

Road Transport (General) Bill 1999

Explanatory note

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

The following Bills are cognate with this Bill:

- the *Road Transport (Safety and Traffic Management) Bill 1999*
- the *Road Transport Legislation Amendment Bill 1999*

Overview of Bill

The objects of this Bill are as follows:

- (a) to provide for the enforcement of the provisions of the **road transport legislation** (which includes the proposed Act, the *Road Transport (Driver Licensing) Act 1998*, the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, the proposed *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Vehicle Registration) Act 1997*, other prescribed Acts or provisions of Acts and regulations made under those Acts) and various other Acts and regulations,
- (b) to facilitate the efficient administration of the road transport legislation by:
 - (i) enabling the Administrative Decisions Tribunal to review certain decisions made under the road transport legislation, and
 - (ii) enabling the Minister to make certain declarations and orders in respect of the application of the road transport legislation to roads and road related areas and to people, vehicles and animals,
- (c) to re-enact (with some modifications) provisions currently contained in the *Traffic Act 1909* (which is to be repealed by the proposed *Road Transport Legislation Amendment Act 1999*), including provisions concerning matters such as written off and wrecked vehicles, the detention, impounding and forfeiture of vehicles, police powers and unauthorised vehicle use,
- (d) to provide for matters of a savings and transitional nature consequent on the enactment of the proposed Act, the proposed *Road Transport (Safety and Traffic Management) Act 1999* and the proposed *Road Transport Legislation Amendment Act 1999*.

Outline of provisions

Part 1 Preliminary

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 defines certain words and expressions used in the proposed Act.

Clause 4 provides that notes in the proposed Act do not form part of the Act.

Part 2 Administration of road transport legislation

Division 1 Road transport legislation

Clause 5 defines the concept of **road transport legislation** for the purposes of the proposed

Act. It is defined to mean the following:

- (a) the proposed Act,
- (b) the *Road Transport (Driver Licensing) Act 1998*,
- (c) the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*,
- (d) the proposed *Road Transport (Safety and Traffic Management) Act 1999*,
- (e) the *Road Transport (Vehicle Registration) Act 1997*,
- (f) any other Act or regulation (or any provision of such an Act or regulation) prescribed by the regulations,
- (g) any regulation made under any of the above Acts (or any provision of such an Act).

The proposed section makes it clear that the provisions of the proposed Act do not apply to the road transport legislation if the legislation provides otherwise either expressly or by necessary intendment. It also provides that an Act or regulation (or a provision of an Act or regulation) cannot be prescribed by the regulations to be part of the road transport legislation without the concurrence of the Minister administering the Act or regulation to be prescribed.

Division 2 Inter-relationship between road transport legislation and other law

Clause 6 makes provision for the relationship between the road transport legislation and other laws. In particular, it provides that (unless the regulations provide otherwise) an Act that forms part of the road transport legislation prevails over any other Act or statutory rule to the extent of any inconsistency. It also provides that a statutory rule made under the road transport legislation prevails over any other Act or statutory rule to the extent of any inconsistency in respect of driver licensing, vehicle registration or traffic on roads or road related areas (and other related matters).

Division 3 Responsible persons for vehicles under road transport legislation

Clause 7 defines the concept of the **responsible person** for a vehicle for the purposes of the road transport legislation. A person is a responsible person for a vehicle if the person is any of the following:

- (a) in relation to a registered vehicle:
 - (i) a registered operator of the vehicle, except where the vehicle has been disposed of by the operator, or
 - (ii) if the vehicle has been disposed of by a previous registered operator—a person who has acquired the vehicle from the operator, or
 - (iii) a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement),
- (b) in relation to an unregistered vehicle to which a trader's plate is affixed:
 - (i) the person to whom the trader's plate is issued under the *Road Transport (Vehicle Registration) Act 1997*, or
 - (ii) a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement),
- (c) in relation to an unregistered vehicle to which no trader's plate is affixed:
 - (i) a person who was last recorded as a registered operator of the vehicle, or
 - (ii) a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement),
- (d) a person (or a person who belongs to a class of persons) prescribed by the regulations for the purposes of the definition.

The concept of the responsible person for a vehicle will replace the concept of **owner** of a vehicle that is presently used in the *Traffic Act 1909* and other related legislation, which is presently defined in a number of inconsistent ways.

Clause 8 provides that (unless the regulations provide otherwise) the provisions of the road transport legislation and certain other laws that apply to the responsible person for a vehicle are read as applying to each such responsible person in the case of vehicles that have more than one responsible person.

Division 4 Alteration of scope of operation of road transport legislation

Clause 9 enables the Minister to declare, by order published in the Gazette, that the road transport legislation (or any specified provision of it) applies to a specified area of the State that is open to or used by the public or does not apply to a specified road or road related area.

The proposed section consolidates in one place the provisions of section 2A of the *Traffic Act 1909*, section 29 of the *Road Transport (Driver Licensing) Act 1998* and section 25 of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Clause 10 enables the Minister to declare, by order published in the Gazette, that the road transport legislation (or any specified provision of it) does not apply to a vehicle, person or animal in a specified location or circumstance.

The proposed section consolidates in one place the provisions of section 30 of the *Road Transport (Driver Licensing) Act 1998* and section 25A of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Clause 11 requires the Minister administering the proposed Act to consult with the Minister administering the *Motor Accidents Act 1988* before making a declaration under proposed section 9 or 10 in respect of the *Road Transport (Vehicle Registration) Act 1997* (or regulations made under that Act).

The proposed section substantially re-enacts the requirement presently contained in section 25 (1A) of the *Road Transport (Vehicle Registration) Act 1997*. That section will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Clause 12 enables the Minister, by notice published in the Gazette, to order the suspension or variation of regulations made under the road transport legislation in a manner that is consistent with the provisions relating to application orders and emergency orders in the intergovernmental agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth.

The proposed section consolidates in one place the provisions of section 28 of the *Road Transport (Driver Licensing) Act 1998* and section 24 of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Clause 13 requires the Roads and Traffic Authority (the **Authority**) to maintain a database of declarations and orders made under the Division. It also requires the Authority to give the public access to the database of declarations and orders made under the Division in accordance with the regulations.

Division 5 Authority documents

Clause 14 provides that the Authority may issue a single authority document to a person that authorises the person to carry out functions under more than one provision of the road transport legislation.

Part 3 Enforcement of road transport legislation and other legislation

Division 1 Penalty notices

This Division substantially re-enacts the provisions of section 18B of the *Traffic Act 1909*.

Clause 15 enables police officers and other authorised officers to issue penalty notices for alleged offences against the road transport legislation and certain other legislation that are prescribed by regulations as penalty notice offences.

Clause 16 provides for how penalty notices are to be served.

Clause 17 provides that the payment of a penalty prescribed by the regulations for a penalty notice offence:

- (a) prevents further proceedings against any person for the alleged offence, and
- (b) is not to be regarded as an admission of liability for the purposes of any civil claim arising out of the same circumstances.

Clause 18 provides that nothing in the Division limits the provisions of any other Act relating to proceedings that may be taken in respect of offences.

Division 2 Production of licences and identification of drivers and passengers

Clause 19 enables an authorised officer, in the execution of his or her duties under the road transport legislation, to require the driver or rider of a vehicle to produce his or her driver licence and to state his or her name and address. A failure to comply with such a requirement will be an offence for which the maximum penalty will be 20 penalty units.

The proposed section re-enacts (with some modifications) section 5 (1) of the *Traffic Act 1909*, which at present confers power only on police officers. The new section will also confer the power on persons who are authorised officers for the purposes of the proposed Act and applies to the road transport legislation generally.

Clause 20 enables an authorised officer to require passengers and other persons accompanying learner drivers or other persons attending a motor registry for a test or other examination to produce their driver licences and state their names and addresses. A failure to comply with such a requirement will be an offence for which the maximum penalty will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 5 (1B) and (1C) of the *Traffic Act 1909*, except that it applies to the road transport legislation generally.

Clause 21 enables an authorised officer to require the person responsible for a vehicle to disclose the identity of the driver of the vehicle at the time of an alleged offence. A failure to comply with such a requirement will be an offence for which the maximum penalty will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 5 (3) and (4) of the *Traffic Act 1909*, except that the new section will also confer the power on persons who are authorised officers for the purposes of the proposed Act and applies to the road transport legislation generally.

Clause 22 requires a person who is charged with an offence under the road transport legislation to produce his or her driver licence to the court hearing the charge. A failure to comply with that requirement will be an offence for which the maximum penalty will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 9 of the *Traffic Act 1909*, except that the new section applies to the road transport legislation generally. It will also replace section 25 of the *Road Transport (Driver Licensing) Act 1998*, which is to be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Clause 23 makes it an offence for a person to demand the production of another person's driver licence while knowing that he or she is not authorised by law to do so. The maximum penalty for such an offence will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 11AD of the *Traffic Act 1909*.

Division 3 Licence disqualification

Clause 24 confers a general power (subject to certain other specific provisions of the road

transport legislation) for a court that convicts a person of an offence under the road transport legislation to disqualify a person from holding a driver licence.

The proposed section substantially re-enacts the provisions of section 10 of the *Traffic Act 1909*, except that it applies to the road transport legislation generally.

Clause 25 provides for the automatic disqualification of persons from holding a driver licence if convicted of a major offence. Proposed section 3 defines **major offence** to include serious offences such as offences involving dangerous driving, speeding or alcohol or other drug use.

The proposed section substantially re-enacts the provisions of section 10A of the *Traffic Act 1909*.

Clause 26 provides that if a person is disqualified under the road transport legislation from holding a driver licence (whether or not by court order), the disqualification operates to cancel permanently any driver licence held by the person. It also prevents a person from obtaining another licence during a period of disqualification. It will be an offence for a disqualified person not to surrender a licence on conviction to the court (if it is in the person's possession at conviction) or to the Authority (if it is not in the person's possession at conviction). The maximum penalty for any such offence will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 10AA of the *Traffic Act 1909*, except that it applies to the road transport legislation generally.

Division 4 Habitual traffic offenders

This Division substantially re-enacts the provisions of section 10EA of the *Traffic Act 1909*.

Clause 27 defines the concept of **relevant offence** for the purposes of the Division.

Relevant offences include offences under the *Crimes Act 1900* in which death or bodily harm is caused by the driving of a motor vehicle, negligent driving causing death or grievous bodily harm, reckless or dangerous driving, driving when affected by alcohol or other drugs, prescribed speeding offences and driving without a licence or while disqualified. The relevant offences include any offence for which a person is convicted in another State or Territory, so long as the offence is of the same kind as a relevant offence committed in this State.

The scheme will apply to a third offence that would trigger a declaration of an habitual traffic offender even though the person is not convicted but the charge is only found to be proven under section 556A of the *Crimes Act 1900*.

Clause 28 provides that a person is declared to be an habitual traffic offender by the proposed section if the person is convicted by a court of a relevant offence for the third or more time within a period of 5 years before that conviction. The 3 traffic offences giving rise to the declaration will need to have occurred on different occasions. However, under proposed section 31 the court may remove the declaration, but only in special cases where the disqualification imposed by the declaration would be disproportionate and unjust.

Clause 29 provides that the Authority must give written warnings to the holders of driver licences who are liable to be declared to be habitual traffic offenders if they are convicted of another relevant offence.

Clause 30 provides for a mandatory 5-year disqualification period from driving on the third conviction (and on each subsequent conviction) in 5 years for relevant traffic offences. However, the court may order a longer period of disqualification if it thinks fit. It may also order a shorter period (but not shorter than 2 years), but only in special cases where the disqualification imposed by the declaration would be disproportionate and unjust. The normal 5-year disqualification (and each additional 5-year disqualification) will not commence until all existing disqualifications are completed.

Clause 31 provides that there is no court appeal against the declaration of an habitual traffic offender or the disqualification imposed by the declaration. However, it provides for the quashing of a declaration by the court that convicts an habitual traffic offender in certain circumstances.

Clause 32 provides that a disqualification under the Division is in addition to any other penalty imposed for the offence giving rise to the declaration.

Division 5 Suspension of licences and visiting driver privileges

Clause 33 enables the Commissioner of Police to suspend a driver licence for a period not exceeding 14 days if the Commissioner is satisfied that the driver is an incompetent, reckless or careless driver or is found to be under the influence of liquor.

The proposed section is based on section 10B of the *Traffic Act 1909*, but unlike that provision, is limited to the suspension of driver licences.

Clause 34 enables a police officer to suspend, by written notice, a person's driver licence within 48 hours after the person is charged with certain offences involving alcohol or drug use under the proposed *Road Transport (Safety and Traffic Management) Act 1999*. The suspension has effect until the charge is heard and determined by a court. A person to whom a notice is given must surrender the driver licence to which the notice relates. A failure to do so will constitute an offence for which the maximum penalty will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 10C of the *Traffic Act 1909*.

Clause 35 enables a police officer to suspend, by written notice, a visiting interstate driver's authority to drive in New South Wales under State law within 48 hours after the driver is charged with certain offences involving alcohol or drug use under the proposed *Road Transport (Safety and Traffic Management) Act 1999*. The suspension has effect until the charge is heard and determined by a court.

The proposed section substantially re-enacts the provisions of section 10D of the *Traffic Act 1909*.

Division 6 Downgrading of licences

Clause 36 enables the Authority to issue a new driver licence to a former holder of a certain kind of cancelled licence in substitution for the cancelled licence. However, the new licence will not authorise any such person to drive vehicles of the class to which the cancelled licence related.

The proposed section substantially re-enacts the provisions of section 11AE of the *Traffic Act 1909*.

Division 7 Compensation orders by courts in respect of offences under road transport legislation

Clause 37 enables a court that convicts a person of an offence under the road transport legislation to order the defendant to pay compensation for loss of time or expense incurred in consequence of the offence.

The proposed section substantially re-enacts the provisions of section 14 of the *Traffic Act 1909*, except that it applies to the road transport legislation generally.

Clause 38 enables a court to order a person (other than a police officer or the Authority) who lays an information or makes a complaint for an offence under the road transport legislation to pay the defendant compensation for loss of time if the proceedings for the offence are dismissed or withdrawn.

The proposed section substantially re-enacts the provisions of section 15 of the *Traffic Act 1909*, except that it applies to the road transport legislation generally and does not apply to informations or complaints laid or made by the Authority.

Division 8 Detention, impounding and forfeiture of vehicles

Clause 39 provides for the impounding of a vehicle used for any practice prohibited under proposed section 41 of the proposed *Road Transport (Safety and Traffic Management) Act 1999* or for actual street racing (prohibited by proposed section 40 of the proposed *Road*

Road Transport (Safety and Traffic Management) Act 1999). Any such vehicle may be seized on any public place. However, it may only be seized on private property with the consent of the owner or under a search warrant issued under proposed section 41.

The impounded car may (in accordance with Schedule 1) be kept by police until the offence has been dealt with by law or until the statutory period prescribed under proposed section 40 in relation to the offence has expired, unless an owner of the vehicle comes forward to show that the offence was committed without his or her consent or knowledge.

The proposed section substantially re-enacts the provisions of section 4BB of the *Traffic Act 1909*.

Clause 40 provides for further measures against the offender if the offence is found proven in court or (in the case of an offence under proposed section 41 of the proposed *Road Transport (Safety and Traffic Management) Act 1999*) is dealt with by payment of the penalty under a penalty notice. For a first offence, the vehicle is automatically liable to impounding for 3 months. For a second or subsequent offence under proposed section 40 or proposed section 41 of the proposed *Road Transport (Safety and Traffic Management) Act 1999*, the vehicle is automatically forfeited to the Crown. A court dealing with the offence has a discretion to reduce these measures if, in its opinion, there is good reason to do so.

The proposed section substantially re-enacts the provisions of section 4BC of the *Traffic Act 1909*.

Clause 41 provides for the issue of search warrants for the purpose of enabling a police officer to impound a vehicle operated as referred to in proposed section 39 that is located on private property.

The proposed section substantially re-enacts the provisions of section 4BD of the *Traffic Act 1909*.

Division 9 Imputed liability for certain offences under road transport legislation

Clause 42 provides for the circumstances in which directors and managers of corporations will be taken to be liable for offences committed by corporations against the road transport legislation.

Clause 43 specifies the circumstances in which the responsible person for a vehicle in relation to which a designated offence has occurred will be taken to have committed the offence even where the person was not the driver of the vehicle. The designated offences relate to camera-detected traffic light offences, camera-recorded speeding offences and certain parking offences under the proposed *Road Transport (Safety and Traffic Management) Act 1999*.

In essence, the responsible person at the time of the offence will be treated as if the person were the actual offender unless:

- (a) the person proves, in accordance with the proposed section, that the vehicle was stolen or illegally taken or used, or
- (b) the person discloses, in accordance with the procedures provided in the proposed section, the identity and address of the driver, or
- (c) the person proves, in accordance with the proposed section, that the person did not know (and could not with reasonable diligence have known) the name and address of the driver.

The proposed section also places a duty on the responsible person for a vehicle involved in a camera-detected traffic light offence or a camera-recorded speeding offence to disclose the identity and address of the driver (if known). A failure to comply with the duty or the false nomination of a driver will be offences for which the maximum penalty will be 5 penalty units.

Nothing in the proposed section affects the liability of the actual offender.

The proposed section substantially re-enacts the provisions of 18A of the *Traffic Act 1909*, except that references to owners of vehicles are replaced with references to responsible persons for vehicles.

Division 10 Service of documents

Clause 44 specifies how documents that are required to be served on or given to a person under the road transport legislation may be duly served on or given to such a person.

Clause 45 specifies how documents that are required to be lodged with the Authority under the road transport legislation may be duly lodged with the Authority.

Division 11 Evidentiary provisions in relation to road transport legislation

Clause 46 provides for documents signed by the Authority and relating to matters on its records concerning the road transport legislation to be admitted into evidence in court proceedings. The proposed section also enables courts to admit as evidence documents issued under laws of other jurisdictions relating to certain matters.

The proposed section consolidates in one place the provisions of section 26 of the *Road Transport (Driver Licensing) Act 1998* and section 22 of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Division 12 Proceedings for offences under road transport legislation

Clause 47 provides for proceedings for offences against the road transport legislation to be dealt with summarily by a Local Court constituted by a Magistrate sitting alone.

The proposed section consolidates in one place the provisions of section 27 of the *Road Transport (Driver Licensing) Act 1998* and section 22A of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Division 13 Review of decisions under road transport legislation

Clause 48 provides for aggrieved persons to apply to the Administrative Decisions Tribunal for a review of certain decisions made in respect of such persons under the road transport legislation.

The proposed section consolidates in one place the provisions of section 21 of the *Road Transport (Driver Licensing) Act 1998* and section 17 of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*. The proposed section also provides for the review by the Tribunal of certain decisions that are presently appealable to a court.

Division 14 Personal liability for carrying out duties under road transport legislation

Clause 49 indemnifies individuals from civil liability for acts or omissions done in good faith in the course of carrying out duties under the road transport legislation. It also indemnifies individuals from civil or criminal liability for carrying out a test or examination and, in good faith, expressing opinions to the Authority as a result of reporting information to the Authority disclosing that a person is or may be unfit to drive or that licensing a person to drive may be dangerous.

The proposed section consolidates in one place the provisions of section 31 of the *Road Transport (Driver Licensing) Act 1998* and section 28 of the *Road Transport (Vehicle Registration) Act 1997*. Those sections will be repealed by the proposed *Road Transport Legislation Amendment Act 1999*.

Part 4 Further provisions concerning vehicles, roads and road related areas

Division 1 Police powers

Clause 50 enables police officers who have been authorised by the Commissioner of Police to enter premises carrying on the business of repairing vehicles and search vehicles on the premises to ascertain whether or not vehicles or vehicle parts have been stolen. It will be an offence for a person to wilfully delay or obstruct any such officer, the maximum penalty for which will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 7C of the *Traffic Act 1909*, except that the maximum penalty for the offence is increased from 5 penalty units to 20 penalty units.

Clause 51 provides for the Commissioner of Police to authorise the use by police of tyre deflation devices in police pursuits and provides an exception for police officers from any provision that would otherwise prevent their use on or near a road or road related area. Examples of those provisions are section 630 of the *Local Government Act 1993* (concerning the placing of dangerous articles in a public place) and clause 11 of the *Roads (General) Regulation 1994* (concerning placing things on roads).

The proposed section substantially re-enacts the provisions of section 24 of the *Traffic Act 1909*.

Division 2 Unauthorised use of vehicles

Clause 52 makes it an offence for a person to use a motor vehicle or trailer without first obtaining the consent of the owner. The maximum penalty for such an offence will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 8A of the *Traffic Act 1909*.

Clause 53 makes it an offence for a person to procure the use of any motor vehicle or trailer by fraud or misrepresentation (or to aid or abet any such person). The maximum penalty for such an offence will be 20 penalty units.

The proposed section substantially re-enacts the provisions of section 8B of the *Traffic Act 1909*.

Division 3 Written off and wrecked motor vehicles

This Division re-enacts the provisions of Part 3E of the *Traffic Act 1909* in substantially the same form, except that applications for the release of an impounded vehicle that can presently be made to a Local Court may instead be made to the Administrative Decisions Tribunal.

Clause 54 provides that the object of the Division 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 the proposed Act.

Clause 55 defines certain expressions used in the Division. For instance, **auto-dismantler** is defined to include a person who carries on the business of demolishing or dismantling motor vehicles. A **dealer** is defined to include a person who carries on the business of buying, selling or exchanging motor vehicles. An **insurer** is defined to include a person who carries on the business of insuring motor vehicles.

Clause 56 provides that a motor vehicle is **wrecked** for the purposes of the Division if it is demolished or dismantled or is in some other condition prescribed by the regulations.

Clause 57 provides that a motor vehicle is **written off** for the purposes of the Division 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.

Clause 58 provides that the Authority is to keep a register of written off and wrecked vehicles. The register may include information notified to the Authority under the Division and such other

information as the Authority considers appropriate. Access to the register is to be limited to certain specified people and bodies (for example, law enforcement agencies).

Clause 59 requires insurers to provide to the Authority the information prescribed by the regulations concerning motor vehicles that are written off. 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).

Clause 60 requires auto-dismantlers to provide to the Authority the information prescribed by the regulations concerning motor vehicles that are wrecked. As with insurers, 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).

Clause 61 requires dealers to provide to the Authority the information prescribed by the regulations concerning motor vehicles that are written off. As with insurers and auto-dismantlers, 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).

Clause 62 provides that the regulations may require other persons to provide information about written off or wrecked motor vehicles.

Clause 63 makes it an offence to provide false or misleading information to the Authority. The maximum penalty for the offence will be 20 penalty units.

Clause 64 makes it an offence to obtain unauthorised access to or interfere with the register of written off and wrecked motor vehicles. The maximum penalty for the offence will be 20 penalty units.

Clause 65 makes it an offence for there to be unauthorised disclosure of information obtained in connection with the administration or execution of the provisions of the Division. The maximum penalty for the offence will be 20 penalty units.

Clause 66 provides that an insurer, auto-dismantler, dealer or other person may be required to remove, deface, 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.

Clause 67 provides that the Authority 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. This will not apply if the Authority is satisfied that the vehicle has been repaired, restored or recovered or in other circumstances prescribed by the regulations.

Clause 68 enables the regulations to provide that the Division, or specified provisions, do not apply in respect of any person or motor vehicle or apply only as specified.

Clause 69 enables the Authority to exempt persons from the operation of the Division.

Part 5 Miscellaneous

Clause 70 provides that the proposed Act binds the Crown.

Clause 71 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 72 enables the regulations to exempt (or authorise the Authority to exempt) certain vehicles, persons or animals from the operation of the proposed Act or regulations (or specified provisions of the proposed Act or regulations).

Clause 73 enables the Authority to recover any unpaid fees or charges payable under the proposed Act or regulations as a debt due to the Authority in a court of competent jurisdiction.

Clause 74 gives effect to Schedule 2 containing savings, transitional and other provisions.

Clause 75 provides for a review of the operation of the proposed Act to be undertaken after 5 years from the date of assent to the proposed Act.

Schedules

Schedule 1 contains provisions regulating dealing with vehicles impounded under Division 8 of Part 3, including the conditions on which they may be returned to owners who were not party to the offences and provisions for the sale or other disposal of impounded or forfeited motor vehicles.

Schedule 2 contains savings and transitional provisions, including a power to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act, the proposed *Road Transport (Safety and Traffic Management) Act 1999* and the proposed *Road Transport Legislation Amendment Act 1999*.