

APRAA State Roundup Report

May/June 2011



South Australia

Second Hand Goods Bill 2011

In May many Members of the Auto Parts Recycler Division received communication from the South Australian Police Department (SAPOL) seeking feedback and consultation on the draft legislation for the Second Hand Goods Bill 2011.

As was the case in 2009 the proposed Second Hand Goods Bill seeks to reduce the market in stolen goods often pawned through in many cases unsuspecting second hand dealers.

The MTA on behalf of Members strongly opposed the 2009 Bill, and viewed it as unfairly targeting our Members who for over ten years have diligently filled out their dealer books with the relevant information required by law when dealing with prescribed items purchased from the public.

While the intent of the 2009 Bill was good its implementation would have seen many Members financially worse off, all because they were for in the majority abiding by the law at that time.

The MTA has long believed the recycling industry has been burdened with excessive 'red tape' while other industries were appeared to be 'overlooked' in meeting the requirements of the legislation.

The 2011 Bill proposed by the State Government, has seen the concerns of the MTA and its Members taken into account. While there is still some details the MTA is talking to SAPOL about, in particular the 14 day holding period of prescribed goods (vehicles), overall the proposed Bill meets with most of the MTA and Auto Part Recycler Division Committee's expectations.

The MTA has on behalf of the committee submitted a detailed submission to SAPOL outlining our position and would like to thank those Members who have contributed to the submission.

The MTA and the committee also met with Members of the SAPOL project team to discuss and outline some of the industries concerns, and would like to thank the members of the project team for answering the many questions the MTA and the committee had concerning the proposed Bill.

Some of the key points in the proposed bill are;

- Auto Dismantlers are now class 2 businesses and will not need to be licensed.
- Class 2 businesses will need to have their businesses register with the Office of Consumer and Business Affairs (OCBA).
- The proposed cost for class 2 businesses will be \$150.00 initial registration and \$100.00 annually.
- If a business has more than one site there will be only one registration required to cover all businesses.
- If a class 2 business only buys vehicles through a licensed vehicle auction for written off vehicles in which those vehicles are subject to 'written off vehicle notice' and not from the public the business will not need to be registered.
- 100 points of ID will be required when transacting with the public on a listed prescribed item, this would include a photo ID and utility bills etc.
- All transactions involving the public and the payment for a prescribed item will need to be recorded through the SAPOL'S Transaction Management System (TMS).
- All scrap metal dealers will need to be registered under the class 2 business section and record all transactions of prescribed items from the public.
- As the licensing authority OCBA will be responsible for ensuring probity checks are conducted with SAPOL.
- Signage will be required will need to be displayed outlining the rights and responsibilities of both the dealer and consumer in respect of the legislation.
- In most cases the TMS will be able to be integrated with businesses IT systems.
- There are provisions for commercial transactions or business to business transactions such as Auto Recycler to scrap metal dealer for example to be exempt.

While the Bill is still in the consultation phase the MTA is keen to see the regulations that will be part of the overall law once implemented and will advise Members of any concerns that may affect Members.

Western Australia

It is encouraging for all legitimate auto parts recycling businesses that Consumer Protection continues to actively address backyard operators in Western Australia. 7 individuals and companies have been fined in the courts so far this year for unlicensed dealing, with fines totalling almost \$50,000.

Members should also note that the first conviction for an unlicensed repairer was recorded in January. In addition, 123 follow up visits to businesses have flowed from information provided to the MTA WA or Department of Commerce relating to suspected unlicensed repairers.

There are currently another 15 cases listed for prosecution action, covering both unlicensed vehicle dealing and repair activities.

Anyone who may have information on unlicensed dealing in the motor vehicle industry should always contact their local MTA or Automotive Chamber of Commerce.

WA members should keep a lookout for more details soon regarding the 2011 edition of the APRAWA Karting Championship - scheduled for early September.

The APRAWA Safety Management System has been released, and all WA members should have received a info sheet via fax or email. If any member has not received a copy, or would like to know more information, please contact the MTA WA via the contact details below.

As this roundup hits the web, the 2011 APRAA Yard Tour will be imminent! Linked in with the Australian International Motor Show and hosted by the VACC, this year is shaping up as a great event. There is still time to jump on board, just call Just call Danielle on (03) 9829 1148 or download the details from www.apraa.com and join us for what will be a great weekend.

WA members should contact APRA WA Division Manager Mark Wyncoll at the MTA WA on 9453 7900 for more information on any of the topics covered in this roundup.