

House of Assembly—No 11

As laid on the table and read a first time, 4 March 2020

South Australia

**Motor Vehicles (Offensive Advertising)
Amendment Bill 2020**

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Motor Vehicles (Offensive Advertising) Amendment Act 2020*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Motor Vehicles Act 1959*

10 3—Amendment of section 24—Duty to grant registration

Section 24—after subsection (4) insert:

- (5) The Registrar may refuse to register a motor vehicle if the Registrar has made a decision under section 71C in relation to the vehicle and the reasons for that decision still exist.

15 4—Amendment of section 58—Transfer of registration

Section 58—after subsection (5) insert:

- (6) The Registrar may refuse to transfer the registration of a motor vehicle if the Registrar has made a decision under section 71C in relation to the vehicle and the reasons for that decision still exist.

5—Insertion of Part 2 Division 13

After section 71B insert:

Division 13—Miscellaneous

71C—Powers of Registrar in relation to offensive advertising on motor vehicles

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(1) Subject to this section, if the Registrar is given an advertising code breach notice in relation to a motor vehicle by the Advertising Standards Bureau, the Registrar may do either or both of the following:

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(a) refuse to enter into any transaction—

(i) with the registered owner or the registered operator of the motor vehicle to which the advertising code breach notice relates (whether in relation to that motor vehicle or any other motor vehicle); and

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(ii) with any other person in relation to the motor vehicle to which the advertising code breach notice relates;

(b) cancel the registration of the motor vehicle to which the advertising code breach notice relates.

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(2) The Registrar must, before acting under subsection (1), give notice to the registered owner or the registered operator of the motor vehicle to which the advertising code breach notice relates—

(a) advising the owner or operator of the Registrar's decision under that subsection; and

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(b) specifying the action that must be taken, and the period within which it must be taken, to avoid the Registrar acting under subsection (1); and

(c) advising the owner or operator of their rights under sections 98Z and 98ZA in relation to the Registrar's decision.

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(3) If the Registrar is notified by the Advertising Standards Bureau that the Bureau has withdrawn the advertising code breach notice relating to the motor vehicle—

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(a) the Registrar must inform the registered owner or the registered operator of the vehicle that the advertising code breach notice in relation to the vehicle has been withdrawn; and

(b) the Registrar must not take action under subsection (1).

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(4) If the registration of a motor vehicle is cancelled under this section, no part of any amount paid in respect of the registration of the vehicle is refundable.

(5) In this section—

advertising code means—

- 5 (a) the document entitled *AANA Code of Ethics* published by the Australian Association of National Advertisers (ACN 003 179 673), as in force from time to time; or
- (b) a document that—
- 10 (i) constitutes a code of ethics or standard for advertising; and
- (ii) is prescribed by the regulations to be an advertising code for the purposes of this section;

advertising code breach determination means a determination of the Board that material appearing on a specified motor vehicle breaches the advertising code;

advertising code breach notice means a notice—

- 15 (a) setting out the details of an advertising code breach determination; and
- (b) specifying that the determination is final;

Advertising Standards Bureau means the Australian Standards Bureau (ACN 084 452 666);

20 **Board** means the body appointed by the Advertising Standards Bureau to consider complaints from members of the public about advertising and determine whether the advertising breaches the provisions of the advertising code.

25 **6—Amendment of section 137A—Obligation to provide evidence of design etc of motor vehicle**

Section 137A—delete "or ownership" and substitute:

, ownership or appearance

7—Amendment of section 139—Inspection of motor vehicles

Section 139(1)—after paragraph (d) insert:

- 30 (e) if an application to register the vehicle has been made following a decision of the Registrar under section 71C relating to the vehicle—ascertaining whether the reasons for the decision under that section still exist.