Australian Capital Territory

Road Transport (General) Applications for Registration – Written-off Vehicles Declaration 2021 (No 1)

**Disallowable instrument DI2021–89**

made under the

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

**EXPLANATORY STATEMENT**

This instrument is made under section 13 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.

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. Exemptions are currently provided for under DI2020-128 for consideration of registration in the ACT of interstate vehicles damaged in the January 2020 hailstorm without the need for these vehicles to be re‑registered in the jurisdiction in which they were registered at the time they became a written-off vehicle. These exemptions provided an immediate relief in response to the impact of the January 2020 hailstorm and subsequent global health pandemic.

DI2020-128 is set to expire on 29 May 2021. At present the Government is considering whether permanent amendments are necessary to section 32A of the *Road Transport (Vehicle Registration) Regulation 2000.* However, these considerations have been delayed as a result of the ongoing effects of the current global health pandemic*.* The purpose of this declaration is to provide an additional 12-month extension to the exemptions provided for under DI2020-128 while permanent amendments to section 32A of the *Road Transport (Vehicle Registration) Regulation 2000* are evaluated.

**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 2021 (No 1).*

**Clause 2 Commencement**

This clause provides that the instrument will commence on 30 May 2021.

**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 4.

Section 32A (3) (b) requires that in order for the road transport authority to approve an application for registration of a 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 Circumstances under which declaration applies**

This clause sets out the circumstances in which the declaration in clause 3 applies:

* the applicant is by 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 roadworthy and identity inspections in the ACT.

**Clause 5 Period of effect of declaration**

This clause provides that the declaration in clause 3 has effect from the commencement of the instrument until it expires or is revoked.

**Clause 6 Expiry**

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

**Clause 7 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.