer's licence will need to satisfy the MVIB that:

- €# they are fit and proper to be concerned in the management of the business;
- €# they are of good character and repute;
- €# they have sufficient resources (eg. financial resources, human resources, tools & equipment); and
- €# they have any qualification that may be prescribed.

One key factor that was considered by key stakeholders during consultations is the business proprietor's obligation to meet sufficient resource requirements such as tools and equipment. The MVRA provides that such items may be prescribed (section 12). Stakeholders noted that in the recently released report of the review of the *Motor Vehicle Repairers Act 1980* in New South Wales the relevance of continuing to prescribe tool and equipment requirements on licensees in NSW was questioned. The report suggested that a comprehensive review be undertaken as soon as possible with consideration being given to publishing tool and equipment lists as guidelines only.

Most key stakeholders acknowledged the recommendation contained in the NSW report and were supportive of tool and equipment lists not being prescribed. As an alternative, stakeholders suggested that the primary concern in relation to tools and equipment could be to provide a general regulation or guideline to require that all tools and equipment comply with relevant Australian standards and laws where appropriate (eg. hoists, air conditioning re-gassing equipment) and that environmental compliance be considered as part of this. It was also suggested that a requirement could be included that obliges licensees to ensure that they have sufficient tools and equipment for the class of repair work.

One stakeholder indicated that they would prefer, as a minimum, a basic list of tools and equipment identified and recommended to ensure quality workmanship. Another stakeholder suggested that NSW may be considering publishing tool and equipment requirements as guidelines only because their legislation has been in place since 1980 and recommended that WA should commence with a mandatory list that could be relaxed later, perhaps after the first review of the MVRA¹¹. It was also suggested tool and equipment lists inform a person of the expense level and assist in determining if vehicles are mobile workshops.

Summary

It is generally accepted that when leaving a vehicle with a repairer to undertake specific repair work, the repairer will have the “right tools for the job.” In fact, without the appropriate equipment these days, it is probably difficult for a repair business to do repair work on many late model vehicles. Therefore, the marketplace itself demands that a repairer ensures they have the necessary equipment. There are numerous licensed occupations (other trades and professionals such as doctors and dentists) that do not prescribe requirements regarding tools or equipment.

¹¹ Section 116 of the MVRA requires the Act to be reviewed as soon as practicable after the expiry of five years from its commencement.

There appears to be merit in publishing guidelines that remind the proprietor of a repair business of their legal obligations regarding equipment in relation to occupational health and safety, Australian standards and environmental laws. The guidelines could also contain suggested essential tools for classes of repair work. These could be distributed as part of the educational material provided to a licensee or through industry groups and associations.

Question 9

Do you support tool and equipment requirements for business licences being published as guidelines only?

6. REGULATION IN OTHER JURISDICTIONS

6.1 New South Wales

New South Wales has regulated the activities of motor vehicle repairers since 1980 under the *Motor Vehicle Repairers Act 1980*. The Motor Vehicle Repair Industry Authority is the industry regulator and its functions include licensing, certification, compliance, dispute resolution, education and research. In NSW there are currently 16 classes of repair work prescribed for which a person is required to obtain certification or a licence. **(Appendix 9)**

6.2 Australian Capital Territory

The Australian Capital Territory has regulated the activities of motor vehicle repairers under a Code of Practice prescribed in the ACT *Fair Trading Act 1992* since 1 July 1999. The Code requires a person who is the “principal” of a motor vehicle repair business or a person accepting an engagement to perform repairs to be registered and be responsible for compliance with the Code.

This primarily includes having an appropriate premises and equipment to conduct repairs, being responsible for the actions of any employees and ensuring that repairs are conducted in a safe, ethical and professional manner. There are approximately 360 principals registered under the Code.

6.3 Other States and Territories

Tasmania, Victoria, Queensland and the Northern Territory do not currently have any specific regulation of their respective motor vehicle repair industries.

7. KEY QUESTIONS

Question 1

Should the classes of repair work listed in the above model be prescribed as the classes of repair work for which a person will be required to apply for certification instead of the model at Appendix 4?

Question 2

Are there classes of repair work included in the above model that should not be included? If so, which are they and why?

Question 3

Are there classes of repair work not included in the above model that should be included? If so, which are they and why?

Question 4

Do you support using a “grandfather clause,” where all people currently working in the industry would be certified as part of the initial implementation of the certification and licensing requirements of the *Motor Vehicle Repairers Act 2003*?

Question 5

Do you support using a “modified grandfather clause” which requires a person to have a minimum level of experience in order to be certified as part of the initial implementation of the certification and licensing requirements of the *Motor Vehicle Repairers Act 2003*?

Question 6

If a “grandfather clause” is not used, what should the minimum requirements be in the initial implementation for a person to be certificated in a particular class of repair work? For example:

- ## a formal qualification;
- ## experience;
- ## membership of a professional industry body;
- ## points system;
- ## capstone test; or
- ## any combination of these requirements depending on the class of repair work.

Question 7

Should the MVRA apply to all of Western Australia either at the same time or by stages?

Question 8

Should a specified area, or specified areas, of the State be exempted from the certification and licensing provisions of the *Motor Vehicle Repairers Act 2003*?

Question 9

Do you support tool and equipment requirements for business licences being published as guidelines only?

8. CONCLUSION

The MVRA provides the legislative framework for the regulation of the previously unregulated WA motor vehicle repairer industry. The legislation is designed principally to protect consumers in their dealings with motor vehicle repairers and to promote high standards of workmanship. Individual repairers will be required to be certified to undertake or supervise a particular class of repair work and the proprietors of repair businesses will have to be licensed to operate a repair business in a particular class of repair work.

The motor vehicle repair industry contains a range of activities that may be effected by the MVRA. However, balancing the requirements of the legislation with the realities of the marketplace requires careful consideration in order to determine the classes of repair work for which a person will require certification or a licence. Such factors have been highlighted in this paper and include:

- ## identifying classes of repair work that are likely to cover the majority of repair services in the marketplace used by consumers;
- ## identifying classes of repair work that are likely to present the greatest risk to consumers in terms of complaints, potential financial risk and in relation to quality of repairs;
- ## identifying classes of repair work that are likely to provide the best possible framework for the MVIB to effectively administer the key responsibilities of the MVRA;
- ## that there are skill shortages in the motor vehicle repair industry;
- ## that the recognition of prior learning will be important when determining if a person qualifies for certification; and
- ## that regional WA poses unique implications on the requirements of the MVRA.

There are likely to be many other factors that will be identified as a result of the feedback to this paper. All the views of stakeholders in response to this paper will be analysed and form the basis of the recommendations made to the Minister for Consumer And Employment Protection for which approval will be sought to draft the regulations to implement the certification of repairers.

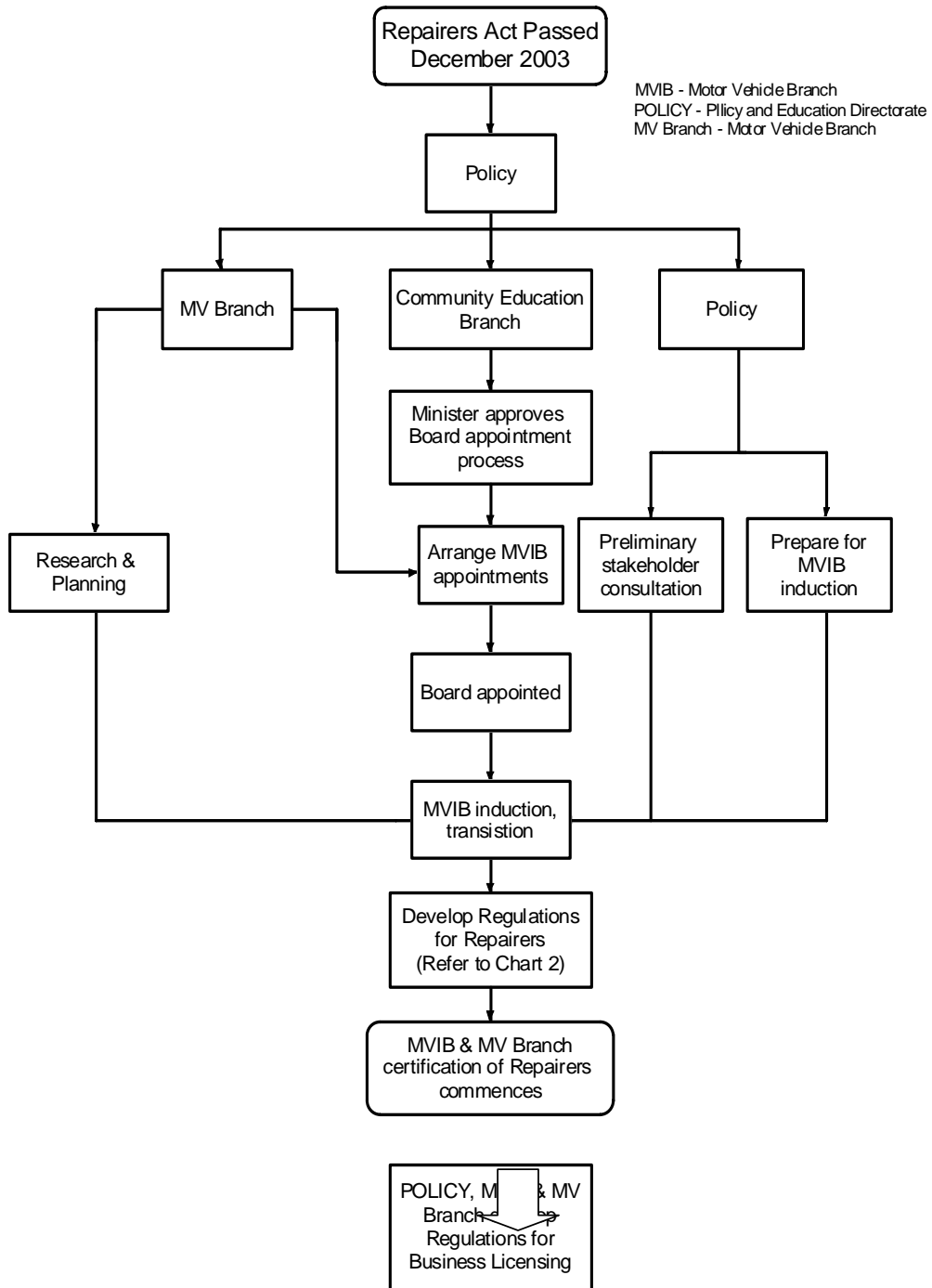
9. LIST OF KEY STAKEHOLDERS CONSULTED

- # Automotive Training Australia (WA) Inc
- # Chamber of Automotive Industry
- # Chamber of Commerce and Industry WA
- # Department of Education and Training
- # Farm Machinery Dealers Association
- # Institute of Automotive Mechanical Engineers
- # Motor Trade Association
- # Motor Vehicle Industry Board
- # Royal Automobile Club
- # Small Business Development Corporation
- # Society of Automotive Engineers

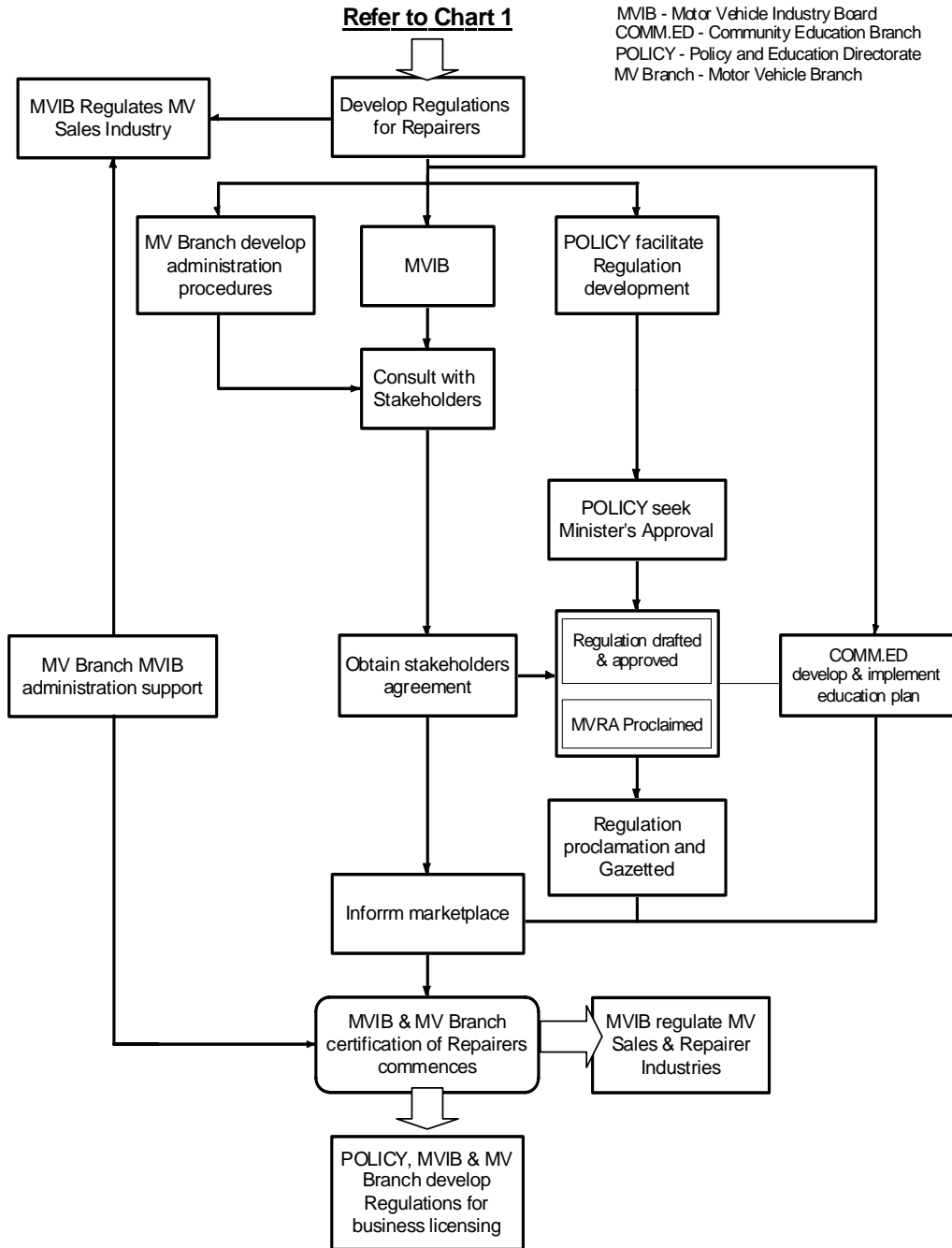
APPENDICES

APPENDIX 1

Motor Vehicle Repairers Act - Implementation Chart 1

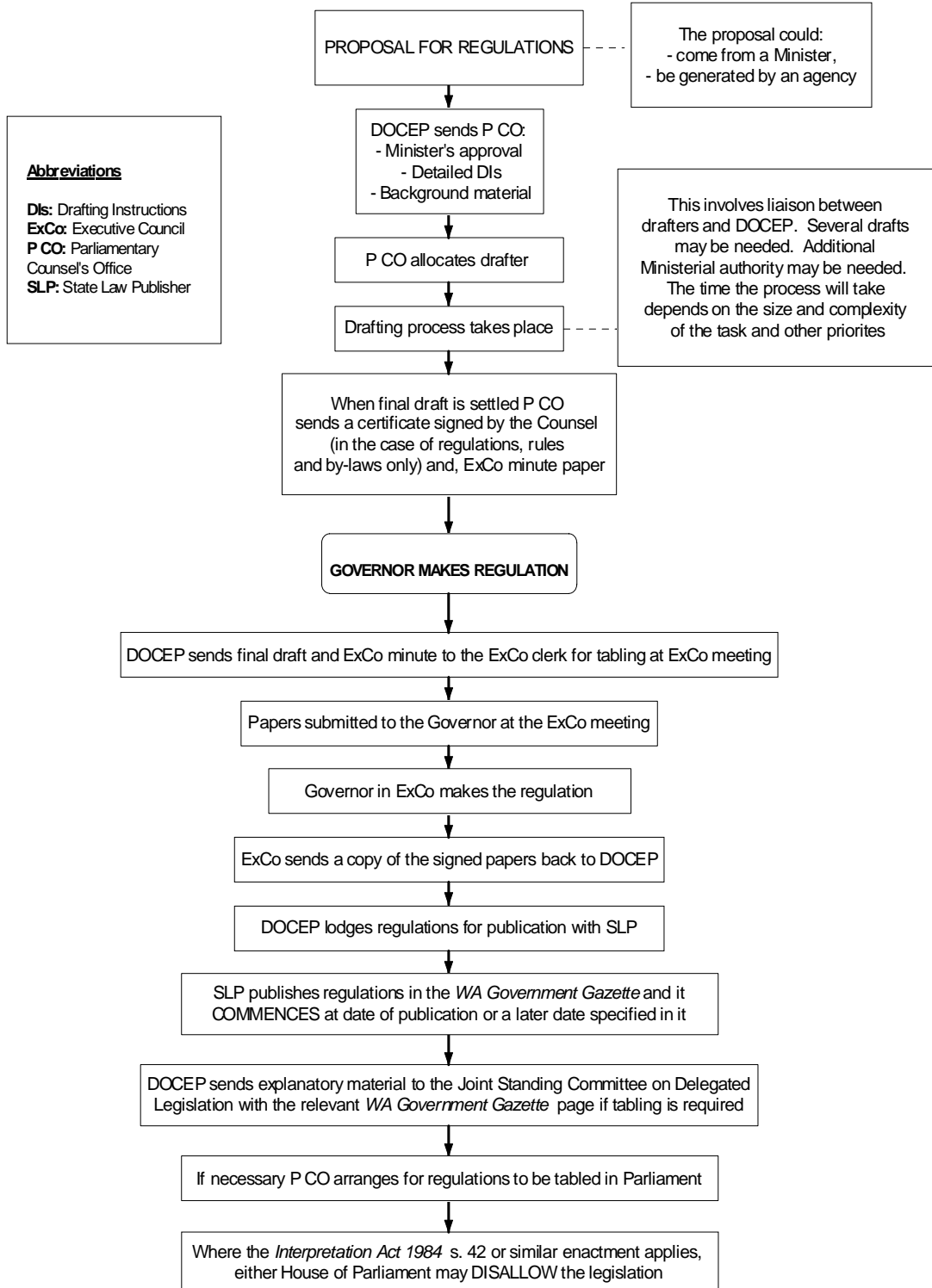


Development of Regulations - Implementation Chart 2



APPENDIX 3

Process for 'Drafting and Making Regulations'



APPENDIX 4

POSSIBLE CLASSES OF REPAIR WORK

Class of repairs (certification)	Description of activity
Mechanical repairs	<ul style="list-style-type: none"> ⊘ motor mechanic (light vehicles) ⊘ motor mechanic (heavy vehicles) ⊘ auto electrician ⊘ engine re-conditioner
Autobody repairs	<ul style="list-style-type: none"> ⊘ panel beater ⊘ vehicle painter
Motorcycle repairs	<ul style="list-style-type: none"> ⊘ motorcycle mechanic
Specialist repairs	<ul style="list-style-type: none"> ⊘ brake mechanic ⊘ transmission specialist ⊘ radiator/cooling system ⊘ steering and suspension ⊘ exhaust repairer
Trailer repairs	<ul style="list-style-type: none"> ⊘ trailer repairs
Any combination of the above	The description subject of the nominated activity or activities. (eg. brake mechanic and exhaust repairer)

Definitions

Auto electrician – a person who repairs electrical equipment, systems or circuits in motor vehicles.

Brake mechanic – a person who repairs brake equipment or systems in motor vehicles.

Engine reconditioner – a person who reconditions engines or the components of an engine.

Exhaust repairer – a person who repairs exhaust systems on motor vehicles

Motorcycle mechanic – a person who repairs the engines or transmissions or the fuel induction, exhaust, electrical, steering, suspension, cooling or braking systems of motorcycles.

Motor mechanic (light vehicles) – a person who repairs the engines or transmissions or the fuel induction, exhaust, electrical, steering, suspension, cooling or braking systems of motor vehicles.

Motor mechanic (heavy vehicles) – a person who repairs the engines or transmissions or the fuel induction, exhaust, electrical, steering, suspension, cooling or braking systems of heavy vehicle road transport.

Panel beater – a person who repairs the structural components, bodies, frames or panel work of motor vehicles.

Radiator/cooling system repairer – a person who repairs the radiators, heating equipment, thermostats or fuel tanks of motor vehicles.

Steering and suspension – a person who repairs the steering or suspension systems of motor vehicles.

Transmission specialist – a person who repairs the gears, clutches, driveshafts and differentials of motor vehicles and the controlling systems for those parts in motor vehicles.

Trailer repairer – a person who repairs trailers.

Vehicle painter – a person who paints motor vehicles.

APPENDIX 5

WA AUTOMOTIVE REPAIR APPRENTICESHIPS

Trade	Stream	Qualification
Autobody Refinisher		Certificate III in Automotive (Vehicle Body – Vehicle Painting)
Autobody Repairer		Certificate III in Automotive (Vehicle Body – Panel Beating)
Automotive Electrical Fitting		Certificate III in Automotive (Electrical – Auto Electrician)
Engineering Tradesperson (Automotive)	Motor Mechanics (Heavy)	Certificate III in Automotive (Mechanical – Heavy Vehicle Road Transport) Certificate III in Automotive (Mechanical – Diesel Fitter)
Engineering Tradesperson (Automotive)	Motor Mechanics (Light)	Certificate III in Automotive (Mechanical – Light Vehicle)
Engineering Tradesperson (Automotive)	Motorcycle Mechanics	Certificate III in Automotive (Mechanical – Motorcycle)
Fuel Injection Fitting		Certificate III in Automotive (Mechanical – Diesel Fuel Specialist)
Trimming		Certificate III in Automotive (Vehicle Body – Trimming)

Note: the following declared trade appears within the metals manufacturing category

Engineering Tradesperson (Mechanical)	Engine Reconditioning	Certificate III in Engine Reconditioning
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APPENDIX 6

WA AUTOMOTIVE REPAIR TRAINEESHIPS

Traineeship name	Qualification
Automotive (Electrical – Accessory Fitting) (Level 2)	Certificate II in Automotive (Electrical – Accessory Fitting)
Automotive (Mechanical – Air Conditioning) (Level 2)	Certificate II in Automotive (Mechanical – Air Conditioning)
Automotive (Mechanical – Driveline) (Level 2)	Certificate II in Automotive (Mechanical – Driveline)
Automotive (Mechanical – Exhaust Fitting and Repair) (Level 2)	Certificate II in Automotive (Mechanical – Exhaust Fitting and Repair)
Automotive (Mechanical – Radiator Repair) (Level 2)	Certificate II in Automotive (Mechanical – Radiator Repair)
Automotive (Mechanical – Steering and Suspension) (Level 2)	Certificate II in Automotive (Mechanical – Steering and Suspension)
Automotive (Mechanical – Tyre Fitting and Repair Heavy) (Level 2)	Certificate II in Automotive (Mechanical – Tyre Fitting and Repair Heavy)
Automotive (Mechanical – Tyre Fitting and Repair Light) (Level 2)	Certificate II in Automotive (Mechanical – Tyre Fitting and Repair Light)
Automotive (Mechanical – Underbody) (Level 2)	Certificate II in Automotive (Mechanical – Underbody)
Automotive (Mechanical – Vehicle Servicing) (Level 2)	Certificate II in Automotive (Mechanical – Vehicle Servicing)
Automotive (Mechanical – Wheel Alignment) (Level 2)	Certificate II in Automotive (Mechanical – Wheel Alignment)
Automotive (Mechanical – Cylinder Head Reconditioning) (Level 2)	Certificate II in Automotive Mechanical (Cylinder Head Reconditioning)
Automotive (Vehicle Body – Accessory Fitting “Mechanical”) (Level 2)	Certificate II in Automotive (Vehicle Body – Accessory Fitting “Mechanical”)
Automotive (Vehicle Body – Detailing) (Level 2)	Certificate II in Automotive (Vehicle Body – Detailing)
Automotive (Vehicle Body – Dismantling) (Level 2)	Certificate II in Automotive (Vehicle Body – Dismantling)
Automotive (Vehicle Body – Glazing) (Level 2)	Certificate II in Automotive (Vehicle Body – Glazing)
Automotive (Vehicle Body – Panel and Paint Preparation) (Level 2)	Certificate II in Automotive (Vehicle Body – Panel and Paint Preparation)
Automotive (Vehicle Body – Window Tinting) (Level 2)	Certificate II in Automotive (Vehicle Body – Window Tinting)

APPENDIX 7

**MOTOR VEHICLE REPAIR COMPLAINTS
 1 JULY 2002 TO 30 JUNE 2003**

Type of Repair	No.
Mechanical	208
Electrical	5
Panel & Paint	22
Reconditioned/Exchange Engines	42
Tyres	9
Cooling Systems	18
Airconditioning	6
Upholstery	2
TOTAL	312

**REASONS FOR COMPLAINT
 (BY MOST NUMBER OF COMPLAINTS IN REPAIR TYPE)**

Repair	Reason for complaint	No.
Mechanical	1. Unsatisfactory performance of a service/repair/installation	122
	2. Unsatisfactory performance of a product/defective goods	46
	3. Dispute about account or invoice	12

Repair	Reason for complaint	No.
Panel & Paint	1. Unsatisfactory performance of a service/repair/installation	10
	2. Non-supply of goods or services	6

Repair	Reason for complaint	No.
Reconditioned/ exchange engines	1. Unsatisfactory performance of a service/repair/installation	25
	2. Unsatisfactory performance of a product/defective goods	15

Repair	Reason for complaint	No.
Cooling systems	1. Unsatisfactory performance of a service/repair/installation	6
	2. Unsatisfactory performance of a product/defective goods	5
	3. Dispute about account or invoice	4

**USED VEHICLES – MOTOR VEHICLE DEALERS ACT 1973
STATUTORY WARRANTY COMPLAINTS**

304 COMPLAINTS - 1 JULY 2002 TO 30 JUNE 2003

**REASONS FOR COMPLAINT
(BY MOST NUMBER OF COMPLAINTS)**

Reason for complaint	No.
1. Unsatisfactory performance of a product/defective goods	89
2. Statutory warranty	66
3. Dispute about changes to, or cancellation of, a contract	32
4. Unsatisfactory performance of a service/repair/installation	16
5. Breach of legislation or code	15

APPENDIX 8

**MOTOR VEHICLE REPAIR COMPLAINTS
 1 JULY 2003 TO 30 JUNE 2004**

Product description	No.
Mechanical	197
Electrical	8
Panel & Paint	27
Reconditioned/Exchange Engines	39
Tyres	13
Cooling Systems	12
Airconditioning	14
Upholstery	1
TOTAL	311

**REASONS FOR COMPLAINT
 (BY MOST NUMBER OF COMPLAINTS IN REPAIR TYPE)**

Repair	Reason for complaint	No.
Mechanical	1. Unsatisfactory performance of a service/repair/installation	140
	2. Unsatisfactory performance of a product/defective goods	21
	3. Dispute about account or invoice	11

Repair	Reason for complaint	No.
Panel & Paint	1. Unsatisfactory performance of a service/repair/installation	15
	2. Unsatisfactory performance of a product/defective goods	5

Repair	Reason for complaint	No.
Reconditioned/ exchange engines	1. Unsatisfactory performance of a service/repair/installation	18
	2. Unsatisfactory performance of a product/defective goods	18

Repair	Reason for complaint	No.
Tyres	1. Unsatisfactory performance of a product/defective goods	6
	2. Unsatisfactory performance of a service/repair/installation	4

Repair	Reason for complaint	No.
Cooling systems	1. Unsatisfactory performance of a service/repair/installation	4
	2. Unsatisfactory performance of a product/defective goods	3
	3. Non-adherence to terms of contract	2

Repair	Reason for complaint	No.
Air-conditioning	1. Unsatisfactory performance of a service/repair/installation	6
	2. Unsatisfactory performance of a product/defective goods	4

**USED VEHICLES – MOTOR VEHICLE DEALERS ACT 1973
 STATUTORY WARRANTY COMPLAINTS**

305 COMPLAINTS - 1 JULY 2002 TO 30 JUNE 2003

**REASONS FOR COMPLAINT
 (BY MOST NUMBER OF COMPLAINTS)**

Reason for complaint	No.
1. Statutory warranty	83
2. Unsatisfactory performance of a product/defective goods	48
3. Breach of legislation or code	45
4. Dispute about changes to, or cancellation of, a contract	38
5. Specification/descriptions of goods or services	14
6. Unsatisfactory performance of a service/repair/installation	9

APPENDIX 9

**NEW SOUTH WALES
MOTOR VEHICLE REPAIRERS ACT 1980**

CLASSES OF REPAIR WORK

⊘ Automotive electrician who works from a fixed workshop	⊘ Automotive electrician who works from a mobile workshop
⊘ Body maker	⊘ Brake mechanic
⊘ Exhaust repairer	⊘ Front end specialist
⊘ Liquefied petroleum gas mechanic	⊘ Motor cycle mechanic
⊘ Motor mechanic who works from a fixed workshop	⊘ Motor mechanic who works from a mobile workshop
⊘ Natural gas mechanic	⊘ Panelbeater
⊘ Radiator repairer	⊘ Transmission specialist
⊘ Vehicle painter who works from a fixed workshop	⊘ Vehicle painter who works from a mobile workshop