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No. 99 of 1996
An Act to amend the Motor Vehicles Act 1959.

[Assented to 19 December 1996]

The Parliament of South Australia enacts as follows:

Short title
1. (1) This Act may be cited as the Motor Vehicles (Inspection) Amendment Act 1996.
   (2) The Motor Vehicles Act 1959 is referred to in this Act as "the principal Act".

Commencement
2. This Act will come into operation on a day to be fixed by proclamation.

Insertion of s. 23A
3. The following section is inserted in the principal Act after section 23:

   Information required before registration of new vehicles
   23A. (1) The Registrar must not register a new motor vehicle unless a report containing the particulars prescribed by regulation has been received in relation to that motor vehicle.
   (2) A person must not sell, by retail, a new motor vehicle unless a report referred to in subsection (1) has been lodged with the Registrar in relation to that motor vehicle.
   Penalty: Division 9 fine.
   (3) In this section—
   "new motor vehicle" means a motor vehicle that has not previously been registered under this Act or the law of any other State or Territory of the Commonwealth.
Amendment of s. 24—Duty to grant registration

4. Section 24 of the principal Act is amended—

(a) by inserting after subparagraph (ii) of subsection (2)(b) the following subparagraph:

(iii) has been reported as stolen.;

(b) by inserting after subparagraph (ii) of subsection (3)(b) the following subparagraph:

(iii) has been reported as stolen.;

Amendment of s. 138A—Commissioner of Police to give certain information to Registrar

5. Section 138A of the principal Act is amended—

(a) by striking out "or to" and substituting ", to";

(b) by inserting "or to be an authorised agent" after "scheme".

Amendment of s. 139—Inspection of motor vehicles

6. Section 139 of the principal Act is amended—

(a) by striking out "for the purposes of this Act" and substituting "in accordance with this section";

(b) by inserting after subparagraph (ii) of paragraph (ab) the following subparagraph:

(iii) has been reported as stolen;

(c) by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) An authorisation to examine motor vehicles—

(a) may only be granted to—

(i) a person employed by a person carrying on the business of selling new motor vehicles or new and second hand motor vehicles; or

(ii) a person authorised to exercise any of the powers of an inspector under section 160 of the Road Traffic Act 1961; and

(b) may be subject to conditions; and

(c) may be revoked at any time.

(3) All authorisations to examine motor vehicles granted by the Registrar under this section will expire on the third anniversary of the day on which subsection (2) comes into operation, and no new authorisations may be granted on or after that day.

(4) The Minister may, for the purposes of this section, establish a code of practice to be observed by persons authorised to examine motor vehicles in accordance with this section.
(5) A person who contravenes a code of practice established under subsection (4) is guilty of an offence.

Penalty: Division 6 fine.

Insertion of s. 139AA

7. The following section is inserted in the principal Act after section 139:

Where vehicle suspected of being stolen

139AA. Where, following inspection of a vehicle under this Part, the person responsible for carrying out the inspection (other than a member of the police force) reasonably suspects that the vehicle has been reported as stolen, the person must—

(a) immediately inform a member of the police force of that suspicion and the reason for it; and

(b) seize and detain the vehicle until it can be delivered into the custody of a member of the police force.

Insertion of s. 139F

8. The following section is inserted in the principal Act after section 139E:

Offence to hinder, etc., inspector or authorised agent

139F. A person must not, without reasonable excuse, obstruct or hinder an inspector or authorised agent exercising powers under this Act.

Penalty: Division 8 fine.

Amendment of s. 145—Regulations

9. Section 145 of the principal Act is amended by inserting after paragraph (e) of subsection (1) the following paragraph:

(ea) prescribing, and providing for the payment of fees for the inspection of a motor vehicle for the purposes of this Act;

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

BASIL S. HETZEL, Governor's Deputy