

Australian Capital Territory

Road Transport (Vehicle Registration) Amendment Regulation 2018 (No 1)

Subordinate law SL2018–26

made under the

Road Transport (Vehicle Registration) Act 1999, s 13 (General regulation-making power)

Road Transport (General) Act 1999, s 23 (Regulations about infringement notice offences) and s 233 (General regulation-making power)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Road Transport (Vehicle Registration) Amendment Regulation 2018 (No 1)* (the regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation. It does not form part of the legislation and has not been endorsed by the Assembly.

Overview

This regulation amends the *Road Transport (Vehicle Registration) Regulation 2000* and the *Road Transport (Offences) Regulation 2005*.

The authority to make this regulation is contained in:

- Section 13 of the *Road Transport (Vehicle Registration) Act 1999*
- Sections 23 and 233 of the *Road Transport (General) Act 1999*.

Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000* prescribes light vehicle standards. These standards are based on the Australian Vehicle Standards Rules, being model national law about applicable standards for all registrable motor vehicles.

The amendment in this regulation implements a decision of the Transport and Infrastructure Council (TIC) to incorporate new labelling requirements for electric-powered and hydrogen-powered vehicles into Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*. The requirement is for identification labels, as described in the regulation, to be affixed to the front and rear number plates of electric-powered and hydrogen-powered vehicles built or modified after 1 January 2019.

The new labelling requirement approved by TIC is part of wider decisions to approve and implement the Australian Light Vehicle Standards Rules (ALVSRs) and amendments to those Rules into state and territory road transport laws (in place of the Australian Vehicle Standards Rules presently in the ACT road transport law). The ALVSRs set national uniform standards about the construction and performance of light motor vehicles. The labelling amendment has progressed in advance of implementing the entirety of the package of ALVSRs and amendments to meet the specific timing requirements for labelling electric and hydrogen powered vehicles.

The regulation and labelling requirement supports emergency workers attending motor vehicle crashes in identifying any particular risk the vehicle may present due to the type of fuel carried and motive system of the vehicle.

For the purpose of this regulation, an *electric-powered vehicle* is defined as a vehicle that is powered by one or more electric motors or traction motors that are the only propulsion system for the vehicle, or are used in conjunction with another propulsion system for the vehicle. A *hydrogen-powered vehicle* is defined as a vehicle that is powered by a hydrogen fuel system and has one or more hydrogen fuel containers fitted to the vehicle for the system.

This regulation also consequentially amends the *Road Transport (Offences) Regulation 2005* to provide penalties for not displaying the requisite labels.

Section 23 (3) of the *Road Transport (General) Act 1999* provides the power for a regulation to be made that prescribes an offence as an infringement notice offence and the amount of the penalty payable, including different amounts payable for different offences and different amounts payable for the same offence committed by different people or in different circumstances.

The existing section 109 of the *Road Transport (Vehicle Registration) Regulation 2000* provides the offence provision for light motor vehicles not complying with schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*. The regulation does not create a new offence provision.

The penalty levels have been set at an amount equivalent to the penalty for not having the required labels on a Liquid Petroleum Gas (LPG) powered vehicle.

Human rights implications

It is not considered that any provision of this regulation limits an individual's human rights.

Climate change implications

There are no climate change implications associated with this regulation.

CLAUSE NOTES

Clause 1 Name of regulation

This clause specifies the name of the regulation. This clause provides that the regulation may be cited as the *Road Transport (Vehicle Registration) Amendment Regulation 2018 (No 1)*.

Clause 2 Commencement

This clause provides for the commencement of the regulation. This regulation will commence on the day after notification on the ACT Legislation Register.

Clause 3 Legislation amended

This clause names the regulation that is being amended by this regulation. This regulation amends the *Road Transport (Vehicle Registration) Regulation 2000*. It also makes a consequential amendment to the *Road Transport (Offences) Regulation 2005*.

Clause 4 Schedule 1, part 1.11, new sections 1.152A and 1.15B

This clause inserts new sections 1.152A (Hydrogen-powered vehicles) and 1.152B (Electric-powered vehicles). These sections provide the requirement for identification labels to be affixed to the front and rear numberplates of electric-powered vehicles and hydrogen-powered vehicles built or modified after 1 January 2019.

This clause describes, in detail, the label which identifies a hydrogen-powered vehicle as a yellow label marked with a black capital letter ‘H’ which is affixed to a separate metal plate, shaped as a regular pentagon that is 20mm on each side. The label which identifies an electric-powered vehicle is a blue label marked with white capital letters ‘EV’ which is affixed to a separate metal plate, shaped as an equilateral triangle that is 30mm on each side.

For national consistency and recognition, the regulation prescribes that the labels be manufactured from material that complies with class 2 material as described in Australian Standard AS 1906.1 Retroreflective materials and devices for road traffic control purposes—Retroreflective sheeting.

When affixing the label to the vehicle numberplate the label is not to obscure any characters on the numberplate.

For the purpose of the regulation, a *hydrogen-powered vehicle* is defined as a vehicle that is powered by a hydrogen fuel system and has one or more hydrogen fuel containers fitted to the vehicle for the system. An *electric-powered vehicle* is defined as a vehicle that is powered by one or more electric motors or traction motors that are the only propulsion system for the vehicle, or are used in conjunction with another propulsion system for the vehicle.

Section 5A of the *Road Transport (Vehicle Registration) Regulation 2000* disapplies sections 47 (5) of the *Legislation Act 2001* in relation to certain documents or instruments (in this case the Australian Standards) that are incorporated by reference in the Principal Regulation (this regulation) which would otherwise require notification on the ACT Legislation Register. The standard referenced is technical in

nature and describes the physical properties of the material out of which the labels must be manufactured. Due to this, it is considered that the standard is technical in nature and is unlikely to be accessed by members of the public. It is also not expected that an individual would attempt to manufacture a label for their own vehicle.

The standards are regularly updated and are copyright. The ACT Government's access to the standards is regulated by terms and conditions that govern how they can be used and disclosed. The standard referenced in this clause can be purchased from the publisher SAI Global in either electronic or paper versions through the Standards Australia website (www.standards.org.au) or on 131 242. Manufacturers of labels would be expected to already have access to a copy of the standard. It is therefore not proposed to provide additional access to the public to view the standard.

Schedule 1 Road Transport (Offences) Regulation 2005- Consequential amendments

This amendment amends the *Road Transport (Offences) Regulation 2005* consequential on changes relating to the requirement for labelling on electric-powered and hydrogen-powered vehicles made or modified after 1 January 2019.

Section 23 of the *Road Transport (General) Act 1999* gives the power for a regulation to be made that prescribes an offence as an infringement notice offence and the amount of the penalty payable, including different amounts payable for different offences and different amounts payable for the same offence committed by different people or in different circumstances.

Schedule 1 of the *Road Transport (Offences) Regulation 2005*, lists the offences contained in each Act and Regulation that forms part of the road transport legislation. If an offence may be dealt with by infringement notice, the schedule prescribes the infringement notice penalty amount that is payable. Part 1.15 of Schedule 1 relates to the *Road Transport (Vehicle Registration) Regulation 2000*.

Clause [1.1] Schedule 1, part 1.15, new items 66.46A and 66.46B

This clause inserts new item numbers 66.46A and 66.46B, being different circumstances of the existing offence provision of section 109, part 1.15, schedule 1 of the *Road Transport (Offences) Regulation 2005*.

Item 66.46A refers to a driver or operator of a motor vehicle not complying with Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000* in relation to required labelling on hydrogen-powered vehicles.

Item 66.46B refers to a driver or operator of a motor vehicle not complying with Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000* in relation to required labelling on electric-powered vehicles.

Section 109 of the *Road Transport (Vehicle Registration) Regulation 2000* provides the offence provision for a light vehicle not complying with Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*.

The amendment also provides the infringement penalty amount of \$245 for the different circumstances inserted under the existing offence provision. The penalty amount is aligned with those for not displaying the required labelling on LPG-powered or natural gas-powered vehicles.