



New South Wales

# Traffic Amendment (Vehicle Identification) Act 1996 No 146

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New South Wales

## **Traffic Amendment (Vehicle Identification) Act 1996 No 146**

Act No 146, 1996

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An Act to amend the *Traffic Act 1909* to provide for the collection of information concerning written off and wrecked motor vehicles and the taking of other measures in connection with written off and wrecked motor vehicles; and for other purposes. [Assented to 16 December 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Traffic Amendment (Vehicle Identification) Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Traffic Act 1909 No 5**

The *Traffic Act 1909* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Section 3)

**[1] Section 7B Offences relating to identification numbers of engines and other parts of motor vehicles**

Omit “except as prescribed” from section 7B (1) (b).  
Insert instead “except as required or permitted by or under this Act”.

**[2] Section 7B (1) (c)**

Omit “otherwise than as prescribed”.  
Insert instead “otherwise than as required or permitted by or under this Act”.

**[3] Part 3E**

Insert after Part 3D:

**Part 3E Written off and wrecked motor vehicles**

**10ZC Object of this Part**

The object of this Part is to provide for the collection of information concerning written off and wrecked motor vehicles, and for the taking of other measures in relation to such motor vehicles, to assist in preventing the registration of stolen motor vehicles and detecting motor vehicle theft and for other purposes connected with the administration and execution of this Act.

**10ZD Definitions**

(1) In this Part:

*auto-dismantler* has the same meaning as in the *Motor Dealers Act 1974* and includes any other person, or class of persons, declared to be an auto-dismantler by the regulations under this Act.

**dealer** has the same meaning as in the *Motor Dealers Act 1974* and includes any other person, or class of persons, declared to be a dealer by the regulations under this Act.

**insurer** means a person who carries on the business of insuring motor vehicles and includes any other person, or class of persons, declared to be an insurer by the regulations.

**late model motor vehicle** means a motor vehicle that is not more than 15 years old (age being determined from the date of manufacture) or, if the regulations prescribe a different age, not more than the age so prescribed.

**motor vehicle** has the meaning given it by section 2 (1), except that the definition in section 2 (1) is to be read as if the words “upon any public street” were not contained in the definition.

**register** means the register of written off and wrecked motor vehicles kept by the Authority under this Part.

**vehicle identifier**, in relation to a motor vehicle, means:

- (a) in the case of a motor vehicle manufactured before 1 January 1989, the identification number on the chassis of the motor vehicle, or
- (b) in any other case, the unique vehicle identification number (or “VIN”) allocated to the motor vehicle in accordance with the International Standards Organisation’s vehicle identification system required under an Australian Design Rule adopted by the regulations.

**wrecked** is defined in section 10ZE.

**written off** is defined in section 10ZF.

- (2) A reference in this Part to a person who carries on a business excludes a person who carries on such a business only as an employee.

**10ZE Meaning of “wrecked”**

For the purposes of this Part, a motor vehicle is *wrecked*:

- (a) if it is demolished or dismantled, or
- (b) if it is in some other state or condition, or damaged in some manner, prescribed by the regulations.

**10ZF Meaning of “written off”**

For the purposes of this Part, a motor vehicle is *written off*:

- (a) if a determination is made by an insurer in respect of the motor vehicle that the vehicle should be written off or should not be repaired (for example, because the vehicle has been stolen and has not been recovered or because the cost of repairs required to be made to the vehicle exceeds the value or insured value of the vehicle), or
- (b) in any other circumstances prescribed by the regulations.

**10ZG Register of written off and wrecked motor vehicles**

- (1) The Authority is to keep a register of written off and wrecked motor vehicles.
- (2) The register may include information notified to the Authority under this Part and such other information as the Authority considers appropriate.
- (3) The register may be kept in the form of, or as part of, a computer database or in such other form as the Authority considers appropriate.
- (4) The Authority may authorise any person or class of persons to make entries in the register.
- (5) Access to the register is not available to members of the public (except as provided by this section).
- (6) The Authority may, on such conditions as the Authority considers appropriate:
  - (a) allow a government department, a public authority, a local authority or the Police Service to have access to the register, and

- (b) allow a government department, a public authority, a local authority or the police force of another State, a Territory or the Commonwealth to have access to the register, and
  - (c) allow an insurer, auto-dismantler or dealer to have access to the register, and
  - (d) allow any other person or body, or class of persons or bodies, prescribed by the regulations to have access to the register.
- (7) The Authority may, on such conditions as the Authority considers appropriate, provide a person or body with information contained in the register.

**10ZH Insurers to provide written off motor vehicle information to Authority**

- (1) An insurer must provide to the Authority the information prescribed by the regulations concerning each late model motor vehicle that is written off (anywhere in Australia) in the course of the business carried on by the insurer.
- Maximum penalty: 20 penalty units.
- (2) The information required to be provided under this section must be provided:
- (a) subject to paragraph (b), within 7 days after the motor vehicle is written off in the course of that business and before the motor vehicle is sold or otherwise disposed of in the course of that business, or
  - (b) within the time prescribed by the regulations.

**10ZI Auto-dismantlers to provide wrecked motor vehicle information to Authority**

- (1) An auto-dismantler must provide to the Authority the information prescribed by the regulations concerning each late model motor vehicle that is demolished or dismantled (anywhere in Australia) in the course of the business carried on by the auto-dismantler.
- Maximum penalty: 20 penalty units.

- (2) The information required to be provided under this section must be provided:
  - (a) subject to paragraph (b), within 7 days after work is commenced in the course of that business for the purpose of demolishing or dismantling the motor vehicle and before the part of the motor vehicle to which the vehicle identifier is attached is sold or otherwise disposed of in the course of that business, or
  - (b) within the time prescribed by the regulations.

**10ZJ Dealers to provide motor vehicle information to Authority**

- (1) A dealer must provide to the Authority the information prescribed by the regulations concerning each late model motor vehicle that is in the care, custody or control of the dealer (anywhere in Australia) and that has been written off.

Maximum penalty: 20 penalty units.

- (2) The information required to be provided under this section must be provided:
  - (a) subject to paragraph (b), within 7 days after the motor vehicle comes into the care, custody or control of the dealer and before the motor vehicle is sold or otherwise disposed of in the course of the business carried on by the dealer, or
  - (b) within the time prescribed by the regulations.
- (3) A dealer does not commit an offence under this section in respect of a failure to provide information concerning a motor vehicle if the dealer satisfies the court that:
  - (a) the dealer believed, on reasonable grounds, that the required information concerning the motor vehicle had already been provided to the Authority by an insurer under this Part, or
  - (b) the dealer did not know, and did not have reasonable cause to suspect, that the motor vehicle had been written off.



- (4) The regulations may extend this section so that it also applies to late model motor vehicles that have been wrecked, or that have been wrecked in any specified manner, in the same way as it applies to written off motor vehicles (in which case the section applies accordingly).

**10ZK Regulations may extend obligation to provide information under this Part to others**

The regulations may require any person who carries on a type of business specified in the regulations to provide to the Authority the information prescribed by the regulations concerning any late model motor vehicle that is written off or wrecked and is in the care, custody or control of the person (anywhere in Australia).

**10ZL False or misleading information**

A person must not, in purported compliance with this Part or the regulations under this Part, provide information to the Authority that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

**10ZM Unauthorised access to or interference with register**

A person must not, except as authorised by the Authority or other lawful authority:

- (a) obtain access to the register or information contained in the register, or
- (b) make, alter or delete an entry in the register, or
- (c) interfere with the register in any other way.

Maximum penalty: 20 penalty units.

**10ZN Unauthorised disclosure of information**

A person must not disclose any information obtained in connection with the administration or execution of this Part, except:

- (a) with the consent of the person from whom the information was obtained, or

- (b) in connection with the administration or execution of this Act or the regulations, or
- (c) for the purposes of any legal proceedings arising out of this Act or the regulations or of any report of such proceedings, or
- (d) with other lawful excuse.

Maximum penalty: 20 penalty units.

#### **10ZO Removal of vehicle identifiers**

- (1) An insurer, auto-dismantler, dealer or other person required to provide information to the Authority under this Part may be required to take any reasonable steps, or to ensure that such steps are taken, to remove, obliterate or destroy the vehicle identifier on any part of a motor vehicle that has been written off or wrecked.
- (2) The requirement may be made:
  - (a) by the regulations, or
  - (b) by notice in writing served on the person by the Authority.
- (3) A notice under this section may be served personally or by post.
- (4) A person must comply with a requirement made under this section.

Maximum penalty: 20 penalty units.

#### **10ZP Authority may refuse to register motor vehicle that has written off or wrecked vehicle identifier**

- (1) The Authority may refuse to register any motor vehicle if its vehicle identifier is the same as the vehicle identifier of a motor vehicle that has been noted on the register as being written off or wrecked.
- (2) Subsection (1) does not apply:
  - (a) in the case of a motor vehicle that was written off because it was stolen—if the Authority is satisfied that the motor vehicle has been recovered, or

- (b) in the case of a motor vehicle that was written off because it was damaged—if the Authority is satisfied that the motor vehicle has been restored or repaired, or
  - (c) in any other circumstances prescribed by the regulations.
- (3) This section does not limit the power of the Authority to refuse to register a motor vehicle under any other provision of this Act or the regulations.

#### **10ZQ Variations to Part**

The regulations may provide that this Part or any specified provision of this Part:

- (a) does not apply to and in respect of:
  - (i) any specified motor vehicle or class of motor vehicles, or
  - (ii) any specified person or class of persons, or
- (b) applies only in respect of:
  - (i) any specified motor vehicle or class of motor vehicles, or
  - (ii) any specified person or class of persons.

#### **10ZR Exemptions**

- (1) The Authority may, by instrument in writing, exempt any person from the operation of all or any of the provisions of this Part.
- (2) An exemption:
  - (a) may be absolute or subject to conditions, and
  - (b) if subject to conditions, has effect only while the conditions are observed.

#### **10ZS Regulations**

- (1) The regulations may make provision for or with respect to giving effect to the object of this Part.
- (2) In particular, the regulations may prescribe the form and manner in which the information required to be provided under this Part is to be provided to the Authority.

**[4] Section 12 Records and evidence**

Insert after section 12 (3):

- (4) A certificate purporting to be signed by a prescribed officer and certifying that on any date or during any period specified in the certificate the particulars set forth in the certificate did or did not appear on the register kept under Part 3E (Written off and wrecked motor vehicles) is, in all courts and on all occasions, without proof of the signature or of the official character of the person purporting to have signed the certificate and without the production of any record or document on which the certificate is founded, prima facie evidence of the particulars certified in and by the certificate.

[Minister's second reading speech made in—  
Legislative Assembly on 13 November 1996  
Legislative Council on 5 December 1996]