

[Act 1996 No 146]



New South Wales

Traffic Amendment (Vehicle Identification) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Traffic Act 1909* 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 that Act.

In particular this Bill:

- (a) requires insurers, auto-dismantlers, dealers and others to provide information to the Roads and Traffic Authority (the *RTA*) concerning written off and wrecked motor vehicles, and
 - (b) requires the vehicle identifier on a written off or wrecked motor vehicle (that is, the chassis number or unique vehicle identification number) to be removed in certain circumstances (so that it cannot be used for the purpose of registering a stolen motor vehicle of a similar kind to the written off or wrecked motor vehicle), and
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- (c) allows the RTA to refuse to register a motor vehicle that has the vehicle identifier of a motor vehicle that has been recorded as written off or wrecked.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Traffic Act 1909* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [3] inserts new Part 3E in the *Traffic Act 1909*.

The object of the Part is set out above. (See proposed section 10ZC.)

Proposed sections 10ZD–10ZF define expressions used in the new Part.

An *auto-dismantler* includes a person who carries on the business of demolishing or dismantling motor vehicles. A *dealer* includes a person who carries on the business of buying, selling or exchanging motor vehicles. An *insurer* includes a person who carries on the business of insuring motor vehicles. (See proposed section 10ZD.)

A motor vehicle is *wrecked* if it is demolished or dismantled or is in some other condition prescribed by the regulations. (See proposed section 10ZE.)

A motor vehicle is *written off* if a determination is made by an insurer in respect of the motor vehicle that it should be written off or should not be repaired (for example, because it has been stolen or because of the cost of repairs required to be made to the vehicle) or in other circumstances prescribed by the regulations. (See proposed section 10ZF.)

The RTA is to keep a register of written off and wrecked vehicles. The register may include information notified to the RTA under the new Part and such other information as the RTA considers appropriate. Access to the register is to be limited to certain specified people and bodies (for example, law enforcement agencies). (See proposed section 10ZG.)

Insurers, auto-dismantlers and dealers will be required to provide to the RTA the information prescribed by the regulations concerning motor vehicles that are written off or wrecked. (See proposed sections 10ZH–10ZJ.) For example, the regulations may require the vehicle identifier and information as to the type of damage (if any) sustained by the motor vehicle. The requirement to provide information will apply only in respect of late model motor vehicles (vehicles that are less than 15 years old or of such age as may be prescribed by the regulations).

The regulations may require other persons to provide information about written off or wrecked motor vehicles. (See proposed section 10ZK.)

The new Part contains offences for providing false or misleading information to the Authority (proposed section 10ZL), for obtaining unauthorised access to or interfering with the register (proposed section 10ZM) and for unauthorised disclosure of information obtained in connection with the administration or execution of the provisions (proposed section 10ZN).

An insurer, auto-dismantler, dealer or other person may be required to remove, obliterate or destroy the vehicle identifier on any part of a motor vehicle that has been written off or wrecked. This requirement may be made by the regulations or by the Authority. (See proposed section 10Z0.) **Schedule 1 [1] and [2]** contain amendments that are consequential to this provision.

The RTA may refuse to register a motor vehicle that has the vehicle identifier of a motor vehicle that has been noted on the register as being written off or wrecked. (See proposed section 10ZP.) This will not apply if the RTA is satisfied that the vehicle has been repaired, restored or recovered or in other circumstances prescribed by the regulations.

The regulations may provide that the new Part, or specified provisions, do not apply in respect of any person or motor vehicle or apply only as specified. (See proposed section 10ZQ.)

The RTA may exempt persons from the operation of the new Part. (See proposed section 10ZR.)

Proposed section 10ZS contains a general regulation making power for the purposes of the new Part.

Schedule 1 [4] amends section 12 of the *Traffic Act 1909* to allow the RTA to certify matters contained in the register of written off and wrecked motor vehicles.