

Australian Capital Territory

Road Transport (General) Deciding Applications for Registration – Written-off Vehicles Declaration 2020 (No 1)

Disallowable instrument DI2020–24

made under the

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

EXPLANATORY STATEMENT

This Declaration excludes certain vehicles from a section of the *Road Transport (Vehicle Registration) Regulation 2000* (the regulation).

The authority to make this Declaration is contained in section 13 of the *Road Transport (General) Act 1999* (the Act). Section 13 (1) of the Act provides that the Minister may declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Subsection 13 (3) of the Act makes such a declaration a disallowable instrument.

The declaration is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to Section 61 of the *Legislation Act 2001*.

The purpose of this declaration is to allow for the registration of vehicles that have been notified as a repairable write-off but were not registered in the ACT or another Australian jurisdiction prior to the incident that caused the vehicle to be notified as a written-off vehicle. The declaration relaxes existing prohibitions on registering vehicles that were not registered at the time they are written-off.

Human rights implications

There are not considered to be any human rights implications.

Climate change implications

There are not considered to be any climate change implications.

CLAUSE NOTES

Clause 1 **Name of instrument**

This is a technical clause that states the name of the declaration as the *Road Transport (General) Deciding Applications for Registration – Written-off Vehicles Declaration 2020 (No 1)*.

Clause 2 **Commencement**

This clause provides that the declaration will commence on the day after it is notified.

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 that has never been registered in the ACT or another Australian jurisdiction.

Section 32A (3) (b) of the regulation precludes the registration of a vehicle if the vehicle was not registered in the ACT at the time of the incident that caused the vehicle to be notified as a written-off vehicle. The intent of the provision is to preclude vehicles that were registered in other jurisdictions at the time they were written-off from seeking registration in the ACT. It has the unintended consequence of precluding registration of vehicles that are in the ACT, but not yet registered, at the time they were written-off. An example of the type of vehicles affected in this way include unregistered new dealer stock damaged in the hailstorm on 20 January 2020.

Clause 4 **Definitions**

This clause provides that the term corresponding law has the same meaning as in the *Road Transport (Vehicle Registration) Act 1999*, Dictionary.