

2012

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (VEHICLE REGISTRATION)
AMENDMENT REGULATION 2012 (No 1)**

SL2012-21

EXPLANATORY STATEMENT

**Circulated by authority of
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Attorney-General**

ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT REGULATION 2012 (No 1)

Outline

This Regulation is made under sections 13, 14 and 15 of the *Road Transport (Vehicle Registration) Act 1999*.

The amendments made in this Regulation achieve three purposes.

The first set of amendments (clause 4) implements the Government's policy that vehicles that were registered in another jurisdiction before becoming a written-off vehicle should not be able to obtain registration in the ACT. This amendment will stop the practice whereby vehicles that have been entered on the written-off vehicles register by vehicle insurers in other States or Territories are repaired, transported to the ACT for inspection and registration, and are then returned interstate for resale.

By way of background, a written-off vehicle is a vehicle that has been assessed by an insurer as being a total loss, usually where the estimated cost of repairing the vehicle would exceed the vehicle's market value. The fact that a vehicle is a total loss does not mean that it cannot be repaired and made roadworthy. In some cases, it may be economically viable to repair a written-off vehicle (for example, where a motor trader has ready access to spare parts and labour). Nationally there is a concern that the interstate written-off vehicles trade may involve stolen vehicles, and that some repairs may compromise vehicle standards and vehicle safety.

Secondly, the Regulation corrects a minor error to ensure that the provisions relating to left-hand drive vehicles have their intended effect (clause 5).

Thirdly, the Regulation makes a number of minor amendments to make it a mandatory requirement to provide a copy of a report generated by a brake test machine.

These minor technical amendments are considered to be consistent with human rights. They are aimed at protecting the interests and safety of all road users by providing for comprehensive vehicle standards.

Notes on clauses

Part 1 Preliminary

Clause 1 Name of Regulation

This is a formal provision that sets out the name of the Regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the Regulation. The amendments will commence on the day after notification.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the Regulation. The amendments only affect the *Road Transport (Vehicle Registration) Regulation 2000*.

Clause 4 New section 32A (3) (ab) and notes

This clause inserts new section 32A (3) (ab). This provision will prevent the registration in the ACT of a vehicle that is a written-off vehicle, unless the vehicle was registered in the ACT immediately before it became a written-off vehicle.

The notes to this new section make it clear that a “registered vehicle” means a vehicle that is registered in the ACT under the *Road Transport (Vehicle Registration) Act 1999*.

Clause 5 Schedule 1, section 1.25 (2)

This clause is a technical amendment to section 1.25 (2) of schedule 1 to replace the words ‘if the vehicle’ with the words ‘unless the vehicle’. This corrects an inadvertent error in the current provision.

Clause 6 Schedule 2, division 2.1.1.1, new section 19

This amendment has the effect of relocating an optional requirement relating to original and duplicate copies of results from roller brake test machines from schedule 2, division 2.1.1.2. Moving it to division 2.1.1.1 will make this a prescribed (mandatory) requirement for roller brake test machines.

Clause 7 Schedule 2, division 2.1.1.2, section 2

This amendment is consequential on the amendment in clause 6.

Clause 8 Section 2, division 2.1.2.1, new section 14

This amendment has the effect of relocating an optional requirement relating to original and duplicate copies of results from skid plate brake test machines from

schedule 2, division 2.1.2.2. Moving it to division 2.1.2.1 will make this a prescribed (mandatory) requirement for skid plate test machines.

Clause 9 Section 2, division 2.1.2.2, section 1

This amendment is consequential on the amendment in clause 8.

Clause 10 Section 2, division 2.1.3.1, new section 6

This amendment has the effect of relocating an optional requirement relating to original and duplicate copies of results from vehicle deceleration brake test machines (also known as vehicle decelerometers) from schedule 2, division 2.1.3.2. Moving it to division 2.1.3.1 will make this a prescribed (mandatory) requirement for vehicle decelerometers.

Clause 11 Section 2, division 2.1.3.2, section 1

This clause is consequential on the amendment in clause 10.