



MTAA



PO Box 6298 Kingston ACT 2604 * 02 51008239 * admin@mtaa.com.au * www.mtaa.com.au

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MTAA National Position – Essential Services

Subject: MTAA national position on role of automotive supply chain as essential services

Essential Services

1. The Motor Trades Association of Australia (MTAA) regards the automotive supply chain as essential services defined by Part 1, Section 4, Clause 1, (l) - *Essential Services Act 1988 (NSW)*; Section 3, Clause (a), (b) and (g) - *Essential Services Act 1958 (Victoria)*; Section 2, Interpretation - *Essential Services Act 1981 (SA)* and companion legislation where it exists in other jurisdictions.
2. MTAA has taken the South Australian legislation interpretation as a guide for the meaning of essential service which reads:

'essential service means a service (whether provided by a public or private undertaking) without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced'
3. MTAA regards the sale, service, repair, and supply of parts for heavy, commercial, light vehicles including motorcycles and farm and industrial machinery is essential if other essential services are to operate efficiently effectively and as required during a time of disaster, crisis, or event where essential services are described and proclaimed by the Commonwealth, State or Territory Governments.

See background for additional information next page.

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BACKGROUND

- The Motor Trades Association of Australia Limited (MTAA) and its State and Territory Motor Trades Associations and Automobile Chambers of Commerce have formed a national position that the Automotive Supply Chain is an Essential Service, during times of disaster, crisis, or event where jurisdictional Governments and the Commonwealth Government may need to define, describe, proclaim and / or enact essential service provisions.
- MTAA has assumed the automatic inclusion of automotive industries that service repair and supply automotive products, parts, and components necessary to keep transport and other designated essential services operational.
- MTAA does not believe there is any rationale why this position is not correct on interpretation of law or regulation. This is because without automotive supply chain services, other deemed essential services cannot be assured. These include:
 - (a) the production, supply or distribution of any form of energy, power or fuel or of energy, power or fuel resources,
 - (b) the public transportation of persons or the transportation of freight (including the provision of rail infrastructure for those purposes),
 - (c) the provision of fire-fighting services,
 - (d) the provision of public health services (including hospital or medical services),
 - (e) the provision of ambulance services,
 - (f) the production, supply or distribution of pharmaceutical products,
 - (g) the provision of garbage, sanitary cleaning or sewerage services,
 - (h) other transport and mobility related services including food delivery, distribution services etc. and
 - (i) other related activities proclaimed;
- MTAA refers specifically to the South Australian **Essential Services Act 1981** which interprets essential service to mean: *'a service (whether provided by a public or private undertaking) without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced'*; as further evidence supporting the MTAA assumption. It goes on to state: *'the provision of an essential service includes the operation, or maintenance of an essential service; and to provide has a corresponding meaning; to sell means— (a) in relation to goods—to sell, or to offer or expose for sale; and (b) in relation to services—to contract to provide the services, or to offer to provide the services under contract; and sale has a corresponding meaning; service includes the production, distribution and supply of goods'*.

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- MTAA's position that automotive industries are existing essential services is also supported by Part 1 Section 4 of the NSW Essential Services Act 1988 and particularly Clause 1 sub Clause (l) which states:
 1. For the purposes of this Act, a service is an essential service if it consists of any of the following:
 - (a) the production, supply or distribution of any form of energy, power or fuel or of energy, power or fuel resources,
 - (b) the public transportation of persons or the transportation of freight (including the provision of rail infrastructure for those purposes),
 - (c) the provision of fire-fighting services,
 - (d) the provision of public health services (including hospital or medical services),
 - (e) the provision of ambulance services,
 - (f) the production, supply or distribution of pharmaceutical products,
 - (g) the provision of garbage, sanitary cleaning or sewerage services,
 - (h) the supply or distribution of water,
 - (i) the conduct of a welfare institution,
 - (j) the conduct of a prison,
 - (k) a service declared to be an essential service under subsection (2),
 - (l) a service comprising the supply of goods or services necessary for providing any service referred to in paragraphs (a)–(k).**

- MTAA's position that the automotive industries are existing essential services is also supported by Section 3 of the Victorian Essential Services Act 1958 which states:

"essential service" means any of the following services, namely —

 - (a) transport;
 - (b) fuel;
 - (c) light;
 - (d) power;
 - (e) water;
 - (f) sewerage;
 - (g) any service (whether of a type similar to the foregoing or not) specified from time to time by order of the Governor in Council published in the Government Gazette



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- MTAA also points to the United States Department of Homeland Security (DHS) and its Cybersecurity and Infrastructure Security Agency (CISA) definitions of essential services as revised in March 2020. CISA is the United States Government risk advisor.
- CISA provides guidance on essential critical infrastructure workforce requirements and describes the Transport and Logistics sector essential services as:
 - Employees supporting or enabling transportation functions, including dispatchers, **maintenance and repair technicians**, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
 - Employees of firms providing services **that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.**
 - Mass transit workers
 - Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
 - Maritime transportation workers - port workers, mariners, equipment operators
 - Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
 - **Automotive repair and maintenance facilities**
 - Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
 - Postal and shipping workers, to include private companies
 - **Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers**
 - Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management

MTAA Secretariat
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