

1999

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

ROAD TRANSPORT (VEHICLE REGISTRATION) BILL 1999

EXPLANATORY MEMORANDUM

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Overview of Bill

The objects of this Bill are:

- (a) to enable the establishment of a vehicle registration system for light and heavy vehicles that will be part of a nationally consistent scheme and to provide necessary powers for the making of regulations about issuing or refusing registration, renewing or refusing to renew registration, transferring or refusing to transfer registration, issuing or refusing to issue a permit for the use of an unregistered vehicle, imposing conditions on the registration of a vehicle or on a permission to use an unregistered vehicle, suspending or cancelling the registration of a vehicle and other related matters;
- (b) to provide for the establishment of a system for vehicle standards and inspections or testing of vehicles;
- (c) to provide for the establishment of a vehicle defect system that will be part of a nationally consistent scheme and allow vehicles to be cleared anywhere in Australia; and
- (d) to make savings and transitional provisions.

The provisions of the proposed Act reflect (with some variations and additions) current provisions of the *Motor Traffic Act 1936* and mirror provisions of the *NSW Road Transport (Vehicle Registration) Act 1997* as far as they are consistent with ACT policy and national transport reforms (*Commonwealth Road Transport Reform (Heavy Vehicles Registration) Act 1997*).

The Transport Industry will benefit from the scheme, as it will:

- reduce the cost for heavy vehicle operators and light vehicle fleet owners with operations in more than one State, by minimising the cost of complying with different rules from jurisdiction to jurisdiction;
- assist transport operators in managing their cash-flow by introducing different registration periods;
- allow defect notices to be cleared anywhere in Australia; and
- streamline the vehicle registration process by providing a uniform set of requirements and standards for registration, transfer of registration and registration cancellations.

Financial Implications

There are no direct costs associated with the amendments.

OUTLINE OF PROVISIONS

Part 1 Preliminary

Clause 1 sets out the name of the proposed Act.

Clause 2 provides for the proposed Act to commence on 1 December 1999.

Clause 3 sets out the objects of the proposed Act. These include the establishment of a registration scheme for light and heavy vehicles as part of a uniform national approach to the registration of heavy vehicles, to improve road safety and transport efficiency and to reduce the costs of administering road transport.

Clause 4 provides for the dictionary, at the end of the proposed Act, to define certain words and expressions used in the proposed Act. In particular,

- *registrable vehicle* is defined to mean any motor vehicle or trailer, or any other vehicle prescribed under the regulations for the definition, and
- *registered operator* is defined to mean a person recorded in the registrable vehicles register as a registered operator of the vehicle.

Clause 5 provides that notes included in the proposed Act do not form part of the proposed Act.

Part 2 Registration System

Division 1 Powers and functions of the road transport authority

Clause 6 provides for the functions of the road transport authority (the authority) in relation to the administration of the registration scheme to be established under the proposed Act.

Clause 7 sets out the powers of the road transport authority to be exercised in accordance with the regulations made under the proposed Act. For instance, the authority is empowered to do the following:

- to register, or refuse to register, registrable vehicles;
- to transfer, or refuse to transfer, the registration of a registrable vehicle;
- to permit, or refuse to permit, the use of an unregistered registrable vehicle;
- to impose conditions on the use of registrable vehicles;
- to suspend or cancel registration;
- to collect fees, charges and other amounts for services provided in connection with various registration processes.

Clause 8 prohibits the road transport authority to register a vehicle unless it is satisfied that the vehicle's garage address is in the ACT.

Clause 9 provides that the registrable vehicle's register is not intended to record evidence of title to any motor vehicle or trailer. The focus of the register is to identify the person responsible for the operation of the vehicle on the road network.

Clause 10 provides for the keeping of a registrable vehicles register in the form of 1 or more computer databases or any other form the road transport authority considers appropriate.

Clause 11 requires the authority to ensure that information in the register of a personal and commercially sensitive nature can only be released in accordance with the criteria to be specified by the regulations or in accordance with any other relevant law.

Clause 12 provides that devices, plates or documents issued by the authority in the course of registering a registrable vehicle remain the property of the Territory.

Division 2 Regulations

Clause 13 enables the Executive to make regulations for the purpose of the proposed Act. It provides for the creation of offences by the regulations with a maximum penalty of 20 penalty units.

Clause 14 sets out the matters for which regulations made under the proposed Act may make provisions to establish the registration scheme contemplated by the proposed Act.

Clause 15 sets out the matters for which regulations made under the proposed Act may make provision to establish a system for vehicle standards, inspection and testing of registrable vehicles. The proposed regulations making provisions for the appointment of examiners and approval of premises are based on the provisions presently contained in Part IIAA of the *Motor Traffic Act 1936*.

Clause 16 provides that the regulations may apply, adopt or incorporate certain provisions contained in other publications.

Clause 17 provides that the regulations may exempt particular registrable vehicles or persons from the provisions of the proposed Act or authorise the authority to exempt certain vehicles or persons as prescribed by the regulations.

Part 3 Offences

Clause 18 makes it an offence for a person to use an unregistered registrable vehicle, or a vehicle with suspended registration, on a road or road related area unless the vehicle is exempt from the operation of the proposed Act. The dictionary defines *use* of a vehicle to include driving, parking or stopping of a vehicle.

Clause 19 makes it an offence for a person to attempt to register, or obtain a permit for, a registrable vehicle, or to possess a device, plate or document obtained by dishonest means.

Clause 20 makes it an offence for a person to forge or fraudulently change or use a device, plate or document issued under the proposed Act or to allow it to be used by someone else.

Clause 21 sets out the obligations of the registered operator of a registrable vehicle in respect of the display of plates and labels on the vehicle, documents that must be carried or produced and compliance with directions of the authority in respect of the vehicle. It also makes it clear that the proposed Act does not affect the obligations of a registered operator to comply with any applicable provisions of the *Road Transport (General) Act 1999* and the *Duties Act 1999*.

Clause 22 makes it an offence for a driver of a registrable vehicle to install or display number plates or a registration label that was not issued for the vehicle or to alter a number plate or registration label in a way calculated to deceive. It also makes it an offence for the registered operator of a registrable vehicle if the vehicle is used in contravention of the provision and the operator has failed to take reasonable precautions to prevent the contravention.

It makes it an offence for a person to remove a numberplate, registration label or anything else, or to deface, damage or otherwise interfere with a numberplate, registration label or anything else properly issued in relation to a vehicle.

Clause 23 makes it an offence for a person to stamp or attach, change, deface, remove or obliterate an identification number on a prescribed part of a vehicle, except as permitted or prescribed under the proposed Act or regulations.

Part 4 Defective and dangerously defective vehicles

Clause 24 defines a *defective vehicle* and a *dangerously defective vehicle*.

Clause 25 enables a police officer or authorised person to inspect a registrable vehicle in order to determine its identity, condition or registration status. It also provides for a police officer or authorised person to issue warning or defect notices (or seize a device, plate or document suspected of being used in committing an offence against the proposed Act) in accordance with the regulations.

Clause 26 makes it an offence for a person to use a defective vehicle contrary to conditions or a prohibition imposed by a police officer or authorised person under proposed section 25.

Clause 27 requires a driver of a registrable vehicle to comply with a request or signal by a police officer or authorised person to enable the police officer or authorised

person to inspect or test the vehicle. It also provides that inspection or testing must be carried out within 1 hour after, and close to the place where the vehicle is stopped.

Clause 28 makes it an offence for a person to use a dangerously defective registrable vehicle on a road or road related area unless it is exempt under the proposed provisions of subsection (2).

Part 5 Miscellaneous

Clause 29 provides that the road transport authority may record (in accordance with the proposed regulations) more than 1 person as the registered operator of a vehicle. It also provides that where more than 1 person is recorded as registered operators of a registrable vehicle, a reference in any legislation to the registered operator of a registrable vehicle is taken to include a reference to each registered operator of the vehicle.

Clause 30 enables a police officer or authorised person to seize a number plate of a registrable vehicle with expired or cancelled registration or where the number plate is used contrary to a provision of the regulations.

Clause 31 provides that an unregistered registrable vehicle in respect of which an unregistered vehicle permit is issued under the proposed Act is taken to be registered under the proposed Act.

Clause 32 provides that reference made to the *Motor Traffic Act 1936* or the *Motor Traffic Regulations 1934* in any Act or instrument made under it in relation to anything to which the proposed Act applies is a reference to the proposed Act.

Part 6 Transitional

This part contains transitional and other provisions consequent on the enactment of the proposed Act.

Dictionary The Dictionary contains definitions of words and expressions used in the proposed Act.