



# Motor vehicle repairers licensing

## Frequently asked questions

*Motor vehicle repairers and repair businesses operating in Western Australia are regulated under the Motor Vehicle Repairers Act 2003 (the Act). The Act requires all motor vehicle repair businesses to be licensed, and the individual repairers working without supervision in those businesses to be certified.*

### Motor vehicle repair business licence

#### Why did the State Government introduce licensing for motor vehicle repair businesses?

The motor vehicle repair industry, through its representative organisations the Motor Trade Association of Western Australia; the Institute of Automotive Mechanical Engineers; and the Society of Automotive Engineers, lobbied the State Government over many years for the introduction of licensing laws for motor vehicle repairers.

These organisations believed that the licensing of repairers would improve standards and drastically reduce the level of unqualified backyard repairs, and that this was especially important with the introduction of technology that requires specific servicing standards and specialist equipment.

Successive State Governments and consumer organisations, such as the Royal Automobile Club of Western Australia, supported this proposal and took the view that a repairers licensing system would improve levels of consumer protection.

#### Do I need a motor vehicle repair business licence?

Generally, if you run your own motor vehicle repair business, including subcontracting, you will require a motor vehicle repair business licence; however, there are some exemptions.

Licences are issued for many types, or classes, of repair work. This includes general mechanical repair for heavy vehicles (trucks and buses) and light vehicles (cars), motorbikes and a range of ancillary repairers such as exhaust fitters, auto electricians and tyre fitters.

A business licence may be issued for more than one class of repair work.

#### How do I qualify to be granted a repair business licence?

There are several requirements you must meet to qualify for a repair business licence. These include:

- being fit and proper and a person of good character
- having premises (including mobile premises) suitable for the carrying out of repair work
- having sufficient resources to carry on the business, including tools and equipment
- employing suitably trained/skilled staff. This means you must have at least one certified individual repairer for each class of repair work the business undertakes – in some cases, it may be the same person.

#### Does my motor vehicle repair business licence expire?

Yes. A business licence is issued for three years. If you intend to continue to operate as a repair business you must apply for a renewal of the licence no later than 28 days before the day it expires.

### **If I am a certified tradesperson, why does my business have to be licensed?**

Under the law, not everyone who actually does repairs has to have a certificate. Those without a certificate need to be supervised by a certificate holder but, if a problem occurs, the business owner is ultimately accountable. Having another level of licensing clearly separates the business owners' responsibilities from those of a repairer. For instance, the business owner must ensure that the business has proper supervision in place and complies with consumer protection and other relevant laws. The requirements for, and assessment of, licence applications reflect this difference.

### **Is this another tax on business?**

The licensing fees are not a tax because they do not pay for anything other than the cost of the licensing system. Fees represent the cost of processing applications and employing compliance and dispute resolution staff, who can provide advice to traders and consumers on matters relating to motor vehicle repairs.

The licensing fees were calculated by an independent accounting firm after discussion with industry associations and a large number of repair businesses.

### **I'm a small business. Do I have to pay as much as larger businesses?**

The licensing fee paid by each repair business is based on grouping industry participants into six categories according to the size of the businesses so smaller businesses pay lower licensing fees. Bigger businesses will generally use more of the State Government's resources than smaller businesses, as they have more licensing information to process, more compliance monitoring and potentially provide advice to a larger client base.

The fee structure is considered to be equitable for both small and large repair businesses, as the fee for administering the licence of an individual business is directly related to the number of repairers employed by the business.

### **What do I get for my licence fee?**

You will primarily get access to general advice services from Consumer Protection staff, with whom you will be able to discuss technical matters and other aspects of business, such as dealing with customer disputes.

You will also get protection from unlicensed repairers who unfairly compete for your customers. You are able to report unlicensed activity to Consumer Protection and the penalty for unlicensed repair work is a fine of up to \$50,000, and an additional daily penalty of \$1000.

The legislation has created a compensation fund to assist customers where a repairer has died, disappeared or become insolvent, and a research fund to assist the department in developing industry education and related matters for the repair industry.

## Motor vehicle repairers certificate

### Do I need a motor vehicle repairers certificate?

Generally, if you supervise the repair work of others, or carry out repair work unsupervised, you will require a repairers certificate.

### What type of repair work needs a certified repairer?

Certified repairers are required to supervise most types, or classes, of automotive repair work. This includes general mechanical repair for heavy vehicles (trucks and buses) and light vehicles (cars), motorbikes, and a range of ancillary repairers such as exhaust fitters, auto electricians and tyre fitters.

### What type of repair work can I supervise?

As a certified repairer you can only supervise the type of repair work you are certified for. You can apply for more than one class of repair work if you hold the appropriate qualifications and these may be added to your certificate. Certain classes automatically qualify you for other classes of repair work. For example, if you are issued body building work on your certificate you will also be authorised to carry out electrical accessory fitting work and mechanical accessory fitting work.

### How do I qualify to be granted a repairer's certificate?

To be granted a motor vehicle repairers certificate you will be required to have sufficient formal qualifications or experience, membership of professional organisations and references, or a combination of those requirements. A points system is used to determine a person's qualification for a class of repair. You will need at least 100 points to qualify for each class of repair.

The licensing system promotes higher standards of workmanship from industry. Consumer Protection may, over time, review the certification standard in consultation with industry so that, in the future, only trade qualified persons will be able to hold a repairers certificate that authorises the carrying out of unsupervised repair work.

### What if I don't have enough points?

If you, or your employer, believe that you are sufficiently skilled to become a certified repairer, but you do not have enough points, you can still apply for certification.

If the Commissioner considers that you have, or are capable of acquiring, the necessary skills, you may be issued a provisional certificate which will allow you to run your own licensed business or supervise others until you qualify.

### Why can a person buy and fit parts to their own motor vehicle without a qualification/certification?

Because the Act is concerned primarily with consumer protection, it only controls where a customer pays a repairer for their service. It does not prevent a business or an individual from repairing their own vehicles. There are also very few laws which limit or prevent someone from purchasing parts.

**The information in this publication has been compiled to provide a basic overview of the licensing system for those working in the motor vehicle repair industry.**

*Please note that this information is provided as a guide only and is not a substitute for legal advice. If you are unsure of your obligations under the Act, or the Fair Trading Act 2010, you should contact Consumer Protection on 1300 30 40 54, or seek legal advice.*

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