

2014

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

**ROAD TRANSPORT (VEHICLE REGISTRATION)
AMENDMENT REGULATION 2014 (No 1)**

SL2014-33

EXPLANATORY STATEMENT

**Presented by
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ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT REGULATION 2014 (No 1)

Outline

This regulation amends the *Road Transport (Vehicle Registration) Regulation 2000*.

The regulation makes two sets of amendments. The first set of amendments supports changes to third-party insurance set out in the *Road Transport (Third-Party Insurance) Act 2008*, which realigned the CTP scheme in the ACT to address insurance risks related to motor accidents and to provide greater certainty for insurers and the Courts as to the boundaries of the scheme. The amendments correct outdated references to ‘third-party policy’ that were not amended at the time that Act was introduced.

The second set of amendments allow police officers and other authorised persons to issue minor defect notices where, in the opinion of that officer or person, a vehicle does not comply with the requirements relating to numberplates and non-standard lights set out in section 59, schedule 1, section 1.92 and schedule 1, section 1.120 of the *Road Transport (Vehicle Registration) Regulation 2000*.

Section 59 requires numberplates to be fully visible and legible from a number of prescribed angles and distances depending on the type of vehicle. Furthermore, the view of a numberplate must not be obscured by objects like tow couplings, spare wheels or numberplate covers.

Schedule 1, section 1.92 prescribes various requirements relating to the use of numberplate lights, to ensure that a vehicle numberplate is visible at night.

Schedule 1, section 1.120 of the Regulation sets out the vehicle standard for vehicle lights and reflectors. Non-standard lights, like flashing or coloured lights, must not be fitted to a vehicle unless the vehicle is either an ‘exempt’ or ‘special use’ vehicle.

Currently, a minor defect notice can only be issued if the deficiencies in the vehicle constitute a safety risk if allowed to continue after the time and date of that notice. A ‘safety risk’ is defined as a danger to a person, property or the environment. As a vehicle with obscured numberplates or non-standard lights may not always constitute a safety risk, it is unlikely that a defect notice could be validly issued to ensure compliance with the applicable vehicle standards.

The visibility of numberplates plays an important part in ensuring road safety. Automated Number Plate Recognition (ANPR) technology used by ACT Policing and road safety camera enforcement tools depend on numberplates being unobstructed so that vehicles can be identified. An inability to enforce numberplate visibility requirements through the issue of defect notices may lead to increases in unsafe driving practices.

There are no human rights implications arising from the amendments made by this regulation.

Notes on clauses

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. This regulation will commence on the day after it is notified.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the regulation. This regulation will amend the *Road Safety (Vehicle Registration) Regulation 2000*.

Clauses 4, 5 and 6 Sections 22 (4), 23 (2) and 34 (1)

These clauses substitute the existing references to ‘third-party policy’ in sections 22 (4), 23 (2) and 34 (1), respectively, with ‘CTP policy or compulsory third-party insurance policy under the law of a jurisdiction other than the ACT’.

This reflects changes to third-party insurance in the ACT set out in section 18 of the *Road Transport (Third-Party Insurance) Act 2008*.

Clause 7 Section 159 (1) (b), except note

Section 159 (1) (b) is concerned with the issue of minor defect notices by police officers or other authorised persons for vehicle deficiencies. This clause substitutes section 159 (1) (b) with a new subsection that introduces new grounds for which a minor defect notice can be issued.

This new subsection allows police officers and other authorised persons to issue minor defect notices where, in the opinion of that officer or person, a vehicle does not comply with the requirements relating to numberplates and non-standard lights set out in section 59, schedule 1, section 1.192 and schedule 1, section 1.120 of the *Road Transport (Vehicle Registration) Regulation 2000*.

Clause 8 Section 159 (6)

This clause is consequential on the substitution made in section 159 (1) (b) by clause 9. It amends section 159 (6), by substituting the existing reference to ‘constitute a safety risk’ with ‘require a defect notice’. This reflects that defect notices can now be issued for reasons other than the vehicle constitutes a safety risk.

Clause 9 Dictionary, new definition of *CTP Policy*

This clause inserts a reference to *CTP Policy* into the Dictionary. The new definition refers to the definition of the term in section 18 of the *Road Transport (Third-Party Insurance) Act 2008*.

Clause 10 Dictionary, definition of *third-party policy*

This clause removes the definition of ‘third-party policy’ in order to reflect changes to third-party insurance in the ACT set out in the *Road Transport (Third-Party Insurance) Act 2008*.