

**2001**

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

**SUBORDINATE LAW NO. 7 OF 2001**

**ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1999**

**ROAD TRANSPORT (VEHICLE REGISTRATION) REGULATIONS  
AMENDMENT**

**EXPLANATORY STATEMENT**

**Circulated by the Authority of Minister for Urban Services  
Brendan Smyth MLA**

# AUSTRALIAN CAPITAL TERRITORY

## ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1999

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#### EXPLANATORY STATEMENT

##### Overview

On 1 March 2000 the Road Transport legislation commenced in the ACT. The legislation fulfils the majority of the ACT's obligations with regard to nationally agreed transport reforms, in particular the implementation of the National Heavy Vehicle Registration Scheme. For consistency and administrative efficiency most of the registration reforms have been extended to light vehicles (gross vehicle mass less than or equal to 4.5 tonnes).

One of the national transport reforms that the ACT was unable to introduce by 1 March 2000 was 'continuous registration' of motor vehicles. These amendments give effect to continuous registration. The legislation has been developed in accordance with the Administrative Guidelines published by the National Road Transport Commission, and the corresponding legislation of the road transport authorities in other Australian jurisdictions.

The main features of continuous registration are:

- when people pay their registration renewals after the due date, the registration fee for the new period is calculated from the last expiry date, not from the date of payment;
- the 'backdating' of the registration fee does not have the effect of making the registration retrospective;
- if payment is not made within three months, the vehicle's registration lapses and the vehicle needs to be re-registered rather than renewed; and
- seasonal registration may apply to certain vehicle types and fee 'backdating' will not apply to seasonally registered vehicles.

##### Details

###### *Registration Periods*

###### **Regulation 3** allows

- 'seasonal' vehicles to be registered for a 9-month, 3-month or 6-month period;
- all other vehicles to be registered for a 12-month, 3-month or 6-month period.

Seasonal vehicles may not be registered continuously and hence may not be registered for 12 months.

### *Seasonal registration*

**Regulation 4** allows the road transport authority (RTA) to declare, in a disallowable instrument, which vehicles are seasonal vehicles. The vehicle types that will be declared a seasonal vehicles will be those that, due to their construction and/or use, tend to be used for only part of the year.

### *Streamlined Renewal Process*

**Regulation 5** omits Regulation 40(4), which requires that registration certificates have an imprint recording the payment of all costs relating to the renewal of the registration. This will allow payments to be made over the phone or by Internet without the client having to go back to the RTA to have the label endorsed.

**Regulation 6** relates to the streamlined renewal process, in which the registration certificate and label are sent to registered operators as part of the renewal notice. The new regulation, 45A, stipulates that a *prospective* certificate and a *prospective* label sent by the RTA are not *issued* by the RTA until the appropriate fees have been paid. This regulation removes any doubt that the certificate and label might be valid if payment is not made.

Subregulations 45A (3) and 45A (4) introduce two new penalties for using a prospective registration certificate and a prospective registration label, respectively.

Subregulation 45A (5) allows the prospective registration certificate and label to be destroyed if a new certificate and label are sent out to the registered operator. This will occur, for example, where a 12-month certificate and label is sent with the renewal notice, but the registered operator elects to pay for a 6-month registration period. In this situation, the registered operator may destroy the prospective certificate and prospective label without notice to the RTA.

### *Issue of Numberplates*

**Regulation 7** provides that, on registration, the road transport authority is not required to issue a distinguishing registration number or numberplate if the vehicle already has a distinguishing registration number or numberplate. This means that the RTA does not have to issue a new plate on re-registration if, in the circumstances, it is appropriate to allow the existing numberplate to remain on the vehicle.

### *Renewal Notices for seasonal vehicles*

**Regulation 8** provides that the road transport authority is not required to send a notice of renewal to seasonal vehicles. Seasonal vehicles will not be sent a renewal notice because their registration is largely 'on demand'.

### *Renewal Period*

**Regulation 9** stipulates the maximum period following a registration expiry date in which the registration can be renewed. The period is 1 year for seasonal vehicles and 3 months for all other vehicles. After this period, the registration may no longer be renewed.

This regulation also contains a transitional clause, which provides that vehicles with an expiry date before 31 March 2001 have up to 1 year to be renewed following the expiry date.

### *Registration Period on Renewal*

**Regulation 10** is identical to Regulation 3, except it refers to renewal of registration rather than establishment of registration. The regulation allows

- 'seasonal' vehicles to be registered for a 9-month, 3-month or 6-month period;
- all other vehicles to be registered for a 12-month, 3-month or 6-month period.

### *Maximum Registration Period for Seasonal Vehicles*

**Regulation 11** allows the RTA to declare, in a disallowable instrument, the maximum period for which a seasonal registration may be registered in any 12 month period.

### *Calculating New Expiry Date and Registration Fees/Charges*

**Regulation 12** provides that the expiry date of a registration renewal is worked out as if the renewal began on the day after the previous expiry date. Registration fees are calculated on this basis.

Under this regulation the registration period for a seasonal vehicles begins on the actual date of renewal and ends 3, 6 or 9 months later.

The regulation stipulates that a registration can not be made retrospective through the process described in subregulation 68A (1).

Subregulation 68A (3) is a transitional clause that exempts registrations with an expiry date prior to 31 March 2001 from the requirements of subregulation 68A (1) i.e. backdating of registration costs.

**Regulation 14** inserts a definition of seasonal vehicle into the Dictionary.

The power to make these Regulations is found in sections 13 and 14 of the *Road Transport (Vehicle Registration) Act 1999*.