

# Road Transport (General) Applications for Registration – Written-off Vehicles Declaration 2021 (No 1)

**Disallowable instrument DI2021–89**

made under the

***Road Transport (General) Act 1999*, section 13 (Power to exclude vehicles, persons or animals from road transport legislation)**

## EXPLANATORY STATEMENT

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This instrument is made under section 13 of the *Road Transport (General) Act 1999* (the Act). Section 13 allows the Minister to exclude vehicles, persons or animals from the operation of the road transport legislation, or a provision of that legislation, by disallowable instrument. Under section 13 (1) of the ACT, an exclusion operates in the circumstances and/or places declared in the instrument.

Road transport legislation is defined in section 6 of the Act and includes the *Road Transport (Vehicle Registration) Regulation 2000*.

Following the severe hailstorm on 20 January 2020 many vehicles that were in the ACT on that day were written-off. Some of these vehicles were registered interstate at the time. Section 32A (3) (b) of the *Road Transport (Vehicle Registration) Regulation 2000* provides that the road transport authority must refuse the application for registration of a vehicle where the vehicle was not registered in the ACT at the time it was written-off. Exemptions are currently provided for under DI2020-128 for consideration of registration in the ACT of interstate vehicles damaged in the January 2020 hailstorm without the need for these vehicles to be re-registered in the jurisdiction in which they were registered at the time they became a written-off vehicle. These exemptions provided an immediate relief in response to the impact of the January 2020 hailstorm and subsequent global health pandemic.

DI2020-128 is set to expire on 29 May 2021. At present the Government is considering whether permanent amendments are necessary to section 32A of the *Road Transport (Vehicle Registration) Regulation 2000*. However, these considerations have been delayed as a result of the ongoing effects of the current global health pandemic. The purpose of this declaration is to provide an additional 12-month extension to the exemptions provided for under DI2020-128 while permanent amendments to section 32A of the *Road Transport (Vehicle Registration) Regulation 2000* are evaluated.

## CLAUSE NOTES

### **Clause 1                      Name of instrument**

This is a technical clause that states the name of the instrument as the *Road Transport (General) Applications for Registration – Written-off Vehicles Declaration 2021 (No 1)*.

### **Clause 2                      Commencement**

This clause provides that the instrument will commence on 30 May 2021.

### **Clause 3                      Declaration**

This clause declares that section 32A (3) (b) of the *Road Transport (Vehicle Registration) Regulation 2000* does not apply to a vehicle in the circumstances identified in clause 4.

Section 32A (3) (b) requires that in order for the road transport authority to approve an application for registration of a vehicle that is a repairable write-off it must be satisfied that the vehicle was a registered vehicle when it became a written-off vehicle. A registered vehicle means a vehicle registered in the ACT under the *Road Transport (Vehicle Registration) Act 1999*.

The effect of the declaration is that a vehicle registered in another jurisdiction at the time of the hailstorm on 20 January 2020 can be registered in the ACT without needing to be re-registered and inspected in the jurisdiction in which it was registered at the time it became a repairable write-off.

### **Clause 4                      Circumstances under which declaration applies**

This clause sets out the circumstances in which the declaration in clause 3 applies:

- the applicant is by an ACT resident,
- the vehicle was purchased in the ACT (this includes the situation where the owner purchased the vehicle back from the insurer),
- the vehicle is a repairable write-off due to hail damage incurred in the hailstorm on 20 January 2020,
- the vehicle was registered in another jurisdiction at the time it became a repairable write-off, and
- the vehicle has been subject to roadworthy and identity inspections in the ACT.

### **Clause 5                      Period of effect of declaration**

This clause provides that the declaration in clause 3 has effect from the commencement of the instrument until it expires or is revoked.

### **Clause 6                      Expiry**

This clause provides that the instrument expires 12 months after commencement.

**Clause 7****Definitions**

This clause contains definitions for the instrument.

**Human rights implications**

There are not considered to be any human rights implications arising from this instrument.

**Climate change implications**

There are not considered to be any climate change implications arising from this instrument.