

BULLETIN

Automobile Repairers Division



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ACL Guide for Motor Vehicle Sales and Repairs

Dear Members

The ACCC in its 18-month investigation into new car retailing industry found instances of misleading or deceptive conduct, or misrepresentations, in relation to the use of independent repairers or non-OEM spare parts. The VACC and Motor Trades Association of Australia (MTAA) in submissions, roundtables and stakeholder forums provided recommendations for an updated industry guide. The ACCC have now released a new version of the Motor Vehicle Sales and Repairs industry guide to the Australian Consumer Law which includes additional guidance material and clarification on consumer guarantees.

Essentially the changes to the guide include the following:

- definitions of dealers and independent repairers
- interactions between warranties and consumer guarantees
- guidance material for determining a major fault and when consumers are not entitled to reject goods
- guidance material for dealers right to seek reimbursement from the manufacturer
- guidance on warranty start dates
- avoidance of misleading statements contained within manufacturer logbooks and service manuals that provide a false impression that only dealers must carry out services and repairs which can also constitute anti-competitive behaviour
- clarification on the use of Non-disclosure agreements and
- clarification on independent mechanical inspection and written reports.

This industry guide is a great reference point for any Australian Consumer Law queries. I strongly recommend you keep a copy close at hand.

Click [here](#) for a copy of the industry guide.

Please feel free to contact me with any queries.

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