



Australian Capital Territory

Road Transport (Vehicle Registration) Act 1999

A1999-81

Republication No 10

Effective: 5 July 2009 – 16 December 2009

Republication date: 5 July 2009

Last amendment made by A2009-16

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Vehicle Registration) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 July 2009. It also includes any amendment, repeal or expiry affecting the republished law to 5 July 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Road Transport (Vehicle Registration) Act 1999

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
2	Objects of Act	2
3	Dictionary	3
4	Notes	3
5	Offences against Act—application of Criminal Code etc	4
Part 2	Registration system	
Division 2.1	Functions of road transport authority generally	
6	Functions of road transport authority	5
7	Powers of road transport authority	5
8	Registrable vehicles based outside ACT not to be registered	6

R10
05/07/09

Road Transport (Vehicle Registration) Act 1999
Effective: 05/07/09-16/12/09

contents 1

Contents

		Page
9	Register does not provide evidence of title	6
10	Keeping of register	6
11	Security and disclosure of information in register	7
12	Ownership of devices, plates and documents	7
Division 2.2 Regulations		
13	General regulation-making power	7
14	Regulations to establish registration system	8
15	Regulations to establish system for vehicle standards and inspections	9
16	Regulations may apply certain documents etc	11
17	Regulations may exclude vehicles and people from Act	12
Division 2.3 Enforcement—approved premises		
17A	Purpose of powers under div 2.3	13
17B	Power to inspect approved premises, records and equipment	13
Part 3 Offences		
18	Prohibition on using unregistered registrable vehicles or vehicles with suspended registration	15
19	Obtaining registration or unregistered vehicle permits by false statements etc	16
20	Forgery of devices etc	17
21	Obligations of registered operator	17
22	Offences about numberplates, registration labels etc	18
23	Offences relating to identification numbers of motor vehicles and trailers	19
Part 4 Defective and dangerously defective vehicles		
24	Meaning of <i>defective vehicle</i> and <i>dangerously defective vehicle</i>	21
25	Identifying defective vehicles	21
26	Using certain defective vehicles	22
27	Identifying dangerously defective vehicles	22
28	Using dangerously defective vehicles	23
Part 5 Miscellaneous		
29	Registered operators	24
30	Seizure of numberplates	24

	Page
31 Vehicles with unregistered vehicle permits taken to be registered	25
32 References to Motor Traffic Act etc	25
Dictionary	26
Endnotes	
1 About the endnotes	32
2 Abbreviation key	32
3 Legislation history	33
4 Amendment history	34
5 Earlier republications	39



Australian Capital Territory

Road Transport (Vehicle Registration) Act 1999

An Act to provide for the registration of vehicles and for related matters as part of the system for nationally consistent road transport law, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport (Vehicle Registration) Act 1999*.

Note 1 This Act is part of the road transport legislation. See the *Road Transport (General) Act 1999* for various provisions about the administration and enforcement of the road transport legislation generally.

Note 2 Other road transport legislation includes the following:

- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Dimensions and Mass) Act 1990*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (Public Passenger Services) Act 2001*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Third-Party Insurance) Act 2008*.

Note 3 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

2 Objects of Act

The objects of this Act are—

- (a) to provide for a vehicle registration system in the ACT that is—
 - (i) consistent with the agreements scheduled to the *National Road Transport Commission Act 1991* (Cwlth); and
 - (ii) part of the uniform national road transport legislation envisaged by that Act; and

- (b) to improve road safety and transport efficiency, and reduce the costs of administering road transport.

Note The Commonwealth Act mentioned in s 2 (a) (i) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth), and the agreements scheduled to the repealed Act have been independently terminated and replaced by the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition '*driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary' means the expression 'driver licence' is defined in the dictionary to that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

A note in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to the following offence against this Act (see Code, pt 2.1):

- s 17B (5) (Power to inspect approved premises, records and equipment).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Registration system

Division 2.1 Functions of road transport authority generally

6 Functions of road transport authority

The functions of the road transport authority under this Act are—

- (a) to administer the registration system established under this Act; and
- (b) to keep a registrable vehicles register under this Act; and
- (c) to provide information about registrable vehicles and registered operators in accordance with this Act and other laws in force in the Territory; and
- (d) to administer the systems for regulating vehicle standards and inspections established under this Act; and
- (e) to exercise any other functions given to the authority under this Act.

7 Powers of road transport authority

In exercising functions under this Act, the road transport authority may, in accordance with this Act—

- (a) register or refuse to register a registrable vehicle; and
- (b) renew or refuse to renew the registration of a registrable vehicle; and
- (c) transfer or refuse to transfer the registration of a registrable vehicle from one person to another; and
- (d) issue a permit or refuse to issue a permit for the use of an unregistered registrable vehicle; and

Note If a person applies to the road transport authority for an unregistered vehicle permit, the person must, in addition to any fee for the permit, pay the UVP liability contribution for the period of the permit (see the *Road Transport (Third-Party Insurance) Act 2008*, s 163E).

- (e) impose conditions on the registration of a registrable vehicle or on a permission to use an unregistered registrable vehicle; and
- (f) cancel or suspend the registration of a registrable vehicle; and
- (g) collect fees, charges and other amounts determined for this Act under the *Road Transport (General) Act 1999*; and
- (h) certify the GCM for a motor vehicle or the GVM of a vehicle; and
- (i) collect amounts payable under, or require evidence of compliance with, any applicable provisions of the *Road Transport (General) Act 1999* and the *Duties Act 1999*; and
- (j) exercise other powers given to the authority under this Act.

8 Registrable vehicles based outside ACT not to be registered

The road transport authority may register or renew the registration of a registrable vehicle only if satisfied the vehicle's garage address is in the ACT.

9 Register does not provide evidence of title

The registrable vehicles register does not provide evidence of title to any registrable vehicle.

10 Keeping of register

- (1) The registrable vehicles register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

- (2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (3) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (4) This section does not limit the functions of the road transport authority in relation to the register.

11 Security and disclosure of information in register

The road transport authority must ensure that information in the registrable vehicles register is kept securely and disclosed only in accordance with this Act or another law in force in the ACT.

Note 1 The Information Privacy Principles apply to the road transport authority. Principle 4 states requirements about the storage and security of personal information and principle 11 states when personal information may be disclosed by an agency (see *Privacy Act 1988* (Cwlth), s 14).

Note 2 Access to the register may be sought under the *Freedom of Information Act 1989* (which also provides that certain information is exempt from disclosure).

12 Ownership of devices, plates and documents

Any devices, plates or documents issued by the road transport authority to authorise the use of a registrable vehicle remain the property of the Territory.

Division 2.2 Regulations

13 General regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

14 Regulations to establish registration system

- (1) The regulations are to provide a system of registration of registrable vehicles used on roads or road related areas that—
- (a) provides a means of authorising the use of registrable vehicles on roads or road related areas; and
 - (b) enables the identification of each registrable vehicle used on a road or a road related area, and of the person responsible for it.
- (2) Without limiting the scope of regulations under subsection (1), the regulations may—
- (a) fix the duration of the registration, and renewal of registration, of registrable vehicles; and
 - (b) make provision in relation to the keeping of the registrable vehicles register; and
 - (c) make provision in relation to the disclosure of personal information in the registrable vehicles register; and
 - (d) make provision in relation to the calculation of fees, charges and other amounts payable for the registration of vehicles for less than 12 months; and
 - (e) make provision in relation to the recognition by the road transport authority of anything done under a corresponding law; and
 - (f) allow the road transport authority to enter into agreements with registered operators about rights to use special numberplates; and
 - (g) make provision in relation to the form, issue, use, surrender, replacement and transfer of plates (including trader's plates)

and registration labels, registration certificates and other registration documents; and

- (h) require the keeping of records about the driving of registrable vehicles with trader's plates; and
- (i) enable police officers or authorised people to require a driver or person in charge of a registrable vehicle with trader's plates to answer questions about the use of the plates.

15 Regulations to establish system for vehicle standards and inspections

- (1) The regulations may make provision in relation to vehicle standards, inspection or testing of registrable vehicles and the production of registrable vehicles for inspection and testing.
- (2) Without limiting the scope of regulations under subsection (1), the regulations may—
 - (a) impose requirements about the supply by a buyer of a registrable vehicle of information or documents about the vehicle's compliance with vehicle standards; and
 - (b) make provision in relation to the identification of any part (including an engine or engine block) of a registrable vehicle and the use of the identification; and
 - (c) authorise the road transport authority to exempt a vehicle from a vehicle standard prescribed under the regulations.
- (3) Without limiting the scope of regulations under subsection (1), the regulations may make provision in relation to—
 - (a) the appointment of people (*authorised examiners*) to inspect and test registrable vehicles; and
 - (b) the approval of premises (*approved premises*) for inspecting and testing registrable vehicles; and
 - (c) the duties of authorised examiners; and

- (d) the duties of people in relation to approved premises; and
 - (e) the issue of certificates about—
 - (i) the inspection and testing of registrable vehicles; and
 - (ii) the appointment of people as authorised examiners, including whether a stated person was an authorised examiner on a stated date or during a stated period; and
 - (iii) the approval of premises as approved premises, including whether stated premises were approved premises on a stated date or during a stated period; and
 - (f) the evidentiary effect of a certificate mentioned in paragraph (e); and
 - (g) the review of decisions of inspectors; and
 - (h) the functions and powers of authorised people in relation to inspectors and approved premises; and
 - (i) the charging of fees for the inspection or testing of registrable vehicles, including the fixing by the Minister of the maximum fees payable for the inspection or testing of registrable vehicles.
- (4) Without limiting the scope of regulations under subsection (1), the regulations may, for the purposes of the inspection of any registrable vehicle, also—
- (a) make provision in relation to authorising the entry in or on any registrable vehicle (whether or not on a road or road related area); and
 - (b) make provision in relation to authorising entry into or on any premises ordinarily used for the sale of registrable vehicles or where a registrable vehicle may be held for sale; and

- (c) make provision in relation to the requirements to be complied with in relation to the use and disposition of registrable vehicles that—
 - (i) do not comply with the vehicle standards prescribed under the regulations; or
 - (ii) are subject to inspections.

16 Regulations may apply certain documents etc

- (1) A regulation may apply a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council or any other instrument as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (2) For a regulation, a regulation may define a term defined by this Act (or apply the definition of a term in an instrument mentioned in subsection (1))—
 - (a) in the same (or in substantially the same) way as it is defined by this Act; or
 - (b) by reference to a matter included in the term as defined by this Act; or
 - (c) by reference to a combination of matters included in the term as defined by this Act and in any other term defined by this Act; or
 - (d) for applying a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council—in the same way as it is defined

in the publication despite anything in this Act or other road transport legislation.

(3) In this section:

publication of the National Transport Commission includes—

- (a) a document published by or for the National Road Transport Commission under the *National Road Transport Commission Act 1991* (Cwlth); and
- (b) a document published for the National Transport Commission.

Note The Commonwealth Act mentioned in par (a) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth).

17 Regulations may exclude vehicles and people from Act

(1) The regulations may—

- (a) exempt a vehicle or person prescribed under the regulations from this Act (or a stated provision of this Act); or
- (b) authorise the road transport authority to exempt a vehicle or person prescribed under the regulations from this Act (or a stated provision of this Act).

(2) An exemption given under a regulation mentioned in subsection (1) may be conditional.

(3) The regulations may provide for the road transport authority to—

- (a) suspend the operation of a regulation mentioned in subsection (1) in the way and circumstances prescribed under the regulations; or
- (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.

Division 2.3 Enforcement—approved premises

17A Purpose of powers under div 2.3

The powers under this division may be exercised by a police officer or authorised person to decide whether—

- (a) there has been compliance with, or a contravention of, this Act in relation to the inspection and testing of registrable vehicles; or
- (b) approved premises and any equipment in the premises used or proposed to be used in, or in relation to, the inspection and testing of vehicles comply with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

17B Power to inspect approved premises, records and equipment

- (1) For this division, a police officer or authorised person may, at any reasonable time, enter approved premises.
- (2) The police officer or authorised person may—
 - (a) inspect records in the premises relating to inspections and tests of vehicles carried out at the premises for this Act; and
 - (b) inspect the premises; and
 - (c) inspect or test any equipment in the premises used or proposed to be used in, or in relation to, the inspection and testing of vehicles for this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (3) For subsection (2) (a), the police officer or authorised person may—
- (a) require the person apparently in charge of the premises, or anyone else who has the custody or control of the records, to produce them to the police officer or authorised person for inspection; and
 - (b) make copies of, or take extracts from, a record and, for that purpose, may take possession of the record and, if necessary, keep it for not longer than 7 days.
- (4) For subsection (2) (c), the police officer or authorised person may do any 1 or more of the following:
- (a) operate any equipment in the premises;
 - (b) require the person apparently in charge of the premises to give the police officer or authorised person any information the police officer or authorised person reasonably needs to inspect or test any equipment in the premises;
 - (c) require the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably needs to inspect or test any equipment in the premises.
- (5) A person must take all reasonable steps to comply with a requirement made of the person by a police officer or authorised person under this section.
- Maximum penalty: 20 penalty units.
- (6) An offence against this section is a strict liability offence.
- (7) An authorised person who enters approved premises under this section is not authorised to remain on the premises if, when asked by the person in charge of the premises, the authorised person does not produce his or her identity card for inspection.

Part 3 Offences

18 Prohibition on using unregistered registrable vehicles or vehicles with suspended registration

- (1) A person must not use an unregistered registrable vehicle, or a vehicle with suspended registration, on a road or road related area.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply to the use of an unregistered registrable vehicle on a road or road related area if—
- (a) the vehicle is of a kind prescribed by a regulation mentioned in section 17 (Regulations may exclude vehicles and people from Act) as a vehicle exempt from this Act; or
 - (b) the use is otherwise permitted under this Act.
- (3) Subsection (1) does not apply to a registrable vehicle left parked on a road or road related area—
- (a) within 15 days after the vehicle ceases to be registered or to be exempted from being registered or its registration is suspended; or
 - (b) with the permission of the responsible person for the road or area.
- (4) In this section:
- registrable vehicle* includes—
- (a) an incomplete or partly constructed registrable vehicle; and
 - (b) the remains of a registrable vehicle.

responsible person, for a road or road related area where a vehicle is left parked, means—

- (a) if a person other than the owner of the road or area has care, control and management of the road or area—that person; or
- (b) in any other case—the owner of the road or area.

19 Obtaining registration or unregistered vehicle permits by false statements etc

- (1) A person must not—
 - (a) by a false statement or a misrepresentation or other dishonest means—
 - (i) register a registrable vehicle; or
 - (ii) renew the registration of a registrable vehicle; or
 - (iii) obtain an unregistered vehicle permit for a registrable vehicle; or
 - (iv) renew an unregistered vehicle permit for a registrable vehicle; or
 - (b) without lawful authority or excuse, possess a device, plate or document obtained (whether in the Territory or elsewhere) using those means.

Maximum penalty: 20 penalty units.

- (2) A device, plate or document obtained in a way mentioned in subsection (1) is void, and the road transport authority may change the registrable vehicles register accordingly.

20 Forgery of devices etc

A person must not—

- (a) forge or fraudulently change or use, or fraudulently lend to or allow to be used by someone else, a device, plate or document issued under this Act or a corresponding law; or
- (b) without lawful authority or excuse, possess a device, plate or document issued under this Act, or a corresponding law, knowing it has been forged or fraudulently changed; or
- (c) without lawful authority or excuse, possess anything resembling a device, plate or document issued under this Act, or a corresponding law, and calculated to deceive.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

21 Obligations of registered operator

- (1) This Act does not affect the obligations of the registered operator of a registrable vehicle to comply with any applicable provisions of the *Road Transport (General) Act 1999* and the *Duties Act 1999*.
- (2) The registered operator of a registrable vehicle must, in accordance with any requirements of the regulations—
 - (a) ensure that any devices, plates and documents issued by the road transport authority are installed or displayed on, or attached to, the vehicle; and
 - (b) while operating the vehicle, carry or cause the driver to carry, documents prescribed under the regulations; and
 - (c) when required by the road transport authority, a police officer or an authorised person, produce any device, plate or document prescribed under the regulations; and

- (d) keep records required to be kept under the regulations about the registration of the vehicle.

Maximum penalty: 5 penalty units.

- (3) A registered operator of a registrable vehicle must comply with any directions given by, and conditions imposed by, the road transport authority about the registration of the vehicle.

Maximum penalty: 50 penalty units.

22 Offences about numberplates, registration labels etc

- (1) The driver of a registrable vehicle commits an offence if the vehicle is used on a road or road related area and has installed or displayed on, or attached to, it—

- (a) a numberplate or registration label that was not properly issued, or was properly issued for another vehicle; or
- (b) a numberplate, registration label or anything else properly issued that has been fraudulently changed or changed in a way calculated to deceive; or
- (c) anything resembling a numberplate, registration label or anything else properly issued that is calculated to deceive.

Maximum penalty: 20 penalty units.

- (2) The registered operator of a registrable vehicle (other than the driver of the vehicle) used in contravention of subsection (1) also commits an offence if the operator failed to take reasonable precautions to prevent the contravention.

Maximum penalty: 20 penalty units.

- (3) A person must not, without lawful authority or excuse—

- (a) remove a numberplate, registration label or anything else properly issued that is installed or displayed on, or attached to, a vehicle; or

- (b) deface, damage, or otherwise interfere with, a numberplate, registration label or anything else properly issued.

Maximum penalty: 20 penalty units.

- (4) In this section:

properly issued means issued—

- (a) by the road transport authority under this Act; or
- (b) under a corresponding law.

23 Offences relating to identification numbers of motor vehicles and trailers

- (1) In this section:

prescribed part, of a motor vehicle or trailer, means the engine, engine block, or any other part of the motor vehicle or trailer prescribed under the regulations.

- (2) A person must not—

- (a) if the person is not the manufacturer—stamp or attach an identification number on or to a prescribed part of a motor vehicle or trailer without the written authority of the road transport authority or except as prescribed under the regulations; or
- (b) except as required or permitted under this Act—change, deface, remove or obliterate an identification number stamped on or attached to a prescribed part of a motor vehicle or trailer; or

- (c) without lawful authority or excuse, possess a prescribed part of a motor vehicle or trailer knowing the identification number stamped on or attached to it has been changed, defaced, removed or obliterated other than as required or permitted under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Part 4 Defective and dangerously defective vehicles

24 Meaning of *defective vehicle* and *dangerously defective vehicle*

- (1) A *defective vehicle* is a registrable vehicle that does not comply with a vehicle standard prescribed under the regulations.
- (2) A *dangerously defective vehicle* is a registrable vehicle that is in such a condition that if a person drives or tows, or tries to drive or tow, the vehicle it is likely the person will lose control of the vehicle.

25 Identifying defective vehicles

- (1) A police officer or authorised person may inspect a registrable vehicle on a road or road related area to find out its identity, condition or the status of any registration or permit relating to the vehicle.
- (2) Without limiting subsection (1), the police officer or authorised person may, for that subsection, enter in or on the vehicle.
- (3) The responsible person for the registrable vehicle must give the police officer or authorised person all reasonable assistance to make the inspection.

Maximum penalty: 20 penalty units.

- (4) On discovering a defective vehicle, a police officer or authorised person may, in accordance with the regulations, do 1 or more of the following:
 - (a) issue a warning or a defect notice;
 - (b) impose conditions on the use of the vehicle;

- (c) prohibit the use of the vehicle.
- (5) A defect notice may be withdrawn or cleared in accordance with the regulations.
- (6) After inspecting a registrable vehicle, a police officer or authorised person may seize any device, plate or document in or on the vehicle if the police officer or authorised person suspects on reasonable grounds that the device, plate or document has been or is being used in committing an offence against this Act.

26 Using certain defective vehicles

A person must not use a defective vehicle contrary to conditions or a prohibition imposed under section 25 (Identifying defective vehicles).

Maximum penalty: 20 penalty units.

27 Identifying dangerously defective vehicles

- (1) To decide whether a registrable vehicle being used on a road or road related area is dangerously defective, a police officer or authorised person may inspect and test the vehicle.
- (2) Without limiting subsection (1), a police officer or authorised person may, for that subsection, do 1 or more of the following:
 - (a) request or signal the driver of a registrable vehicle to stop the vehicle;
 - (b) request the driver of a registrable vehicle to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle;
 - (c) request the driver of a registrable vehicle to do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.

- (3) If a registrable vehicle is stopped because of a request or signal under subsection (2) (a), any inspection or testing of the vehicle must be carried out—
- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
 - (b) as soon as practicable, and in any case within 1 hour, after the vehicle is stopped.
- (4) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer or authorised person under this section.

Maximum penalty (subsection (4)): 20 penalty units.

28 Using dangerously defective vehicles

- (1) A person must not use a dangerously defective registrable vehicle on a road or road related area.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply to the use of a dangerously defective vehicle—
- (a) if the vehicle is at, or in the vicinity of, an accident and its condition is the result of damage caused by the accident; or
 - (b) if the person using the vehicle knows the vehicle's condition and has taken, or is taking, reasonable action to have the vehicle repaired or removed from the road or road related area; or
 - (c) if the vehicle is being inspected or tested under section 27 (1); or
 - (d) in any other circumstances prescribed under the regulations.

Part 5 Miscellaneous

29 Registered operators

- (1) The road transport authority may record 1 or more people as registered operators of a registrable vehicle in accordance with the regulations.
- (2) Subject to any regulations made under subsection (3), if more than 1 person is recorded as a registered operator of a registrable vehicle at any time, a reference in any relevant legislation to *the registered operator* of a registrable vehicle is taken to include a reference to each registered operator of the vehicle at that time.
- (3) The regulations may provide in relation to deciding the respective rights and liabilities of each registered operator of a registrable vehicle under any relevant legislation.
- (4) In this section:
relevant legislation means—
 - (a) a provision of this Act; or
 - (b) a provision of any other Act (or a provision of a regulation made under any other Act) concerned with the registered operator of a registrable vehicle within the meaning of this Act.

30 Seizure of numberplates

A police officer or authorised person may seize—

- (a) a numberplate attached to a registrable vehicle if the registration of the vehicle has expired more than 15 days earlier or is cancelled; or
- (b) a numberplate used in contravention of a provision of the regulations prescribed under the regulations for this section.

31 Vehicles with unregistered vehicle permits taken to be registered

- (1) If an unregistered vehicle permit is in force for an unregistered registrable vehicle, the vehicle is taken to be a registered vehicle for—
- (a) this Act; and
 - (b) any other law about the registration or licensing of vehicles.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (2) However, subsection (1) does not apply to the *Road Transport (Third-Party Insurance) Act 2008*.

32 References to Motor Traffic Act etc

In any Act or document, a reference to the *Motor Traffic Act 1936* or the *Motor Traffic Regulations 1934* is, in relation to anything to which this Act applies, a reference to this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see *Legislation Act 2001*, s 104).

Dictionary

(see s 3)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- ACT
- exercise
- function
- instrument.

approved premises—see section 15 (3) (b).

another jurisdiction means a jurisdiction other than the ACT.

Australian Transport Council means the Australian Transport Council mentioned in the *National Transport Commission Act 2003* (Cwlth), section 4 or its successor.

authorised person, for a provision of this Act, means—

- (a) a person who is appointed as an authorised person under the *Road Transport (General) Act 1999*, section 19 for the provision; or
- (b) a person who is, under the regulations made under this Act or the *Road Transport (General) Act 1999*, an authorised person for the provision.

authority—see *road transport authority*.

corresponding law means a law of another jurisdiction under which devices, plates and documents relating to the registration of vehicles are issued.

dangerously defective vehicle—see section 24.

defective vehicle—see section 24.

drive a vehicle includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

driver, of a vehicle, means the person who is driving the vehicle.

garage address, of a vehicle, means—

- (a) if the vehicle is normally kept at a depot or base of operations when not in use—the main depot or base of operations of the vehicle; or
- (b) if the vehicle is normally kept on a road or road related area when not in use and—
 - (i) the vehicle has only 1 registered operator—the home address of the registered operator; or
 - (ii) the vehicle has more than 1 registered operator and 1 or more of the operators lives in the ACT—the home address of the registered operator living in the ACT whose home address is nearest the road or road related area; or
 - (iii) the vehicle has more than 1 registered operator and none of the registered operators live in the ACT—the suburb and road or road related area in the ACT where the vehicle is normally kept; or
- (c) if the vehicle is normally kept at a place (other than a depot, base of operations or road or road related area) when not in use—the place where the vehicle is normally kept.

GCM (or **gross combination mass**), of a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at the same time—

- (a) specified by the manufacturer on an identification plate on the motor vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the motor vehicle or if the specification is not appropriate because the motor vehicle has been modified—certified by the road transport authority.

GVM (or **gross vehicle mass**), of a vehicle, means the maximum loaded mass of the vehicle—

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle has been modified—certified by the road transport authority.

heavy vehicle means a motor vehicle or trailer with a GVM more than 4.5t.

home address means—

- (a) for a corporation—the address of its registered office or the address recorded in the registrable vehicles register as its home or business address; or
- (b) for an individual—the address of the place where the person usually lives.

inspect, in relation to a registrable vehicle, includes observe the vehicle's performance, with or without the use of instrumentation.

jurisdiction means a State, the Commonwealth or an internal Territory, including the ACT.

motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle.

National Transport Commission means the National Transport Commission established by the *National Transport Commission Act 2003* (Cwlth) or its successor.

premises means any place.

register—see *registrable vehicles register*.

registered, for a vehicle, means registered under this Act.

registered operator means—

- (a) for a vehicle registered under this Act—a person recorded in the registrable vehicles register as a registered operator of the vehicle; or
- (b) for a vehicle registered under the law of another jurisdiction—a person recorded in the register of the other jurisdiction corresponding to the registrable vehicles register as a registered operator of the vehicle.

Note A reference to the registered operator includes each registered operator (see s 29).

registrable vehicle means—

- (a) any motor vehicle; or
- (b) any trailer; or
- (c) any other vehicle prescribed under the regulations for this definition.

registrable vehicles register (or **register**) means the registrable vehicles register required to be kept under section 6.

responsible person, for a vehicle—see the *Road Transport (General) Act 1999*, section 10.

ride, for the rider of a motorbike or an animal-drawn vehicle, includes be in control of the vehicle.

road means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as a declaration under the *Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation) declares that this Act does not apply to the area.

road related area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as a declaration under the *Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation) declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as a declaration under that section declares that this Act does not apply to the area.

road transport authority (or **authority**) means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

road transport legislation—see the *Road Transport (General) Act 1999*, section 6.

trader's plate means a numberplate issued by the road transport authority to a person engaged in a relevant trade to move unregistered registrable vehicles for short-term purposes.

trailer means a vehicle being towed, or built to be towed, by a motor vehicle, but does not include a motor vehicle being towed.

unregistered vehicle permit means a permit mentioned in section 7 (d) (Powers of road transport authority).

use a vehicle includes drive, park or stop the vehicle on a road or road related area.

vehicle means—

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed under the regulations.

vehicle standard includes a standard or other requirement relating to the construction, design or equipment of a registrable vehicle.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Road Transport (Vehicle Registration) Act 1999 No 81

notified 23 December 1999 (Gaz 1999 No S65)

s 1, s 2 commenced 23 December 1999 (IA s 10B)

remainder commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

as amended by

Road Transport Legislation Amendment Act 2001 No 27 sch 3

notified 24 May 2001 (Gaz 2001 No 21)

s 1, s 2 commenced 24 May 2001 (IA s 10B)

sch 3 commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 349

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 349 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.7

notified 10 September 2001 (Gaz 2001 No S66)

s 1, s 2 commenced 10 September 2001 (IA s 10B)

pt 1.7 commenced 1 December 2001 (s 2 and CN 2001 No 2)

Statute Law Amendment Act 2002 No 30 pt 3.74

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.74 commenced 17 September 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.25

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.25 commenced 17 January 2003 (s 2 (1))

Criminal Code 2002 No 51 pt 1.21

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75)

pt 1.21 commenced 1 January 2003 (s 2 (1))

Endnotes

4 Amendment history

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.59

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.59 commenced 2 June 2005 (s 2 (1))

Road Transport Legislation Amendment Act 2006 A2006-26 pt 4

notified LR 14 June 2006

s 1, s 2 commenced 14 June 2006 (LA s 75 (1))

pt 4 commenced 2 July 2006 (s 2 and CN2006-12)

Road Transport (Third-Party Insurance) Act 2008 A2008-1 sch 1 pt 1.11 (as am by A2008-39 s 4)

notified LR 26 February 2008

s 1, s 2 commenced 26 February 2008 (LA s 75 (1))

sch 1 pt 1.11 commenced 1 October 2008 (s 2 as am by A2008-39 s 4)

Road Transport (Third-Party Insurance) Amendment Act 2008 A2008-39

notified LR 22 August 2008

s 1, s 2 commenced 22 August 2008 (LA s 75 (1))

remainder commenced 23 August 2008 (s 2)

Note This Act only amends the Road Transport (Third-Party Insurance) Act 2008 A2008-1.

Road Transport (Third-Party Insurance) Amendment Act 2009 A2009-16 sch 3 pt 3.4

notified LR 30 June 2009

s 1, s 2 commenced 30 June 2009 (LA s 75 (1))

sch 3 pt 3.4 commenced 5 July 2009 (s 2)

4 Amendment history

Preliminary

pt 1 hdg note

am 2001 No 44 amdt 1.3806; 2001 No 62 amdt 1.27
om A2005-20 amdt 3.384

Name of Act

s 1

am A2005-20 amdt 3.385; A2008-1 amdt 1.35

Objects of Act

s 2 hdg (prev s 3 hdg)
 bracketed note exp 17 September 2002 (s 5 (3))
 s 2 **orig s 2**
 om 2001 No 27 amdt 3.60
pres s 2
 (prev s 3) am A2005-20 amdt 3.386
 renum as s 2 A2006-26 s 35

Dictionary

s 3 hdg (prev s 4 hdg)
 bracketed note exp 17 September 2002 (s 5 (3))
 s 3 **orig s 3**
 renum as s 2
pres s 3
 (prev s 4) sub A2005-20 amdt 3.387
 renum as s 3 A2006-26 s 35

Notes

s 4 hdg (prev s 5 hdg)
 bracketed note exp 17 September 2002 (s 5 (3))
orig s 4
 renum as s 3
pres s 4
 (prev s 5) (2), (3) exp 17 September 2002 (s 5 (3))
 renum as s 4 A2006-26 s 35

Offences against Act—application of Criminal Code etc

s 5 **orig s 5**
 renum as s 4
pres s 5
 ins A2006-26 s 36

Functions of road transport authority generally

div 2.1 hdg sub 2002 No 30 amdt 3.776

Functions of road transport authority

s 6 hdg bracketed note exp 17 September 2002 (s 5 (3))

Powers of road transport authority

s 7 hdg bracketed note exp 17 September 2002 (s 5 (3))
 s 7 am A2009-16 amdt 3.5

Registrable vehicles based outside ACT not to be registered

s 8 hdg bracketed note exp 17 September 2002 (s 5 (3))

Register does not provide evidence of title

s 9 hdg bracketed note exp 17 September 2002 (s 5 (3))

Keeping of register

s 10 hdg bracketed note exp 17 September 2002 (s 5 (3))

Endnotes

4 Amendment history

Security and disclosure of information in register

s 11 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 11 sub 2002 No 49 amdt 3.234

Ownership of devices, plates and documents

s 12 hdg bracketed note exp 17 September 2002 (s 5 (3))

General regulation-making power

s 13 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 13 am 2001 No 44 amdt 1.3807

Regulations to establish registration system

s 14 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 14 am 2001 No 44 amdt 1.3808; 2002 No 49 amdt 3.235

Regulations to establish system for vehicle standards and inspections

s 15 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 15 am 2001 No 27 amdts 3.61-3.63; 2001 No 44 amdt 1.3809;
2002 No 49 amdt 3.235

Regulations may apply certain documents etc

s 16 sub 2002 No 30 amdt 3.777
am 2002 No 51 amdt 1.45
sub A2005-20 amdt 3.388

Regulations may exclude vehicles and people from Act

s 17 hdg bracketed note exp 17 September 2002 (s 5 (3))

Enforcement—approved premises

div 2.3 hdg ins A2006-26 s 37

Purpose of powers under div 2.3

s 17A ins A2006-26 s 37

Power to inspect approved premises, records and equipment

s 17B ins A2006-26 s 37

Prohibition on using unregistered registrable vehicles or vehicles with suspended registration

s 18 hdg bracketed note exp 17 September 2002 (s 5 (3))

Obtaining registration or unregistered vehicle permits by false statements etc

s 19 hdg bracketed note exp 17 September 2002 (s 5 (3))

Forgery of devices etc

s 20 hdg bracketed note exp 17 September 2002 (s 5 (3))

Obligations of registered operator

s 21 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 21 am 2001 No 27 amdt 3.64, amdt 3.65

Offences relating to identification numbers of motor vehicles and trailers

s 23 hdg bracketed note exp 17 September 2002 (s 5 (3))

Meaning of *defective vehicle* and *dangerously defective vehicle*

s 24 hdg bracketed note exp 17 September 2002 (s 5 (3))

Identifying defective vehicles

s 25 hdg bracketed note exp 17 September 2002 (s 5 (3))

Using certain defective vehicles

s 26 hdg bracketed note exp 17 September 2002 (s 5 (3))

Identifying dangerously defective vehicles

s 27 hdg bracketed note exp 17 September 2002 (s 5 (3))

Using dangerously defective vehicles

s 28 hdg bracketed note exp 17 September 2002 (s 5 (3))

Registered operators

s 29 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 29 am 2001 No 27 amdt 3.66; 2002 No 49 amdt 3.235

Seizure of numberplates

s 30 hdg bracketed note exp 17 September 2002 (s 5 (3))

Vehicles with unregistered vehicle permits taken to be registered

s 31 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 31 sub A2009-16 amdt 3.6

References to Motor Traffic Act etc

s 32 am 2001 No 44 amdt 1.3810, amdt 1.3811

Transitional

pt 6 hdg exp 1 June 2001 (s 42)

Definitions for pt 6

s 33 exp 1 June 2001 (s 42)

Existing registrations

s 34 exp 1 June 2001 (s 42)

Existing temporary licences

s 35 exp 1 June 2001 (s 42)

Owner taken to be registered operator

s 36 exp 1 June 2001 (s 42)

Existing trader's plates

s 37 exp 1 June 2001 (s 42)

Existing registration records

s 38 exp 1 June 2001 (s 42)

Endnotes

4 Amendment history

Existing defect notices

s 39 exp 1 June 2001 (s 42)

Transitional regulations

s 40 exp 1 June 2001 (s 42)

Modification of Part's operation

s 41 exp 1 June 2001 (s 42)

Expiry of Part

s 42 am 2001 No 27 amdt 3.67
exp 1 June 2001 (s 42)

Dictionary

dict am 2002 No 30 amdt 3.778; A2006-26 s 38
def **approved premises** ins A2006-26 s 39
def **Australian Transport Council** sub A2005-20 amdt 3.389
def **authorised person** sub 2002 No 30 amdt 3.779
def **exercise** om 2002 No 30 amdt 3.780
def **function** om 2002 No 30 amdt 3.780
def **garage address** am A2005-20 amdt 3.390
def **National Road Transport Commission** om A2005-20
amdt 3.391
def **National Transport Commission** ins A2005-20
amdt 3.391
def **registered** am 2001 No 27 amdt 3.68
def **registered operator** am 2001 No 27 amdt 3.69; A2005-20
amdt 3.392
def **road** am 2002 No 30 amdt 3.781
def **road related area** am 2002 No 30 amdt 3.781
def **the regulations** om 2001 No 44 amdt 1.3812
def **this Act (or the Act)** om 2001 No 44 amdt 1.3812

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 (RI) 26 June 2003	1 Mar 2000– 23 May 2001	not amended	new Act reissue of printed version
R2 12 Sept 2001	12 Sept 2001– 30 Nov 2001	A2001-44	amendments by A2001-27 and A2001-44
R3 3 Dec 2001	1 Dec 2001– 16 Sept 2002	A2001-62	amendments by A2001-62
R4 10 Oct 2002	17 Sept 2002– 31 Dec 2002	A2002-30	amendments by A2002-30
R5 1 Jan 2003	1 Jan 2003– 16 Jan 2003	A2002-51	amendments by A2002-51
R6 17 Jan 2003	17 Jan 2003– 1 June 2005	A2001-51	amendments by A2002-49
R7 2 June 2005	2 June 2005– 1 July 2006	A2005-20	amendments by A2005-20
R8 2 July 2006	2 July 2006– 30 Sept 2008	A2006-26	amendments by A2006-26
R9* 1 Oct 2008	1 Oct 2008– 4 July 2009	A2008-39	amendments by A2008-1 as amended by A2008-39

© Australian Capital Territory 2009