



Australian Capital Territory

Road Transport (Third-Party Insurance) Regulations 2000

SL2000-6

made under the

Road Transport (General) Act 1999

Republication No 9

Effective: 2 October 2004 – 2 November 2004

Republication date: 2 October 2004

Last amendment made by SL2004-40
(republication for commenced expiry)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Third-Party Insurance) Regulations 2000*, made under the *Road Transport (General) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 October 2004. It also includes any amendment, repeal or expiry affecting the republished law to 2 October 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

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R9
02/10/04

Road Transport (Third-Party Insurance) Regulations 2000
Effective: 02/10/04-02/11/04

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Australian Capital Territory

Road Transport (Third-Party Insurance) Regulations 2000

made under the

Road Transport (General) Act 1999

1 Name of regulations

These regulations are the *Road Transport (Third-Party Insurance) Regulations 2000*.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or elsewhere in the road transport legislation.

For example, the signpost definition '*trader's plate*—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.' means the expression 'trader's plate' is defined in that dictionary and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

- (1) A note in these regulations is explanatory and is not part of these regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

(2) In this regulation:

note includes material enclosed in brackets in regulation headings.

Note For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other regulations. Abbreviations in the notes include the following:

- TPI: *Motor Vehicle (Third Party Insurance) Regulations 1947*, as in force immediately before the commencement of these regulations.

5 Terms of third-party policies

For the Act, section 163 (b), the following terms are prescribed for a third-party policy:

Third-party policy

The insurer insures the owner of the motor vehicle to which the policy applies, and anyone else who drives the vehicle (whether or not with the owner's authority), against liability in relation to the death of, or bodily injury to, a person caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).

In this policy, words and expressions have the same meanings as in part 10 of the *Road Transport (General) Act 1999*.

7 Returns by authorised insurers (TPI reg 8 (1))

- (1) An authorised insurer must, not later than 30 April in each year, give to the road transport authority a return containing the required insurance particulars for the year ending on the previous 31 December.

Maximum penalty: 20 penalty units.

- (2) For subregulation (1):

insurance particulars means particulars about—

- (a) premiums received for insurance under third-party policies; and
- (b) claims paid in relation to such policies; and
- (c) the persons insured under such policies; and
- (d) any other matters relevant to such policies or the Act, part 10.

required insurance particulars, for a year, means the insurance particulars that the road transport authority notifies the insurer, not later than 1 February in the next year, are the required particulars for the year.

8 Lost, stolen etc certificates of insurance (TPI reg 9, 10)

If the insurer that issued a certificate of insurance to a person is satisfied that the certificate has been lost, stolen, damaged or destroyed, the insurer must, on application by the person, give the person a replacement certificate.

9 Change in use of insured vehicle (TPI reg 15)

- (1) This regulation applies if the premium paid for the third-party policy applying to a motor vehicle has been worked out because of the use of the vehicle for a particular purpose or purposes mentioned in a premium classification.

- (2) The owner must not use the vehicle for another purpose unless the owner pays the insurer the additional premium (if any) payable for the premium classification applying to the other purpose.

Maximum penalty: 20 penalty units.

10 **Classification of vehicles** (TPI sch 1)

The classification of vehicles set out in schedule 1, columns 2 and 3 applies in working out the maximum premium that may be charged for a third-party policy applying to a particular vehicle.

11 **Maximum premiums**

- (1) The maximum premium that may be charged for a third-party policy applying to a vehicle of a classification mentioned in column 2 of an item of schedule 1, or a trader's plate, is—

(a) if the policy is for 1 year and—

- (i) the vehicle or plate is used for private purposes—the appropriate amount mentioned in column 5 of the item; or
- (ii) the vehicle or plate is used for business purposes—the appropriate amount mentioned in column 6 of the item; and

(b) if the policy is for any other period—an amount worked out in accordance with the following formula:

$$\text{premium payable} = (1 \text{ year premium} \times N/12) + \$0.75$$

- (2) For this regulation, a person's vehicle or trader's plate is used for ***private purposes*** if the person, or the person's agent, tells the road transport authority that there is no entitlement to claim an input tax credit in relation to the third-party policy for the vehicle or plate.

- (3) For this regulation, a person's vehicle or trader's plate is used for **business purposes** if the person, or the person's agent, tells the road transport authority that there is an entitlement to claim an input tax credit in relation to the third-party policy for the vehicle or plate.
- (4) In this regulation:
- input tax credit**—see *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), dictionary.

N means the number of months of the policy (counting part of a month as 1 month).

12 Overlapping premium classification (TPI reg 19)

If 2 or more premium classifications apply to a vehicle, the maximum premium payable for the third-party policy for the vehicle is the higher of the maximum premiums applying under the premium classifications.

13 Increases in premium during term of policy (TPI reg 17)

- (1) This regulation applies if, while a third-party policy is in force for a vehicle—
- (a) a change is made—
- (i) in the construction, use or ownership of the vehicle; or
- (ii) in the place where it is usually garaged; and
- (b) because of the change, a higher premium than the premium paid on the policy could be charged if a new third-party policy were issued for the vehicle.
- (2) The owner of the motor vehicle is liable to pay an additional premium from the day of the change worked out in accordance with the following formula:

$$\text{Additional premium} = [(P2 - P1) \times N2/N1] + \$0.25$$

(3) In subregulation (2):

P1 means the premium originally paid.

P2 means the higher premium for the term of the original policy.

N1 means the number of months of the original policy (counting part of a month as 1 month).

N2 means the remaining number of months of the policy (counting part of a month as 1 month).

Schedule 1 Classification of vehicles and maximum rates for premiums

(see reg 10 and reg 11)

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
1	ambulance	motor vehicle built to transport sick or injured people		540.20	580.10
2	breakdown vehicle	motor vehicle used mainly to tow broken-down vehicles		385.85	414.35

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
4	drive-yourself vehicle	motor vehicle let for hire (other than under a lease or hire- purchase agreement)		2 315.15	2 486.20
5	firefighting vehicle	motor vehicle used solely for firefighting		482.30	517.95

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
6	goods vehicle	motor vehicle built mainly to carry goods (other than a primary producer's goods vehicle)	<ul style="list-style-type: none"> • if the unladen weight is not over 975kg • if the unladen weight is over 975kg but not over 2t • if the unladen weight is over 2t 	385.85	414.35
				559.45	600.80
				1 543.40	1 657.45

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
7	historic vehicle	motor vehicle (other than a veteran vehicle or vintage vehicle) built not less than 30 years before the day of issue of the third-party policy for the vehicle and registered concessionally as a historic vehicle		38.55	41.40
8	miscellaneous vehicle	tractor (other than a primary producer's tractor) or implement		578.75	621.55

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
9	mobile crane	motor vehicle built mainly as a crane (other than a breakdown vehicle or tractor)		694.50	745.85
10	motorcycle	motorbike or motortrike	<ul style="list-style-type: none"> if the engine capacity is not over 300mL if the engine capacity is over 300mL but not over 600mL 	77.15 366.55	82.85 393.65

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
			<ul style="list-style-type: none"> if the engine capacity is over 600mL 	366.55	393.65
11	passenger vehicle	motor vehicle built mainly to carry people (other than an ambulance, bus or tourist vehicle, drive-yourself vehicle, motorcycle, police vehicle, private hire car or taxi)		385.85	414.35
12	police vehicle	motor vehicle driven, or intended to be driven, by a police officer in the course of his or her duty		1 080.40	1 160.20

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
13	primary producer's goods vehicle	goods vehicle used by a primary producer in connection with his or her operations as a primary producer	<ul style="list-style-type: none"> if the unladen weight is not over 2t if the unladen weight is over 2t 	347.25 270.10	372.90 290.05
14	primary producer's tractor	tractor used by a primary producer in connection with his or her operations as a primary producer		308.65	331.45
15	private hire car	motor vehicle licensed (or intended to be licensed) as a private hire car		2 199.40	2 361.90

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
16	taxi	motor vehicle licensed (or intended to be licensed) as a taxi		6 173.75	6 629.90
17	trader's plates			38.55	41.40
18	trailer	vehicle built to be towed by a motor vehicle		nil	nil
19	undertaker's vehicle	motor vehicle used solely as an undertaker's hearse		308.65	331.45
20	veteran vehicle	motor vehicle built before 1919		38.55	41.40
21	vintage vehicle	motor vehicle built after 1918 and before 1931		38.55	41.40

Dictionary

(see reg 3)

authorised insurer—see the Act, section 158.

certificate of insurance—see the Act, section 158.

implement—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

issue, of a third-party policy—see the Act, section 158.

motorbike—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

motortrike—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

motor vehicle—see the Act, dictionary.

owner—see the Act, section 158 (Definitions for pt 10).

premium classification means a classification mentioned in schedule 1.

private hire car—see the Act, section 100.

registration—see the Act, section 158.

restricted hire vehicle—see the Act, section 100.

taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 45 (Meaning of taxi).

third-party policy—see the Act, section 158.

tractor—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

trader's plates—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the Legislation Act, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Road Transport (Third-Party Insurance) Regulations 2000 No 6

notified 29 February 2000 (Gaz 2000 No S6)
reg 1, reg 2 commenced 29 February 2000 (IA s 10B)
remainder commenced 1 March 2000 (reg 2 and Gaz 2000 No S5)

as amended by

Road Transport (Third-Party Insurance) Regulations Amendment SL 2000 No 25

notified 8 June 2000 (Gaz 2000 No S23)
commenced 8 June 2000 (reg 1)

Road Transport (Third-Party Insurance) Regulations Amendment SL 2001 No 5

notified 28 February 2001 (Gaz 2001 No S10)
reg 1 commenced 28 February 2001 (IA s 10B)
remainder commenced 1 March 2001 (reg 1)

Road Transport (Third-Party Insurance) Regulations Amendment SL 2001 No 13

notified 21 May 2001 (Gaz 2001 No S27)
commenced 21 May 2001 (reg 1)

Road Transport Legislation Amendment Act 2001 No 27 sch 4

notified 24 May 2001 (Gaz 2001 No 21)
s 1, s 2 commenced 24 May 2001 (IA s 10B)
sch 4 commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 346

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 346 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Road Transport Legislation Amendment Regulations 2002 SL No 2 pt 6

notified LR 27 February 2002
reg 1, reg 2 commenced 27 February 2002 (LA s 75)
pt 6 commenced 1 March 2002 (reg 2 and see CN 2002 No 2)

Endnotes

4 Amendment history

Road Transport (Third-Party Insurance) Amendment Regulations 2002 SL No 12

notified LR 4 June 2002
reg 1, reg 2 commenced 4 June 2002 (LA s 75)
remainder commenced 5 June 2002 (reg 2)

Road Transport (Third-Party Insurance) Amendment Regulations 2003 (No 1) SL2003-13

notified LR 29 May 2003
reg 1, reg 2 commenced 29 May 2003 (LA s 75 (1))
remainder commenced 30 May 2003 (reg 2)

Road Transport (Third-Party Insurance) Amendment Regulations 2004 (No 1) SL2004-40

notified LR 3 September 2004
reg 1, reg 2 commenced 3 September 2004 (LA s 75 (1))
remainder commenced 4 September 2004 (reg 2)

4 Amendment history

Commencement

reg 2 om Act 2001 No 27 amdt 4.28

Dictionary

reg 3 am Act 2001 No 44 amdt 1.3785

Notes

reg 4 am Act 2001 No 44 amdt 1.3786

Terms of public vehicle policies

reg 6 om Act 2001 No 27 amdt 4.29

Lost, stolen etc certificates of insurance

reg 8 sub Act 2001 No 27 amdt 4.30

Classification of vehicles

reg 10 am 2000 No 25 reg 3

Maximum premiums

reg 11 am 2000 No 25 reg 4
sub SL2004-40 reg 4

Maximum premiums for late renewal

reg 11A ins 2001 No 5 reg 3
om 2001 No 13 reg 3

Overlapping premium classification

reg 12 am 2001 No 13 reg 4

Policies beginning before 1 October 2004

reg 14 am 2000 No 25 reg 5
 exp 1 July 2000 (reg 14 (3))
 ins 2001 No 13 reg 5
 exp 1 July 2001 (reg 14 (2))
 ins 2002 No 12 reg 4
 exp 1 July 2002 (reg 14 (2))
 ins SL2003-13 reg 4
 exp 1 July 2003 (reg 14 (2))
 ins SL2004-40 reg 5
 exp 1 October 2004 (reg 14 (2))

Policies beginning before 1 July 2000

reg 15 ins 2000 No 25 reg 6
 exp 1 July 2000 (reg 15 (2))

Classification of vehicles and maximum rates for premiums

sch 1 sub 2000 No 25 reg 8; 2001 No 13 reg 6
 am 2002 No 2 reg 33, reg 34
 sub 2002 No 12 reg 5; SL2003-13 reg 5; SL2004-40 reg 6

Dictionary

dict def *issue* am 2001 No 27 amdt 4.31
 def *premium classification* am 2000 No 25 reg 7
 def *public vehicle* om 2001 No 27 amdt 4.32
 def *public vehicle policy* om 2001 No 27 amdt 4.32
 def *restricted taxi* om 2002 No 2 reg 35
 def *taxi* sub 2002 No 2 reg 36
 def *the Act* om Act 2001 No 44 amdt 1.3787

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	Act 2001 No 44	12 September 2001
3	SL 2002 No 2	1 March 2002

Endnotes

5 Earlier republications

Republication No	Amendments to	Republication date
4	SL 2002 No 12	5 June 2002
5	SL 2002 No 12	2 July 2002
6	SL2003-13	2 June 2003
7*	SL2003-13	2 July 2003
8	SL2004-40	4 September 2004

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