

ERRATUM

The Motor Dealers Act 1974, as published in Gazette No. 7 at page 269, dated 17th January, 1992, omitted some material. The complete Order is published below:

***MOTOR DEALERS ACT 1974—ORDER**

NEW SOUTH WALES



[Published in Gazette No. 7 of 17 January 1992]

(L.S.) P. R. SINCLAIR, Governor.

I, Rear Admiral PETER ROSS SINCLAIR, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 8 of the Motor Dealers Act 1974, make the Order set out hereunder.

Dated at Sydney, this 15th day of January 1992.

By His Excellency's Command,

P. E. J. COLLINS
Minister for Consumer Affairs.

Citation

1. This Order may be cited as the Motor Dealers (GIO) Exemption Order 1991.

Definitions

2. In this Order:

“sales” means sale, or proposed sale, by auction;

“the Act” means the Motor Dealers Act 1974.

Exemption

3. If a motor vehicle is insured with GIO and GIO, as insurer:

(a) has indemnified the insured for the motor vehicle; or

(b) has been authorised by the insured to sell the motor vehicle,

sections 9, 23B, 23C and 27 (1) of the Act do not have effect in relation to GIO or the sale of the motor vehicle by GIO in the course of its business as an insurer.

Conditions applicable to sale of motor vehicle

4. The operation of this Order in relation to the sale of a motor vehicle is subject to the following conditions:

(a) the registration plates on the motor vehicle must be removed before it is offered for sale and must be surrendered to the Roads and Traffic Authority before, or as soon as practicable after, the sale;

(b) on or before surrendering the registration plates, GIO must notify the Roads and Traffic Authority that the registration plates have been removed from a motor vehicle referred to in clause 3;

(c) the registration plates on, or removed from, the motor vehicle must not be sold, or otherwise disposed of, to a purchaser of the motor vehicle;

(d) a statement to the effect that the registration plates have been removed and have been, or will be, surrendered to the Roads and Traffic Authority must be prominently displayed at the time and place of sale and in any advertisement relating to the sale.

Conditions applicable to GIO

5. The operation of this Order in relation to GIO is subject to the following conditions:

(a) GIO must keep records of the registration plates removed and surrendered by GIO in accordance with clause 4;

- (b) GIO must keep, in relation to sales exempted by this Order, a record of the same particulars as a licensed dealer would be required to keep as entries in a register kept under section 21 of the Act;
- (c) the records referred to in paragraphs (a) and (b) must be kept at a place where GIO carries on business;
- (d) GIO must permit an authorised officer to exercise, in relation to the records referred to in paragraphs (a) and (b), the powers conferred by section 23 (1) of the Act in relation to a register kept under Part 3 of the Act.

EXPLANATORY NOTE

Under section 8 of the Act, the Governor may by order declare that certain provisions of the Act do not have effect in relation to specified persons, classes of motor vehicles or activities etc. The operation of an “exemption” order is subject to such conditions as are specified in the order.

The object of this Order is to provide that certain provisions of the Act concerning licensing requirements, inspection reports, notices at auction sales and obligations to repair defects do not have effect in relation to the GIO or the sale at an auction by the GIO (in the course of its business as an insurer) of a motor vehicle. The specified class of motor vehicle concerned is what is referred to in the motor vehicle insurance industry as a “total loss vehicle”, i.e. a motor vehicle insured with the GIO and where the GIO has indemnified the insured for the motor vehicle or has been authorised by the insured to sell it. The operation of the Order in relation to the sale of such a motor vehicle is subject to certain conditions, including the surrendering of the registration plates to the Roads and Traffic Authority.

The Order is similar to the Motor Dealers (N.R.M.A. Insurance) Order 1988 which presently exempts the N.R.M.A. from the same provisions of the Act in relation to the auction sale of “total loss vehicles”.
