

Australian Capital Territory

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

Disallowable instrument DI2020–128

made under the

***Road Transport (General) Act 1999*, section 13 (Power to exclude vehicles, persons or animals from road transport legislation and section 14 (1) (b) (Application orders and emergency orders)**

## EXPLANATORY STATEMENT

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This instrument is made under sections 13 and 14 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.

Section 14 (1) allows the Minister to order that the operation of regulations made under the road transport legislation, or a provision of such regulations is suspended for a stated period or varied in the way stated in the order. An order under subsection (1) is a disallowable 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. The purpose of this declaration is to provide for registration in the ACT of interstate vehicles where those vehicles were damaged in the hailstorm on 20 January 2020 without the need for them to be re-registered in the jurisdiction in which they were registered at the time they became a written-off vehicle.

## 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 and Order 2020 (No 1)*.

### **Clause 2**                      **Commencement**

This clause provides that the instrument 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 in the circumstances identified in clause 5.

Section 32A (3) (b) requires that in order for the road transport authority to approve an application for registration of 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**                      **Application order**

This clause varies the application of section 146 (3) of the *Road Transport (Vehicle Registration) Regulation 2000* to extend the timeframe in which a certificate of inspection is in force from 1 month to 3 months in consideration of the number of vehicles damaged as a result of the hailstorm on 20 January 2020 and the current health emergency.

### **Clause 5**                      **Circumstances under which declaration and application order applies**

This clause sets out the circumstances in which the declaration in clause 3 and the application order in clause 4 apply:

- the applicant is 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 a roadworthy and identity inspection in the ACT.

**Clause 6                      Period of effect of declaration and application order**

This clause provides that the declaration in clause 3 and the application order in clause 4 have effect from the commencement of the instrument until it expires or is revoked.

**Clause 7                      Expiry**

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

**Clause 8                      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.