

FIRST PRINT

## MOTOR DEALERS (AMENDMENT) BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Motor Vehicle Repairs (Amendment) Bill 1987 is cognate with this Bill.

The object of this Bill is to amend the Motor Dealers Act 1974 to empower members of the Police Force to enter premises where a person carries on a business for which a licence is held or required under that Act in order to search for and obtain information relating to stolen motor vehicles, parts and accessories.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) (a) empowers a member of the Police Force to enter premises where a business licensed or required to be licensed under the Act is carried on and to search for and obtain information relating to stolen motor vehicles, parts and accessories. The power cannot be used to enter unlicensed premises which are residential premises, unless a search warrant is obtained under the provision referred to in Schedule 1 (2) below.

Schedule 1 (1) (b)–(e) are consequential amendments.

Schedule 1 (1) (f) makes it an offence to conceal or attempt to conceal motor vehicles, parts and accessories for which Police are entitled to search under the proposed new power.

Schedule 1 (1) (g) extends the power to search for stolen property to property that is otherwise unlawfully obtained.

*Motor Dealers (Amendment) 1987*

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Schedule 1 (2) authorises the granting of a search warrant to empower Police to enter unlicensed premises which are residential premises to search for stolen vehicles etc.

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# MOTOR DEALERS (AMENDMENT) BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 52, 1974

SCHEDULE 1—AMENDMENTS

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# MOTOR DEALERS (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Motor Dealers Act 1974 to empower members of the police force to enter and search certain premises.

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See also Motor Vehicle Repairs (Amendment) Bill 1987.

*Motor Dealers (Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Motor Dealers (Amendment) Act 1987.

**Amendment of Act No. 52, 1974**

2. The Motor Dealers Act 1974 is amended as set out in Schedule 1.

**SCHEDULE 1—AMENDMENTS**

(Sec. 2)

**(1) Section 53A (Powers of entry etc.)—****(a) Section 53A (1A), (1B)—**

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After section 53A (1), insert:

(1A) For the purpose of searching for, or obtaining information concerning, stolen motor vehicles and stolen parts and accessories of motor vehicles, a member of the police force may—

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(a) enter premises where a person carries on a business for which the person holds a licence or is reasonably suspected of carrying on a business for which the person is required to hold a licence;

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(b) search for and examine any motor vehicles and parts and accessories of motor vehicles on those premises;

(c) require the production of records;

(d) inspect and require explanations of any record; and

(e) take notes, copies and extracts of or from any record or statement produced pursuant to this section.

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(1B) The power of a member of the police force under subsection (1A) to enter premises does not permit entry to any part of premises used for residential purposes unless—

(a) a person holds a licence granted in respect of the premises;  
or

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(b) the member of the police force is acting pursuant to a search warrant under section 53AA.

**(b) Section 53A (2)—**

Omit “Where an authorised officer requires production under subsection (1)”, insert instead “If under this section production is required”.

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**(c) Section 53A (3) (a)—**

Omit “an authorised officer in the exercise of”, insert instead “a person exercising”.

*Motor Dealers (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 53A (3) (b)—  
Omit “subsection (1) or (2)”, insert instead “this section”.
- (e) Section 53A (3) (c)—  
Omit “or” where lastly occurring.
- 5 (f) Section 53A (3) (d), (e)—  
At the end of section 53A (3) (d), insert:  
; or  
(e) conceal or attempt to conceal any motor vehicle or part or  
10 accessory of a motor vehicle that a member of the police  
force is entitled to search for and examine under this section.
- (g) Section 53A (5)—  
After section 53A (4), insert:  
(5) In this section—  
“stolen” means stolen or otherwise unlawfully obtained.
- 15 (2) Section 53AA—  
After section 53A, insert:  
**Search warrants—entry of unlicensed premises**  
53AA. (1) In this section—  
“authorised justice” means—  
20 (a) a Magistrate; or  
(b) a justice employed in the Attorney General’s  
Department.  
(2) A member of the police force may apply to an authorised  
25 justice for a search warrant if the member of the police force has  
reasonable grounds for believing that premises are being used for  
the carrying on of a business for which a person is required to hold  
a licence.  
(3) An authorised justice to whom such an application is made  
30 may, if satisfied that there are reasonable grounds for the belief  
referred to in subsection (2), issue a search warrant authorising a  
member of the police force named in the warrant to exercise, in  
relation to those premises, any powers of a member of the police  
force under section 53A (1A) for any purpose specified in that  
subsection.  
35 (4) Part III of the Search Warrants Act 1985 applies to a search  
warrant issued under this section.





# MOTOR DEALERS (AMENDMENT) ACT 1987 No. 277

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 52, 1974

SCHEDULE 1—AMENDMENTS

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**MOTOR DEALERS (AMENDMENT) ACT 1987 No. 277**

NEW SOUTH WALES



**Act No. 277, 1987**

An Act to amend the Motor Dealers Act 1974 to empower members of the police force to enter and search certain premises. [Assented to 16 December 1987]

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See also Motor Vehicle Repairs (Amendment) Act 1987.

*Motor Dealers (Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Motor Dealers (Amendment) Act 1987.

**Amendment of Act No. 52, 1974**

2. The Motor Dealers Act 1974 is amended as set out in Schedule 1.

**SCHEDULE 1—AMENDMENTS**

(Sec. 2)

**(1) Section 53A (Powers of entry etc.)—****(a) Section 53A (1A), (1B)—**

After section 53A (1), insert:

(1A) For the purpose of searching for, or obtaining information concerning, stolen motor vehicles and stolen parts and accessories of motor vehicles, a member of the police force may—

- (a) enter premises where a person carries on a business for which the person holds a licence or is reasonably suspected of carrying on a business for which the person is required to hold a licence;
- (b) search for and examine any motor vehicles and parts and accessories of motor vehicles on those premises;
- (c) require the production of records;
- (d) inspect and require explanations of any record; and
- (e) take notes, copies and extracts of or from any record or statement produced pursuant to this section.

(1B) The power of a member of the police force under subsection (1A) to enter premises does not permit entry to any part of premises used for residential purposes unless—

- (a) a person holds a licence granted in respect of the premises;  
or
- (b) the member of the police force is acting pursuant to a search warrant under section 53AA.

**(b) Section 53A (2)—**

Omit "Where an authorised officer requires production under subsection (1)", insert instead "If under this section production is required".

*Motor Dealers (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

## (c) Section 53A (3) (a)—

Omit “an authorised officer in the exercise of”, insert instead “a person exercising”.

## (d) Section 53A (3) (b)—

Omit “subsection (1) or (2)”, insert instead “this section”.

## (e) Section 53A (3) (c)—

Omit “or” where lastly occurring.

## (f) Section 53A (3) (d), (e)—

At the end of section 53A (3) (d), insert:

; or

(e) conceal or attempt to conceal any motor vehicle or part or accessory of a motor vehicle that a member of the police force is entitled to search for and examine under this section.

## (g) Section 53A (5)—

After section 53A (4), insert:

(5) In this section—

“stolen” means stolen or otherwise unlawfully obtained.

## (2) Section 53AA—

After section 53A, insert:

**Search warrants—entry of unlicensed premises**

53AA. (1) In this section—

“authorised justice” means—

(a) a Magistrate; or

(b) a justice employed in the Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing that premises are being used for the carrying on of a business for which a person is required to hold a licence.

*Motor Dealers (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(3) An authorised justice to whom such an application is made may, if satisfied that there are reasonable grounds for the belief referred to in subsection (2), issue a search warrant authorising a member of the police force named in the warrant to exercise, in relation to those premises, any powers of a member of the police force under section 53A (1A) for any purpose specified in that subsection.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

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