



Australian Capital Territory

Road Transport (Third-Party Insurance) Regulations 2000

Subordinate Law 2000 No 6

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (General) Act 1999*.

Dated 25 February 2000.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister



Australian Capital Territory

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SCHEDULE

**CLASSIFICATION OF VEHICLES AND MAXIMUM RATES
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DICTIONARY**

1 Name of regulations

These regulations are the *Road Transport (Third-Party Insurance) Regulations 2000*.

2 Commencement

These regulations commence on the commencement of the *Road Transport (General) Act 1999*.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

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

For example, the signpost definition '*trader's plate*—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.' means the expression 'trader's plate' is defined in the dictionary to the Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G as applied by *Subordinate Laws Act 1989*, s 9).

4 Notes

(1) A note in these regulations is explanatory and is not part of these regulations.

Note See *Interpretation Act 1967*, s 12 (1) and (4)–(5) (as applied by the *Subordinate Laws Act 1989*, s 9) for the legal status of notes.

(2) In this regulation—

note includes material enclosed in brackets in regulation headings.

Note For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other regulations. Abbreviations in the notes include the following:

- TPI: *Motor Vehicle (Third Party Insurance) Regulations 1947*, as in force immediately before the commencement of these regulations.

5 Terms of third-party policies

For paragraph 163 (b) of the Act, the following terms are prescribed for a third-party policy:

Third-party policy

The insurer insures the owner of the motor vehicle to which the policy applies, and anyone else who drives the vehicle (whether or not with the owner's authority), against liability in relation to the death of, or bodily injury to, a person caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).

In this policy, words and expressions have the same meanings as in Part 10 of the *Road Transport (General) Act 1999*.

6 Terms of public vehicle policies

For paragraph 217 (b) of the Act, the following terms are prescribed for a public vehicle policy:

Public vehicle policy

The insurer insures the owner of the public vehicle to which the policy applies against liability, to the extent of [state an amount not less than \$5,000,000], in relation to damage to property caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).

In this policy, words and expressions have the same meanings as in Part 10 of the *Road Transport (General) Act 1999*.

7 Returns by authorised insurers (TPI reg 8 (1))

(1) An authorised insurer must, not later than 30 April in each year, give to the road transport authority a return containing the required insurance particulars for the year ending on the previous 31 December.

Maximum penalty: 20 penalty units.

(2) For subregulation (1)—

insurance particulars means particulars about—

- (a) premiums received for insurance under third-party policies; and
- (b) claims paid in relation to such policies; and
- (c) the persons insured under such policies; and
- (d) any other matters relevant to such policies or Part 10 of the Act.

required insurance particulars, for a year, means the insurance particulars that the road transport authority notifies the insurer, not

later than 1 February in the next year, are the required particulars for the year.

8 Lost, stolen etc certificate or policy (TPI reg 9 and reg 10)

If the insurer that issued a certificate of insurance or public vehicle policy to a person is satisfied that the certificate or policy has been lost, stolen, destroyed or damaged, the insurer must, on application by the person, give the person a replacement certificate or policy.

9 Change in use of insured vehicle (TPI reg 15)

(1) This regulation applies if the premium paid for the third-party policy applying to a motor vehicle has been worked out because of the use of the vehicle for a particular purpose or purposes mentioned in a premium classification.

(2) The owner must not use the vehicle for another purpose unless the owner pays the insurer the additional premium (if any) payable for the premium classification applying to the other purpose.

Maximum penalty: 20 penalty units.

10 Classification of vehicles (TPI sch 1)

The classification of vehicles set out in columns 2 and 3 of the Schedule applies in working out the maximum premium that may be charged for a third-party policy applying to a particular vehicle.

11 Maximum premiums (TPI reg 16)

(1) The maximum premium that may be charged for a third-party policy applying to a vehicle of a classification mentioned in column 2 of an item of the Schedule, or a trader's plate, is—

- (a) if the policy is for 1 year—the appropriate amount mentioned in column 5 of the item; and
- (b) if the policy is for any other period—an amount worked out in accordance with the following formula:

Premium payable = (1 year premium x N/12) + \$0.75

(2) In subregulation (1)—

N means the number of months of the policy (counting part of a month as 1 month).

12 Overlapping premium classification (TPI reg 19)

If 2 or more premium classifications apply to a vehicle, the maximum premium payable for the third-party policy for the vehicle is the larger of the maximum premiums applying under the premium classifications.

13 Increases in premium during term of policy (TPI reg 17)

(1) This regulation applies if, while a third-party policy is in force for a vehicle—

- (a) a change is made—
 - (i) in the construction, use or ownership of the vehicle; or
 - (ii) in the place where it is usually garaged; and
- (b) because of the change, a higher premium than the premium paid on the policy could be charged if a new third-party policy were issued for the vehicle.

(2) The owner of the motor vehicle is liable to pay an additional premium from the day of the change worked out in accordance with the following formula:

Additional premium = $[(P2 - P1) \times N2/N1] + \0.25

(3) In subregulation (2)—

P1 means the premium originally paid.

P2 means the higher premium for the term of the original policy.

N1 means the number of months of the original policy (counting part of a month as 1 month).

N2 means the remaining number of months of the policy (counting part of a month as 1 month).

14 A New Tax System (ANTS)—adjustment for certain premiums

(1) In working out the maximum premium that may be charged for a third-party policy issued on or after 1 December 1999 and before 1 July 2000, the maximum premium that may be charged, apart from this regulation, is increased in accordance with the following formula:

Current premium $\times (1 + [P2/P1 \times A] + [P3/P1 \times B]) \times (1 + [P3/P1 \times C])$

(2) In subregulation (1)—

A means 3.73%.

B means -4.29%.

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C means 10%.

P1 means the total number of days covered by the policy.

P2 means—

- (a) if the policy is expressed to end before 1 July 2000—the total number of days covered by the policy; or
- (b) if the policy is expressed to end on or after 1 July 2000—the total number of days before 1 July 2000 covered by the policy.

P3 means—

- (a) if the policy is expressed to end before 1 July 2000—zero; or
- (b) if the policy is expressed to end on or after 1 July 2000—the total number of days on or after 1 July 2000 covered by the policy.

Example

A third-party policy is expressed to begin on 1 December 1999 and end on 30 November 2000.

P1 = 366

P2 = 213

P3 = 153

Current premium = \$354.00

GST increased premium = $\$354.00 \times (1 + [213/366 \times 3.73\%] + [153/366 \times -4.29\%]) \times (1 + [153/366 \times 10\%])$

= \$370.19

Note 1 **A** is that part of the ANTS premium impact from claims arising before 1 July 2000. It is positive because input credits are not available for such claims.

Note 2 **B** is that part of the ANTS premium impact from claims arising on or after 1 July 2000. It is negative because of input credits available for such claims.

Note 3 **C** is the 10% GST that applies to the post-30 June 2000 component of the total premium.

Note 4 **P1 = P2 + P3.**

(1) This regulation expires on 1 August 2000.

SCHEDULE

(See regs 10 and 11)

CLASSIFICATION OF VEHICLES AND MAXIMUM RATES FOR PREMIUMS

column 1 item	column 2 classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)
1	breakdown vehicle	motor vehicle used mainly to tow broken-down vehicles		355.50
2	bus or tourist vehicle	motor vehicle (other than a taxi, restricted taxi, private hire car or restricted hire vehicle) used to carry paying passengers	<ul style="list-style-type: none"> • if the vehicle has seating for not more than 16 adults (including the driver) • if the vehicle has seating for more than 16 adults (including the driver) 	<p>532.50</p> <p>1629.50</p>
3	drive-yourself vehicle	motor vehicle let for hire (other than under a lease or hire-purchase		1452.50

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SCHEDULE—continued

column 1 item	column 2 classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)
		agreement)		
4	firefighting vehicle	motor vehicle used solely for firefighting		355.50
5	goods vehicle	motor vehicle built mainly to carry goods (other than a primary producer's goods vehicle)	<ul style="list-style-type: none"> • if the unladen weight is not over 975kg • if the unladen weight is over 975kg but not over 2t • if the unladen weight is over 2t 	<p>355.50</p> <p>514.50</p> <p>1275.50</p>
6	historic vehicle	motor vehicle (other than a veteran vehicle or vintage vehicle) built not less than 30 years before the day of issue of a third-party policy for the		36.50

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SCHEDULE—continued

column 1 item	column 2 classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)
		vehicle and registered concessionally as an historic vehicle		
7	miscellaneous vehicle	tractor (other than a primary producer's tractor) or implement		567.50
8	mobile crane	motor vehicle built mainly as a crane (other than a breakdown vehicle or tractor)		709.50
9	motorcycle	motorbike or motortrike	<ul style="list-style-type: none"> if the engine capacity is not over 300mL 	89.50
			<ul style="list-style-type: none"> if the engine capacity is over 300mL but is not over 600mL 	302.50

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SCHEDULE—continued

column 1 item	column 2 classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)
			<ul style="list-style-type: none"> if the engine capacity is over 600mL 	249.50
10	passenger vehicle	motor vehicle built mainly to carry people (other than a bus or tourist vehicle, drive-yourself vehicle, motorcycle, private hire car or taxi)		355.50
11	primary producer's goods vehicle	goods vehicle used by a primary producer in connection with his or her operations as a primary producer	<ul style="list-style-type: none"> if the unladen weight is not over 2t if the unladen weight is over 2t 	319.50 213.50
12	primary producer's tractor	tractor used by a primary producer in connection with his or her operations as a primary producer		143.50

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SCHEDULE—continued

column 1 item	column 2 classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)
13	private hire car	motor vehicle licensed (or intended to be licensed) as a private hire car		1063.50
14	taxi	motor vehicle licensed (or intended to be licensed) as a taxi or restricted taxi		4955.50
15	trader's plates			107.50
16	trailer	vehicle built to be towed by a motor vehicle		0.00
17	undertaker's vehicle	motor vehicle used solely as an undertaker's hearse		89.50
18	veteran vehicle	motor vehicle built before 1919		36.50
19	vintage vehicle	motor vehicle built after 1918 and before 1931		36.50

DICTIONARY

(See reg 3)

- authorised insurer**—see the Act, section 158.
- certificate of insurance**—see the Act, section 158.
- implement**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- issue**, of a third-party policy or public vehicle policy—see the Act, section 158.
- motorbike** see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- motorbike** see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- motor vehicle**—see the Act, dictionary.
- owner**—see the Act, section 158 (Definitions for pt 10).
- premium classification** means a classification mentioned in the Schedule.
- private hire car**—see the Act, section 100.
- public vehicle**—see the Act, section 100.
- public vehicle policy**—see the Act, section 158.
- registration**—see the Act, section 158.
- restricted hire vehicle**—see the Act, section 100.
- restricted taxi**—see the Act, section 100.
- taxi**—see the Act, section 100.
- the Act** means the *Road Transport (General) Act 1999*.
- third-party policy**—see the Act, section 158.
- tractor**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- trader's plates**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

Endnotes

Notification

1 Notified in the Gazette on 29 February 2000.

Penalty units

2 Section 33AA of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*) deals with the meaning of offence penalties that are expressed in penalty units.