



Australian Capital Territory

Road Transport (Third-Party Insurance) Regulation 2008

SL2008-37

made under the

Road Transport (Third-Party Insurance) Act 2008

Republication No 3

Effective: 5 June 2009 – 4 July 2009

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Last amendment made by SL2009-28

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Third-Party Insurance) Regulation 2008*, made under the *Road Transport (Third-Party Insurance) Act 2008* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 June 2009. It also includes any amendment, repeal or expiry affecting the republished law to 5 June 2009.

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 includes 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.



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Australian Capital Territory

Road Transport (Third-Party Insurance) Regulation 2008

made under the

Road Transport (Third-Party Insurance) Act 2008

Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport (Third-Party Insurance) Regulation 2008*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*tax invoice*—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), dictionary.' means that the term 'tax invoice' is defined in that dictionary and the definition applies to this regulation.

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

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Insurance industry deed

6 What must be included in an insurance industry deed— Act, s 10 (2)

(1) The CTP regulator must approve the required content for an insurance industry deed.

(2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(3) An insurance industry deed must be substantially in accordance with the content approved under this section.

Part 3 CTP premiums

7 Meaning of *annual CTP premium*

In this part:

annual CTP premium, for a CTP policy, means the premium payable for insurance under the CTP policy for 1 year.

8 Meaning of *CTP premium class*

In this part:

CTP premium class means a class mentioned in an item in schedule 1, part 1.2, comprising—

- (a) a kind of motor vehicle mentioned in column 2 for the item; and
- (b) a case (if any) mentioned in column 3 for the item; and
- (c) a use mentioned in column 4 for the item.

9 Licensed insurers to have annual CTP premium approved for CTP premium classes

A licensed insurer must have an annual CTP premium approved by the CTP regulator under the Act, division 2.6.1 (Approval of CTP premiums), for each CTP premium class.

10 CTP premium if vehicle in multiple classes

- (1) This section applies if a motor vehicle fits into 2 or more CTP premium classes.
- (2) The maximum CTP premium payable for a CTP policy for the motor vehicle is the higher of the maximum premiums that apply to the vehicle.

11 CTP premiums for policies for less than 1 year

- (1) This section applies if a person—
- (a) registers a motor vehicle for less than 1 year (the *registration period*); or
 - (b) renews the registration of a motor vehicle for less than 1 year (the *renewal period*).

Note A CTP premium for a CTP policy must be paid—

- (a) at registration (see Act, s 28); and
 - (b) at renewal of registration (see Act, s 29).
- (2) The maximum CTP premium payable for a CTP policy for the vehicle must be worked out as follows:

$$\text{premium payable}(\$) = \left(\text{annual CTP premium} \times \frac{N}{12} \right) + 0.75$$

- (3) In this section:
- N* means the number of months (including any part of a month) in—
- (a) for registration of a vehicle—the registration period; or
 - (b) for renewal of registration—the renewal period.

12 Additional CTP premium payable if change in construction or use of vehicle

- (1) This section applies if—
- (a) a CTP premium (the *original premium*) has been paid for a CTP policy (the *original policy*) for a motor vehicle; and
 - (b) a change is made in the construction or use of the motor vehicle; and
 - (c) because of the change, a higher CTP premium (the *higher premium*) than the original CTP premium would be payable if a new CTP policy were issued for the motor vehicle.

- (2) The owner of the motor vehicle is liable to pay an additional CTP premium, from the day of the change, worked out as follows:

$$\text{additional CTP premium} = \left((P2 - P1) \times \frac{N2}{N1} \right) + 0.25$$

- (3) In this section:

P1 means the original premium.

P2 means the higher premium.

N1 means the number of months (including any part of a month) of the whole of the original policy.

N2 means the remaining number of months (including any part of a month) of the original policy.

13 Offence—failure to pay additional CTP premium

- (1) A person commits an offence if—
- the person is liable to pay an additional CTP premium under section 12; and
 - the person does not pay the additional CTP premium.

Maximum penalty: 20 penalty units.

Note Penalties imposed under this regulation must be paid into the nominal defendant fund (see Act, s 66 and Legislation Act, s 104).

- (2) An offence against this section is a strict liability offence.

Part 4 Compulsory third-party insurance

14 Circumstances in which motor vehicle has sufficient connection with ACT—Act, s 61 (5)

For the Act, section 61 (1) (b) (i), a motor vehicle has sufficient connection with the ACT if—

- (a) the motor vehicle is usually used and garaged in the ACT; or
- (b) the motor vehicle is usually used for a business that has its principal place of business in the ACT; or
- (c) the motor vehicle is in the ACT at the time of the motor accident and there is no place outside the ACT where a claim in relation to personal injury could be made against a nominal defendant in relation to the motor accident.

15 Collections for nominal defendant fund—prescribed person—Act, s 67 (1)

For the Act, section 67 (1), the following people (each of whom is a *prescribed person*) are prescribed:

- (a) each licensed insurer;
- (b) the Territory;
- (c) the Commonwealth.

16 Collections for nominal defendant fund—arrangements—Act, s 67 (1) (b)

- (1) This section applies if the CTP regulator decides an amount to be collected for a financial year under the Act, section 67 (2).
- (2) The CTP regulator must decide what proportion of the amount is to be paid by each prescribed person each quarter.

- (3) In deciding a prescribed person's proportion for a quarter, the CTP regulator must have regard to—
- (a) for a licensed insurer—the income received by the insurer for third-party policy premiums in the previous quarter; and
 - (b) for the Territory—the premiums that would have been payable for territory government vehicles in the previous quarter if the vehicles had been insured under third-party policies; and
 - (c) for the Commonwealth—the premiums that would have been payable for commonwealth government vehicles in the previous quarter if the vehicles had been insured under third-party policies.

- (4) In this section:

commonwealth authority means a body, whether or not incorporated, established under a Commonwealth Act.

commonwealth government vehicle means a motor vehicle usually used in the ACT and owned by the Commonwealth or a commonwealth authority.

territory government vehicle means a motor vehicle usually used in the ACT and owned by the Territory or a territory authority.

Note ***Territory authority*** is defined in the Legislation Act, dictionary, pt 1.

17 Collections for nominal defendant fund—collection notice—Act, s 67 (1) (b)

- (1) The CTP regulator must give written notice (a ***collection notice***) of a decision under section 16 to each prescribed person.
- (2) A collection notice must state—
- (a) the amount payable by the prescribed person; and
 - (b) that the amount must be paid to the nominal defendant fund not later than a stated date (the ***due date***).

- (3) The CTP regulator may amend or revoke a prescribed person's collection notice by giving written notice to the prescribed person before the due date.
- (4) The due date for a prescribed person's collection notice, or an amended collection notice must be at least 42 days after the day the collection notice is given to the prescribed person.

18 Offence—failure to pay contribution—Act, s 67 (1) (b)

- (1) A licensed insurer commits an offence if—
 - (a) a collection notice is in force for the licensed insurer; and
 - (b) the licensed insurer does not pay the amount stated in the notice to the nominal defendant fund on or before the due date for the collection notice.

Maximum penalty: 20 penalty units.

- (2) If the Magistrates Court convicts a licensed insurer, or finds a licensed insurer guilty, of an offence against this section, the court may order the insurer to pay any unpaid amount to the nominal defendant fund.
- (3) An order under subsection (2) is in addition to a penalty imposed for the offence.
- (4) For the enforcement of payment of the order and the calculation of interest in relation to a judgment, the order is taken to be a final judgment of the Magistrates Court for the amount stated in the order.

Part 5 Early payment for treatment of motor accident injuries

19 Insurer payment of medical expenses—accounting requirements—Act, s 73 (2)

- (1) For the Act, section 73 (2) (What kinds of expenses must be paid by insurer?)—
 - (a) an account must include the following details:
 - (i) when the medical expenses were incurred;
 - (ii) when the account was issued;
 - (iii) the amount of the medical expenses;
 - (iv) the name and address of the medical provider for the account;
 - (v) the goods or services obtained for the medical expenses; and
 - (b) a receipt must be a tax invoice.
- (2) For the Act, section 73 (2), an insurer must verify an account or receipt by—
 - (a) being satisfied of the accuracy of the account or receipt; or
 - (b) asking the medical provider for the account or receipt to state whether the information in the account or receipt is accurate.
- (3) In this section:
medical provider, for an account or receipt for medical expenses, means the person to whom payment for the medical expenses was, or is to be, made.

Part 6 Motor accident claims

20 Information for notice of claim—Act, s 84 (2) (a)

The notice of claim must contain a statement to the effect that the claimant intends to proceed with the claim.

Note For other provisions about forms, see the Legislation Act, s 255.

21 Time for adding later respondent—Act, s 91 (2) (a)

The claimant may only add a later respondent not later than 28 days after the day the notice of claim is first given to a respondent.

22 Time for giving notice of addition of later respondents—Act, s 91 (5) (b)

If the claimant adds a later respondent, the claimant must tell each other respondent of the addition not later than 28 days after the day the notice of claim is given to the later respondent.

23 Time for adding contributor—Act, s 93 (1)

A respondent who receives a complying notice of claim may add someone else as a contributor not later than 28 days after the day the respondent receives the complying notice of claim.

24 Time for giving copy of contribution notice—Act, s 93 (5)

A respondent who adds a contributor must give a copy of the contribution notice to each other party not later than 28 days after the day the contribution notice is given to the contributor.

25 Consultation for composition of panel of recognised experts—Act, s 117 (2) (a)

- (1) The CTP regulator must consult with each of the following professional bodies:
 - (a) the ACT Branch of the Australian Medical Association;
 - (b) the Australasian College for Emergency Medicine;
 - (c) the Australasian Faculty of Rehabilitation Medicine;
 - (d) the Royal Australian College of General Practitioners;
 - (e) the Royal Australasian College of Physicians;
 - (f) the Royal Australasian College of Surgeons;
 - (g) the Royal Australian and New Zealand College of Psychiatrists;
 - (h) the Australian Psychological Society.
- (2) The CTP regulator may consult with any other professional body the CTP regulator considers relevant.

26 Accounts for payment of person's medical expenses—Act, s 122 (2)

- (1) For the Act, section 122 (2) (Respondent to pay injured person's medical expenses)—
 - (a) an account must include the following details:
 - (i) when the medical expenses were incurred;
 - (ii) when the account was issued;
 - (iii) the amount of the medical expenses;
 - (iv) the name and address of the medical provider for the account;

- (v) the goods or services obtained for the medical expenses;
and
- (b) a receipt must be a tax invoice.
- (2) For the Act, section 122 (2), an insurer must verify an account or receipt by—
 - (a) being satisfied of the accuracy of the account or receipt; or
 - (b) asking the medical provider for the account or receipt to state whether the information in the account or receipt is accurate.
- (3) In this section:
medical provider, for an account or receipt for medical expenses, means the person to whom payment for the medical expenses was, or is to be, made.

27 Costs—mandatory final offer accepted—Act, s 144 (2)

If a mandatory final offer for more than \$30 000 but not more than \$50 000 is accepted, costs (including disbursements) must not exceed \$5 000.

28 Costs—small awards of damages—Act, s 155 (2) (b)

Costs awarded to a claimant under the Act, section 155 (2) (b) must—

- (a) if the amount of the court order is at least 15% more than the amount of the respondent's mandatory final offer—
 - (i) be worked out on a party and party basis; and
 - (ii) not exceed \$10 000; or
- (b) in any other case—be \$0.

29 Costs—small awards of damages—Act, s 155 (2) (c)

Costs awarded to a respondent under the Act, section 155 (2) (c) must—

- (a) if the amount of the court order is at least 15% less than the amount of the claimant's mandatory final offer—
 - (i) be worked out on a party and party basis; and
 - (ii) not exceed \$2 500; or
- (b) in any other case—be \$0.

30 Costs—small awards of damages—Act, s 155 (3) (b) (i)

If the amount of the court order is at least 15% more than the amount of the respondent's mandatory final offer, the maximum amount for costs for the Act, section 155 (3) (b) (i) is \$15 000.

Note In any other case, the maximum amount is \$2 500 (see Act, s 155 (3) (b) (i)).

Part 7 Licensing of insurers

31 Application requirements—Act, s 182 (2)

An application must be accompanied by—

- (a) a copy of the applicant's authority to carry on an insurance business under the *Insurance Act 1973* (Cwlth); and
- (b) if the insurer is licensed to carry on business as a CTP insurer in another Australian jurisdiction—a copy of the license from the other jurisdiction; and
- (c) if the insurer is not licensed to carry on business as a CTP insurer in another Australian jurisdiction—
 - (i) a copy of all documents given to the Australian Prudential Regulation Authority in applying for authority to carry on an insurance business under the *Insurance Act 1973* (Cwlth); and
 - (ii) a copy of the latest annual return for the insurer given to the Australian Prudential Regulation Authority.

Part 8 Information collection and secrecy

32 Monthly returns to be provided by licensed insurers— Act, s 269 (1) (a)

- (1) A licensed insurer must, not later than 7 days after the end of each month, give the CTP regulator a return (a *monthly return*) for the month.

Note If a respondent's claim manager is acting for all respondents for the claim, the insurer may not need to provide information (see s 34).

- (2) A monthly return must be in a form approved by the CTP regulator.
- (3) A monthly return must include the following information for the insurer:
- (a) for each notice of claim received by the insurer in the month—
 - (i) the required claim details; and
 - (ii) if the notice of claim is not disputed—the required further claim details;
 - (b) for each disputed notice of claim for which the dispute was resolved in the month—the required further claim details;
 - (c) for each notifiable step in the processing of a claim that takes place in the month—
 - (i) the nature of the step; and
 - (ii) the date when the step was taken; and
 - (iii) other details of the notifiable step the CTP regulator requires by written notice given to all licensed insurers.

(4) A monthly return must include details updating information supplied in previous returns about motor vehicle accidents, claims, estimates and costs.

(5) In this section:

compliance date, for a notice of claim, for a motor accident claim, means the day the respondent received (or is taken to have received) a complying notice of claim for the motor accident claim.

Note In some circumstances a noncomplying notice of claim may be taken to be a complying notice of claim (see Act, s 95).

disputed notice of claim means a notice of claim that is not a complying notice of claim.

notifiable step, in the processing of a motor accident claim, means the following steps:

- (a) a dispute affecting the notice of claim is resolved;
- (b) the insurer gives the claimant a written notice (an ***additional information form***), under the Act, section 88 (1) (b) (Preliminary response to claimant), about the further information the respondent reasonably needs to decide whether the respondent is properly a respondent for the claim;
- (c) the claimant gives the insurer the further information, under the Act, section 88 (2) (a), indicated in the additional information form;
- (d) the insurer admits liability on the claim, with or without an allegation of contributory negligence against the claimant, or denies liability on the claim;
- (e) the insurer makes a decision about the provision of rehabilitation services for the claimant or agreement is reached on the rehabilitation services to be provided for the claimant;
- (f) a compulsory conference is held;

- (g) the claim is settled;
- (h) a proceeding based on the claim is begun in a court;
- (i) a court makes a decision about liability or the amount of damages;
- (j) the claim is finalised.

registration number—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

required claim details, for a motor accident claim, means the following details:

- (a) the date the notice of claim for the claim was received by the insurer;
- (b) the date the insurer opened a file for the claim;
- (c) the date, time and place of the motor accident for the claim;
- (d) an identifying motor accident number assigned by the insurer;
- (e) an identifying claim number;
- (f) the traffic incident number (if any) for the motor accident assigned by the Australian Federal Police;
- (g) for each claimant for the claim—
 - (i) the claimant's full name and address; and
 - (ii) the claimant's date of birth.

required further claim details, for a motor accident claim, means the following details:

- (a) the compliance date for the notice of claim for the claim;
- (b) the make, model, type, year of manufacture, and registration number of each motor vehicle involved in the motor accident for the claim;

- (c) the name and address of the owner and driver of each motor vehicle involved in the motor accident for the claim;
- (d) the name and address of each witness to the motor accident for the claim known to the insurer;
- (e) the circumstances of the motor accident for the claim, including how the claimant came to be involved in the accident;
- (f) the nature of the personal injury caused by the motor accident to the claimant;
- (g) the date, as shown in the notice of claim for the claim, when the claimant was first examined by a doctor in relation to the personal injury caused by the motor accident;
- (h) the date, as shown in the notice of claim, when the claimant first consulted a lawyer about the possibility of making a claim in relation to the motor accident for the claim.

resolved—a disputed notice of claim is *resolved* if the claimant is taken to have given the respondent a complying notice of claim under the Act, section 95 (Noncomplying notice of claim may be complying notice of claim).

**33 Returns to be provided by licensed insurers—
Act, s 269 (1) (a)**

- (1) A licensed insurer must, not later than 15 days after the end of each reporting period, give the CTP regulator a return for the reporting period.

Note If a respondent's claim manager is acting for all respondents for the claim, the insurer may not need to provide information (see s 34).

- (2) A return must state—
 - (a) the insurer's costs for each motor accident claim for the reporting period; and

- (b) any amount recovered in relation to the claim by the insurer under the Act, part 4.11 (CTP insurer and nominal defendant may recover costs incurred).
- (3) A return must include details updating information supplied in previous returns about motor vehicle accidents, claims, estimates and costs.
- (4) In this section:

insurer's costs, for a motor accident claim, means the following:

- (a) professional legal costs and disbursements incurred by the insurer in relation to the claim;
- (b) costs incurred by the insurer investigating the facts and circumstances of the claim;
- (c) the cost of medical treatment and rehabilitation services incurred in relation to the claimant for the personal injury for the claim;
- (d) the cost of medical examinations and medical reports incurred in relation to the claimant;
- (e) the cost of expert reports arranged under the Act, section 118 (Parties may jointly arrange for expert report) incurred in relation to the claimant;
- (f) any other cost the CTP regulator, by notice to the licensed insurer, requires to be reported in a return.

reporting period, for a return, means—

- (a) unless the CTP regulator gives licensed insurers a notice mentioned in paragraph (b)—a quarter; or
- (b) if the CTP regulator gives licensed insurers written notice that the reporting period is to be reduced to 1 month from a stated date at least 3 months after the day the notice is given—1 month.

34 Monthly returns and returns—respondent’s claim manager—Act, s 269 (1) (a)

- (1) This section applies if—
 - (a) a respondent’s claim manager is acting under the Act, section 92 (Multiple respondents) for all respondents for a motor accident claim; and
 - (b) another insurer has—
 - (i) told the CTP regulator about the respondent’s claim manager for the claim; and
 - (ii) given the required claim details for the claim under section 32.
- (2) The insurer need not provide other information required under section 32 or section 33 about the claim.

35 Information to be provided by licensed insurers—Act, s 269 (1) (c)

- (1) If a licensed insurer provides accounts, returns or other information under the Corporations Act or the *Insurance Act 1973* (Cwlth), the licensed insurer must also give a copy of the accounts, returns or other information to the CTP regulator.
- (2) If a licensed insurer receives a request for information or explanation from the APRA, the insurer must, not later than 1 month after responding to the request, give a copy of the request and the licensed insurer’s response to the request to the CTP regulator.
- (3) If the CTP regulator asks a licensed insurer for an actuarial report on the insurer’s financial position, the insurer must give the report to the CTP regulator not later than 3 months after receiving the request.

- (4) If a transaction happens that may affect control of a licensed insurer, the insurer must give complete details of the transaction to the CTP regulator not later than 1 month after the transaction happens.
- (5) If a change of the manager responsible for managing a licensed insurer's CTP business happens, the insurer must give complete details of the change to the CTP regulator not later than 1 month after the change happens.

Part 20 Transitional

100 Definitions—pt 20

In this part:

commencement day means the day the Act, section 5 commences.

former CTP provisions means the *Road Transport (General) Act 1999*, part 10 (Compulsory vehicle insurance) as in force immediately before the commencement day.

former nominal defendant means the nominal defendant under the former CTP provisions.

third-party policy means an insurance policy issued under the former CTP provisions.

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

unregistered vehicle permit—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

101 Transitional—trader's plates—Act, s 286 (1)

The former CTP provisions continue to apply in relation to trader's plates as if the Act had not been enacted.

102 Transitional—unregistered vehicle permits—Act, s 286 (1)

The former CTP provisions continue to apply in relation to unregistered vehicle permits as if the Act had not been enacted.

103 Transitional—modification of Act, ch 9—Act, s 286

The Act, chapter 9 applies as if the following section were inserted:

‘286A Modification—Road Transport (Public Passenger Services) Act 2001

- (1) The *Road Transport (Public Passenger Services) Act 2001* is modified as set out in the TPI Regulation, schedule 20.
- (2) This section, and the TPI Regulation, schedule 20, expire on the day the TPI Regulation, part 20 (Transitional) expires.
- (3) In this section:

TPI Regulation means the *Road Transport (Third-Party Insurance) Regulation 2008*.’

104 Expiry—pt 20

This part expires 1 year after the day it commences.

Schedule 1 CTP premium classes

(see s 8)

Part 1.1 Definitions

1.1 Definitions—sch 1

In this schedule—

ambulance means a motor vehicle built to transport sick or injured people.

any other vehicle means a vehicle that—

- (a) must be registered under the *Road Transport (Vehicle Registration) Act 1999*; and
- (b) is not a vehicle mentioned in part 1.2, item 1.1 to item 18.2.

breakdown vehicle means a motor vehicle used mainly to tow broken-down vehicles.

bus means a motor vehicle used to carry paying passengers but does not include—

- (a) a demand responsive service vehicle; or
- (b) a taxi; or
- (c) a general hire car; or
- (d) a restricted hire car.

business use—a person's vehicle is for ***business use*** if—

- (a) the vehicle is used mainly for business purposes; and
- (b) the person tells the road transport authority that there is an entitlement to claim an input tax credit in relation to the CTP policy for the vehicle.

demand responsive service vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 81.

drive-yourself hire vehicle means a motor vehicle let for hire but does not include a motor vehicle let for hire under a lease or hire-purchase agreement.

firefighting vehicle means a motor vehicle used mainly for firefighting.

general hire car means a hire car that is not a restricted hire car.

goods vehicle means a motor vehicle built mainly to transport goods.

GVM, of a vehicle—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 67.

historic vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

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

input tax credit—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), dictionary.

miscellaneous vehicle means a tractor or implement but does not include a primary producer's tractor.

mobile crane means a motor vehicle built mainly as a crane but does not include—

- (a) a breakdown vehicle; or
- (b) a tractor.

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

motorcycle means a motorbike or motortrike.

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

passenger vehicle means a motor vehicle built mainly to carry people but does not include the following:

- (a) an ambulance;
- (b) a bus;
- (c) a demand responsive service vehicle;
- (d) a drive-yourself hire vehicle;
- (e) a motorcycle;
- (f) a police vehicle;
- (g) a general hire car;
- (h) a taxi.

police vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

primary producer's tractor means a tractor used by a primary producer for his or her operations as a primary producer.

private use—a person's vehicle is for **private use** if—

- (a) the vehicle is used mainly for private purposes; and
- (b) the person tells the road transport authority that there is no entitlement to claim an input tax credit in relation to the CTP policy for the vehicle.

restricted hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 68.

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

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

undertaker's vehicle means a motor vehicle used only as an undertaker's hearse.

veteran vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

vintage vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

Part 1.2 CTP premium classes

column 1 item	column 2 kind of motor vehicle	column 3 case (if any)	column 4 use
1.1	ambulance		private
1.2	ambulance		business
2.1	breakdown vehicle		private
2.2	breakdown vehicle		business
3.1	bus or demand responsive service vehicle	vehicle has seating for not more than 16 adults (including driver)	private
3.2	bus or demand responsive service vehicle	vehicle has seating for not more than 16 adults (including driver)	business
3.3	bus or demand responsive service vehicle	vehicle has seating for more than 16 adults (including driver)	private
3.4	bus or demand responsive service vehicle	vehicle has seating for more than 16 adults (including driver)	business
4.1	drive-yourself hire vehicle		private
4.2	drive-yourself hire vehicle		business
5.1	firefighting vehicle		private
5.2	firefighting vehicle		business

column 1 item	column 2 kind of motor vehicle	column 3 case (if any)	column 4 use
6.1	general hire car		private
6.2	general hire car		business
7.1	goods vehicle	GVM not over 4.5t	private
7.2	goods vehicle	GVM not over 4.5t	business
7.3	goods vehicle	GVM over 4.5t	private
7.4	goods vehicle	GVM over 4.5t	business
8.1	historic vehicle		private
8.2	historic vehicle		business
9.1	miscellaneous vehicle		private
9.2	miscellaneous vehicle		business
10.1	mobile crane		private
10.2	mobile crane		business
11.1	motorcycle	engine capacity not over 300mL	private
11.2	motorcycle	engine capacity not over 300mL	business
11.3	motorcycle	engine capacity over 300mL but not over 600mL	private
11.4	motorcycle	engine capacity over 300mL but not over 600mL	business
11.5	motorcycle	engine capacity over 600mL	private
11.6	motorcycle	engine capacity over 600mL	business
11.7	motorcycle	electrically powered motor	private
11.8	motorcycle	electrically powered motor	business

Schedule 1
Part 1.2

CTP premium classes
CTP premium classes

column 1 item	column 2 kind of motor vehicle	column 3 case (if any)	column 4 use
12.1	passenger vehicle		private
12.2	passenger vehicle		business
13.1	police vehicle		private
13.2	police vehicle		business
14.1	primary producer's tractor		private
14.2	primary producer's tractor		business
15.1	taxi		private
15.2	taxi		business
16.1	undertaker's vehicle		private
16.2	undertaker's vehicle		business
17.1	veteran vehicle		private
17.2	veteran vehicle		business
18.1	vintage vehicle		private
18.2	vintage vehicle		business
19.1	any other vehicle		private
19.2	any other vehicle		business

Note A trailer does not have to be separately insured (see Act, s 19 and s 60 to s 63).

Schedule 20 Modification—Road Transport (Public Passenger Services) Act 2001

(see s 103)

[20.1] New part 8A

insert

Part 8A Additional public passenger vehicle insurance

110 Definitions—pt 8A

In this part:

accredited operator, of a public passenger vehicle, means a person who is accredited to operate the public passenger service for which the vehicle is operated.

public passenger vehicle policy means a policy that—

- (a) is issued (or renewed) by a corporation authorised under the *Insurance Act 1973* (Cwlth); and
- (b) insures the accredited operator of the public passenger vehicle to which the policy applies against liability in relation to damage to property caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).

111 Public passenger vehicle insurance compulsory

- (1) The accredited operator of a public passenger vehicle commits an offence if—
 - (a) the accredited operator operates the public passenger vehicle; and
 - (b) there is no public passenger vehicle policy for at least \$5 000 000 for the vehicle.

Maximum penalty: 50 penalty units.

- (2) To remove any doubt, it is irrelevant that a public passenger vehicle policy also insures the accredited operator against other risks.

112 Police officer or authorised person may require evidence of public passenger vehicle insurance

- (1) A police officer or authorised person may require the accredited operator of a public passenger vehicle to produce evidence that a public passenger vehicle policy is in force for the vehicle.
- (2) The accredited operator must not fail to produce the evidence when required to do so.

Maximum penalty: 20 penalty units.

- (3) It is a defence to an offence against subsection (2) if—
 - (a) the accredited operator has a reasonable excuse for failing to produce the evidence when required to do so; and
 - (b) within 3 days after being required to produce the evidence, produces the evidence at a place prescribed by regulation or as directed by the police officer or authorised person.

113 Application of Road Transport (Offences) Regulation to s 111 (1) and s 112 (2)

The *Road Transport (Offences) Regulation 2005* applies in relation to an offence against this part as if the regulation, schedule 1, part 1.10 included the following items:

26A	111 (1)	accredited operator not maintain required public passenger vehicle policy	50	494	
26B	112 (2)	accredited operator not produce evidence public passenger vehicle policy in force	20		

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Commonwealth
- quarter
- Territory
- territory authority.

Note 3 Terms used in this regulation have the same meaning that they have in the *Road Transport (Third-Party Insurance) Act 2008* (see Legislation Act, s 148). For example, the following terms are defined in the *Road Transport (Third-Party Insurance) Act 2008*, dict:

- APRA
- complying notice of claim
- compulsory conference
- CTP policy (see s 18)
- CTP premium
- CTP regulator (see s 273)
- drive a vehicle
- insurer
- licensed insurer
- medical expenses (see s 71)
- medical treatment
- nominal defendant (see s 59)
- notice of claim
- rehabilitation services (see s 124)
- respondent's claim manager.

annual CTP premium, for part 3 (CTP premiums)—see section 7.

collection notice—see section 17.

CTP premium class, for part 3 (CTP premiums)—see section 8.

due date—see section 17.

monthly return—see section 32.

prescribed person—see section 15.

tax invoice—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), 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 2001*, 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
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
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) Regulation 2008 SL2008-37

notified LR 25 August 2008

s 1, s 2 commenced 25 August 2008 (LA s 75 (1))

remainder commenced 1 October 2008 (s 2 and see Road Transport (Third-Party Insurance) Act 2008 A2008-1 s 2 (as am by A2008-39 s 4))

as amended by

Road Transport (Third-Party Insurance) Amendment Regulation 2008 (No 2) SL2008-45

notified LR 30 September 2008

s 1, s 2 commenced 30 September 2008 (LA s 75 (1))

remainder commenced 1 October 2008 (s 2)

Road Transport (Third-Party Insurance) Amendment Regulation 2008 (No 3) SL2008-48

notified LR 1 December 2008

s 1, s 2 commenced 1 December 2008 (LA s 75 (1))

remainder commenced 2 December 2008 (s 2)

Road Transport (Third-Party Insurance) Amendment Regulation 2009 (No 1) SL2009-28

notified LR 4 June 2009

s 1, s 2 commenced 4 June 2009 (LA s 75 (1))

remainder commenced 5 June 2009 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Licensed insurers to have annual CTP premium approved for CTP premium classes

s 9 am SL2009-28 s 4

Circumstances in which motor vehicle has sufficient connection with ACT—Act, s 61 (5)

s 14 am SL2008-45 s 4

Endnotes

5 Earlier republications

Consultation for composition of panel of recognised experts— Act, s 117 (2) (a)

s 25 sub SL2008-45 s 5

Transitional

pt 20 hdg exp 1 October 2009 (s 104)

Definitions—pt 20

s 100 exp 1 October 2009 (s 104)

Transitional—trader's plates—Act, s 286 (1)

s 101 exp 1 October 2009 (s 104)

Transitional—unregistered vehicle permits—Act, s 286 (1)

s 102 exp 1 October 2009 (s 104)

Transitional—modification of Act, ch 9—Act, s 286

s 103 exp 1 October 2009 (s 104)

Expiry—pt 20

s 104 exp 1 October 2009 (s 104)

Definitions

sch 1 pt 1.1 def **goods vehicle** sub SL2009-28 s 5
 def **GVM** ins SL2009-28 s 6
 def **primary producer's goods vehicle** om SL2009-28 s 7

CTP premium classes

sch 1 pt 1.2 am SL2008-45 s 6; SL2008-48 s 4; SL2009-28; items renum
 R3 LA

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. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Oct 2008	1 Oct 2008– 1 Dec 2008	SL2008-45	new regulation and amendments by SL2008-45

page 40

Road Transport (Third-Party Insurance) Regulation 2008
 Effective: 05/06/09-04/07/09

R3
 05/06/09

Republication No and date	Effective	Last amendment made by	Republication for
R2 2 Dec 2008	2 Dec 2008– 4 June 2009	SL2008-48	amendments by SL2008-48

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