

FIRST PRINT

## MOTOR VEHICLE REPAIRS (AMENDMENT) BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

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

This Bill is cognate with the Motor Dealers (Amendment) Bill 1987.

The object of this Bill is to amend the Motor Vehicle Repairs Act 1980 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) empowers a member of the Police Force to enter a place 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. "Stolen" is defined to include unlawfully obtained.

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.

Schedule 1 (3) (a) and (b) are consequential amendments.

*Motor Vehicle Repairs (Amendment) 1987*

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Schedule 1 (3) (c) 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.

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# MOTOR VEHICLE REPAIRS (AMENDMENT) BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Amendment of Act No. 71, 1980
- SCHEDULE 1—AMENDMENTS
-



# MOTOR VEHICLE REPAIRS (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Motor Vehicle Repairs Act 1980 to empower members of the police force to enter and search certain premises.

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

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

**5 Amendment of Act No. 71, 1980**

2. The Motor Vehicle Repairs Act 1980 is amended as set out in Schedule 1.

**SCHEDULE 1—AMENDMENTS**

(Sec. 2)

10 (1) Section 75 (**Power of entry and examination**)—

Section 75 (3)–(5)—

After section 75 (2), insert:

15 (3) 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 any place at which 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;

20 (b) require any person employed or engaged at that place to produce such records or other documents as are required to be kept under this Act or the regulations and as are in or under his or her custody or control; and

25 (c) search for and examine any motor vehicles and parts and accessories of motor vehicles at that place.

(4) The power of a member of the police force under subsection (3) to enter premises does not permit entry to any part of premises used for residential purposes unless—

30 (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 75A.

(5) In this section—

“stolen” means stolen or otherwise unlawfully obtained.

## 35 (2) Section 75A—

After section 75, insert:

*Motor Vehicle Repairs (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued***Search warrants—entry of unlicensed premises**

75A. (1) In this section—

“authorised justice” means—

- 5 (a) a Magistrate; or  
 (b) a justice employed in the Attorney General’s  
 Department.

10 (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.

15 (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 75 (3) for any purpose specified in that subsection.

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

**(3) Section 76 (Offence to obstruct inspector, police)—**

(a) Section 76 (a)–(d)—

After “inspector” wherever occurring, insert “or member of the police force”.

25 (b) Section 76 (c)—

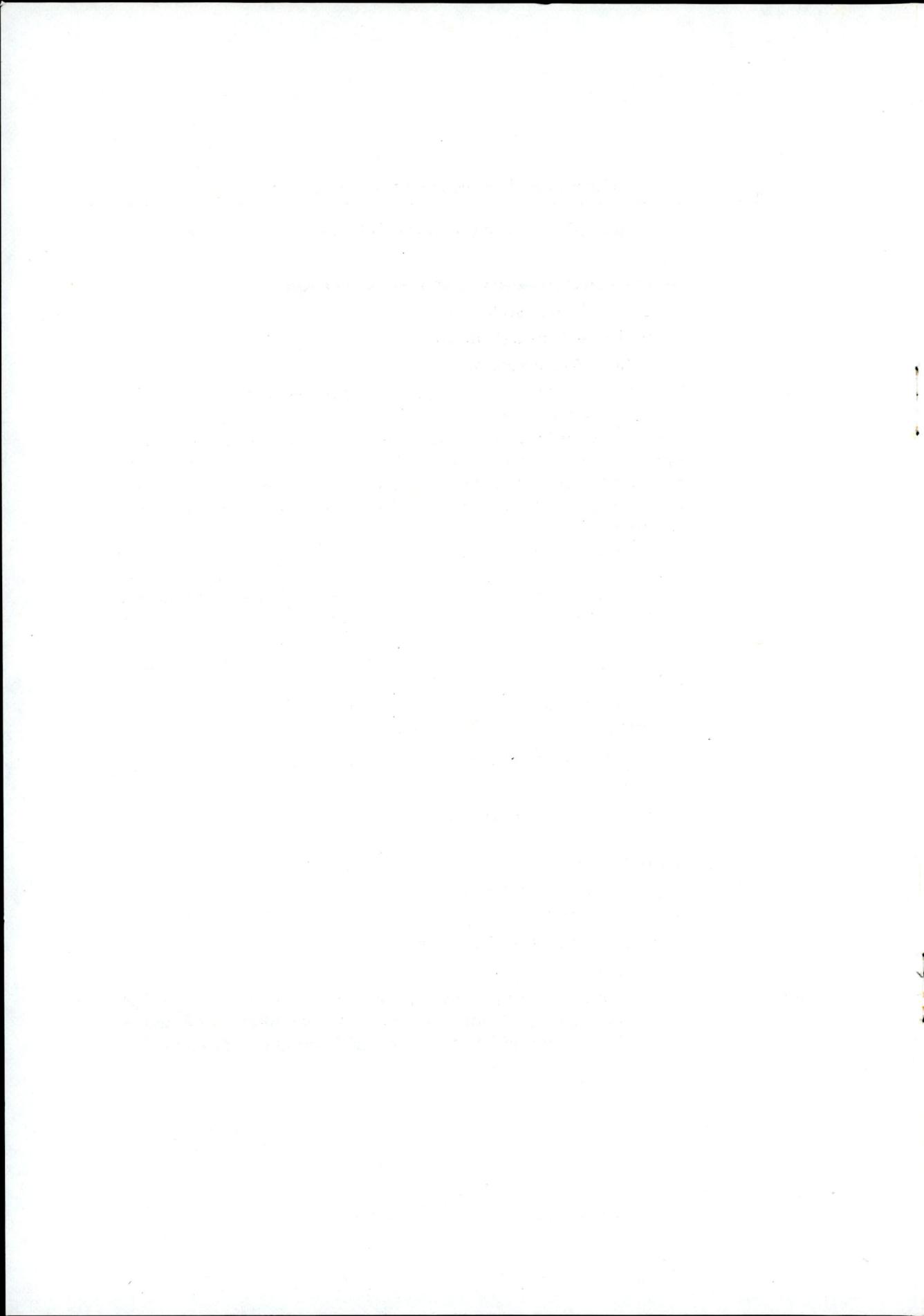
Omit “or” where lastly occurring.

(c) Section 76 (d), (e)—

At the end of section 76 (d), insert:

; or

30 (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 Act.





**MOTOR VEHICLE REPAIRS (AMENDMENT) ACT 1987**  
**No. 278**

NEW SOUTH WALES

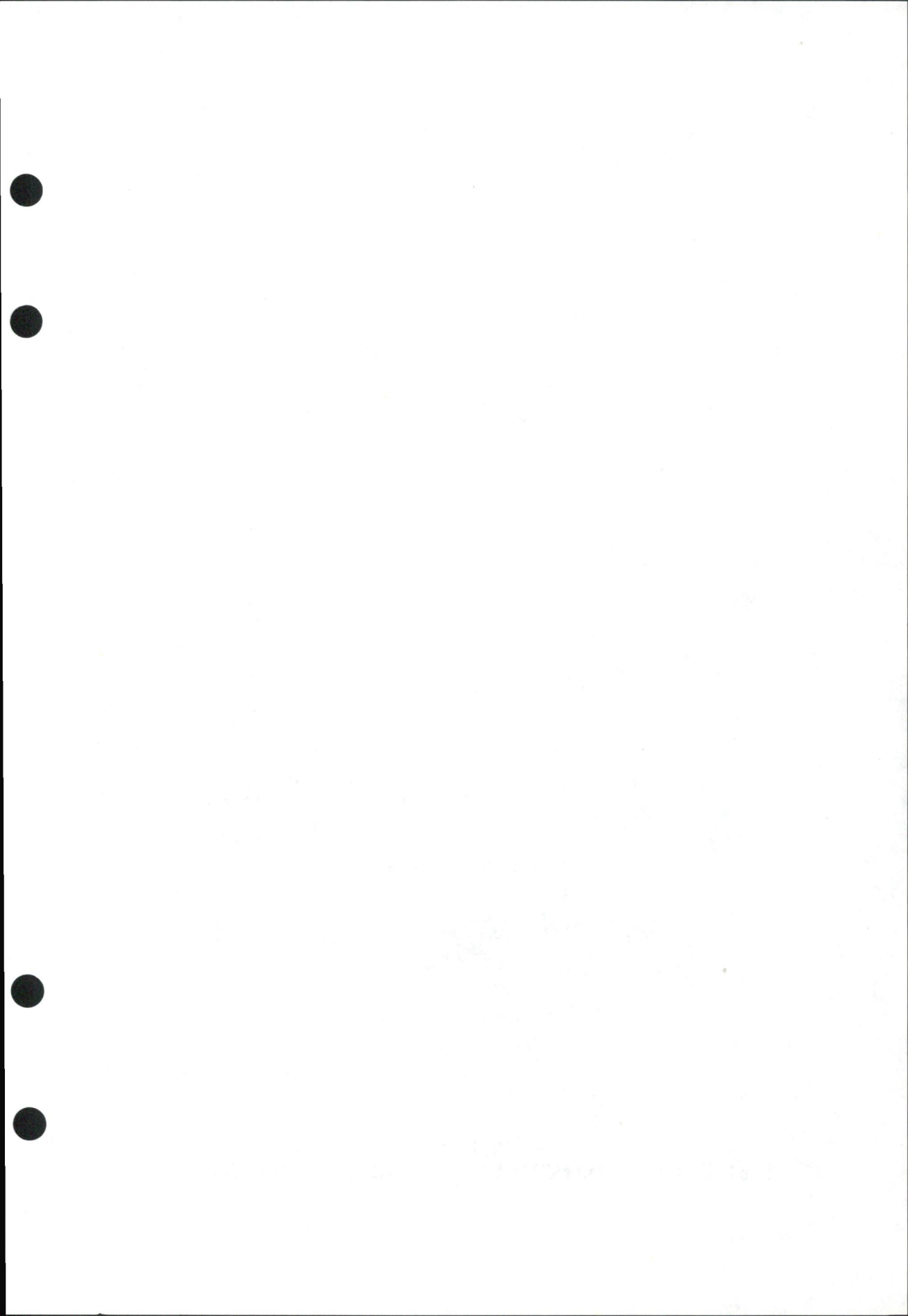


**TABLE OF PROVISIONS**

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2. Amendment of Act No. 71, 1980

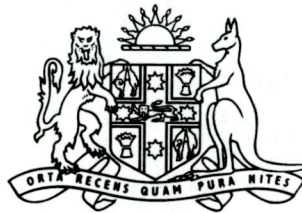
SCHEDULE 1—AMENDMENTS

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**MOTOR VEHICLE REPAIRS (AMENDMENT) ACT 1987 No. 278**

NEW SOUTH WALES



**Act No. 278, 1987**

An Act to amend the Motor Vehicle Repairs Act 1980 to empower members of the police force to enter and search certain premises. [Assented to 16 December 1987]

*Motor Vehicle Repairs (Amendment) 1987*

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

**Short title**

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

**Amendment of Act No. 71, 1980**

2. The Motor Vehicle Repairs Act 1980 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 2)

**(1) Section 75 (Power of entry and examination)—**

Section 75 (3)–(5)—

After section 75 (2), insert:

(3) 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 any place at which 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) require any person employed or engaged at that place to produce such records or other documents as are required to be kept under this Act or the regulations and as are in or under his or her custody or control; and
- (c) search for and examine any motor vehicles and parts and accessories of motor vehicles at that place.

(4) The power of a member of the police force under subsection (3) 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 75A.

*Motor Vehicle Repairs (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(5) In this section—

“stolen” means stolen or otherwise unlawfully obtained.

(2) Section 75A—

After section 75, insert:

**Search warrants—entry of unlicensed premises**

75A. (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.

(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 75 (3) 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.

(3) Section 76 (**Offence to obstruct inspector, police**)—

(a) Section 76 (a)–(d)—

After “inspector” wherever occurring, insert “or member of the police force”.

(b) Section 76 (c)—

Omit “or” where lastly occurring.

*Motor Vehicle Repairs (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(c) Section 76 (d), (e)—

At the end of section 76 (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 Act.

