



Road Transport Reform (Heavy Vehicles Registration) Act 1997

No. 16, 1997

An Act to make provision for registration of heavy vehicles and for related matters as part of the system of nationally consistent road transport laws

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Road Transport Reform (Heavy Vehicles Registration) Act 1997

No. 16, 1997

An Act to make provision for registration of heavy vehicles and for related matters as part of the system of nationally consistent road transport laws

[Assented to 20 March 1997]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the Road Transport Reform (Heavy Vehicles Registration) Act 1997.

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2 Definitions

In this Act, unless the contrary intention appears:

defective heavy vehicle means a heavy vehicle that does not comply with a provision of the Road Transport Reform (Heavy Vehicle Standards) Regulations 1995 that applies to it.

garage address of a vehicle means the principal depot or base of operations of the vehicle.

GCM (gross combination mass) of a motor vehicle means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time:

- (a) as specified by the motor vehicle's manufacturer; or
- (b) as specified by the registration authority if:
 - (i) the manufacturer has not specified the sum of the maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate.

GVM (gross vehicle mass) of a vehicle means the maximum loaded mass of the vehicle:

- (a) as specified by the vehicle's manufacturer; or
- (b) as specified by the registration authority if:
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate.

heavy vehicle means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes.

infringement notice means a notice giving a person alleged to have committed an offence against the regulations the option of paying an amount instead of being charged with the offence.

jurisdiction means the State or internal Territory concerned.

motor vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

register means the register of heavy vehicles maintained in accordance with the regulations.

registered operator of a heavy vehicle means the person recorded on the register as the person responsible for the vehicle.

registration authority means the authority appointed by the Minister under section 8.

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

road related area means:

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles; or
- (e) any other area that is open to or used by the public and that has been declared under section 27 to be an area to which specified regulations apply.

stamp duty legislation means legislation relating to the payment of stamp duty on the registration or transfer of registration of a motor vehicle or trailer.

third party insurance legislation means legislation relating to:

- (a) compensation in respect of third parties who are injured or killed by the use of motor vehicles or trailers; or
- (b) payment of contributions towards compensation of that kind.

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

use of a vehicle includes standing the vehicle on a road or road related area.

3 Purpose

- (1) The purpose of this Act is to make provision for the registration of heavy vehicles and for related matters in the Australian Capital Territory and the Jervis Bay Territory.
- (2) It is intended that:
 - (a) the States and the Northern Territory will:
 - (i) adopt section 2, Division 1 of Part 2, and Parts 3 and 4, as in force from time to time; and
 - (ii) adopt the regulations as in force from time to time;

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in accordance with the agreements scheduled to the *National Road Transport Commission Act 1991* as part of the uniform national road transport legislation envisaged by that Act; and

- (b) when adopted, section 2, Division 1 of Part 2, and Parts 3 and 4 and the regulations, will constitute the primary law of the States and the Northern Territory about the registration of heavy vehicles.
- (3) This Act and the adopted laws are intended to improve road safety and transport efficiency, and reduce the costs of administering road transport.

4 Binding the Crown

- (1) This Act and the regulations bind the Crown in all its capacities.
- (2) It is intended that an adopting law of a State or of the Northern Territory will bind the Crown in all its capacities.
- (3) For that purpose, an adopting law of a State or of the Northern Territory may bind the Crown in right of the Commonwealth.

5 Application of Commonwealth Acts Interpretation Act

- (1) The provisions of the *Acts Interpretation Act 1901* of the Commonwealth apply to the interpretation of section 2 and Parts 2, 3 and 4 and of the regulations in their application to the Australian Capital Territory and the Jervis Bay Territory, except that:
 - (a) *Gazette* is to refer to the *Australian Capital Territory Gazette*; and
 - (b) *Minister* is to refer to the responsible Minister of the Australian Capital Territory.
- (2) It is intended that the provisions of the *Acts Interpretation Act 1901* of the Commonwealth will be applied to the interpretation of section 2 and Division 1 of Part 2 and Parts 3 and 4 and the regulations when they are adopted by each State and the Northern Territory, except that:
 - (a) *Gazette* is to refer to the Government Gazette of the jurisdiction concerned; and
 - (b) *Minister* is to refer to the responsible Minister of the jurisdiction concerned.

- (3) This section does not prevent the interpretation legislation of a State or an internal Territory applying to the interpretation of those provisions of this Act as it applies in the State or Territory to the extent that it can do so consistently with the application of the *Acts Interpretation Act 1901* of the Commonwealth.

6 Status of this Act under Commonwealth and ACT laws

- (1) For the purposes of the laws of the Commonwealth and the laws of the Australian Capital Territory, this Act is taken to be a law made by the Legislative Assembly for the Australian Capital Territory under subsection 22(1) of the *Australian Capital Territory (Self-Government) Act 1988*.
- (2) Subsection (1) does not empower the Legislative Assembly for the Australian Capital Territory to make a law amending or repealing this Act.
- (3) In this section:
laws of the Commonwealth does not include:
- (a) this section or section 4; or
 - (b) sections 31, 33 and 35 of the *Australian Capital Territory (Self-Government) Act 1988*.

7 Act to cease to be in force

This Act ceases to be in force when the *National Road Transport Commission Act 1991* ceases to be in force.

Part 2—Registration system

Division 1—Registration authority

8 Minister to appoint a registration authority

The Minister is, by notice in the *Gazette*, to appoint an authority to administer the registration system established by the regulations.

9 Functions of registration authority

The functions of the registration authority are:

- (a) to administer the registration system established by the regulations; and
- (b) to maintain a register of heavy vehicles in accordance with the regulations; and
- (c) to collect registration and permit charges determined under the *Road Transport Charges (Australian Capital Territory) Act 1993*; and
- (d) to provide information about heavy vehicles and registered operators in accordance with the regulations.

10 Powers of registration authority

- (1) For the purpose of carrying out its functions, the registration authority may, in accordance with the regulations:
 - (a) register or refuse to register a heavy vehicle; and
 - (b) renew or refuse to renew the registration of a heavy vehicle; and
 - (c) transfer or refuse to transfer the registration of a heavy vehicle from one person to another; and
 - (d) permit or refuse to permit the use of an unregistered heavy vehicle; and
 - (e) impose conditions on the registration of a heavy vehicle or on a permission to use an unregistered heavy vehicle; and
 - (f) cancel or suspend the registration of a heavy vehicle; and
 - (g) collect registration and permit charges determined under the *Road Transport Charges (Australian Capital Territory) Act 1993*; and
 - (h) specify a GCM for a motor vehicle in the circumstances envisaged in paragraph (b) of the definition of *GCM* in section 2; and

- (i) specify a GVM for a motor vehicle or trailer in the circumstances envisaged in paragraph (b) of the definition of **GVM** in section 2; and
 - (j) require proof of compliance with any applicable third party insurance legislation and stamp duty legislation; and
 - (k) fix fees for services provided by the registration authority in connection with the registration, or the late renewal of registration, of heavy vehicles; and
 - (l) exercise other powers conferred by the regulations.
- (2) The registration authority must cause details of fees fixed under subsection (1) to be published in the *Gazette*.

11 Registration authority not to register heavy vehicles based outside the jurisdiction

The registration authority must not register a heavy vehicle unless it is satisfied that the vehicle's garage address is in the jurisdiction in which it is to be registered.

12 Register does not provide evidence of title

The register does not provide evidence of title to any motor vehicle or trailer.

13 Security of information in register

The registration authority must ensure that the information in the register that is of a personal nature or that has commercial sensitivity for the person about whom it is kept is not released except as provided by the regulations or under another law.

14 Delegation by registration authority

The registration authority may, by signed instrument, delegate to a prescribed person all or any of its powers under this Act or the regulations.

15 Ownership of documents etc.

Any devices, plates or documents issued by the registration authority for the purpose of authorising the use of a heavy vehicle remain the property of the authority.

Division 2—Regulations

16 Regulations

- (1) The Governor-General may make regulations, to apply as laws of the Australian Capital Territory and of the Jervis Bay Territory, prescribing matters:
 - (a) required or permitted to be prescribed by this Act; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may specify that the provisions of the regulations commence on a day or days specified by the Commonwealth Minister for the time being administering this Act, by notice in the *Commonwealth of Australia Gazette*.

17 Regulations to establish a registration system

- (1) The regulations are to provide a system of registration of heavy vehicles that are used on roads or road related areas that:
 - (a) provides a means of authorising the use of heavy vehicles on roads or road related areas; and
 - (b) enables the identification of each heavy vehicle that is used on a road or a road related area, and of the person responsible for it.
- (2) Without limiting the scope of regulations under subsection (1), the regulations may:
 - (a) fix the periods for which the registration of heavy vehicles may be effected or renewed; and
 - (b) provide for the calculation of registration charges for the registration of heavy vehicles for periods of less than 12 months; and
 - (c) provide for the issue of infringement notices for specified offences against the regulations; and
 - (d) provide for the recognition by the registration authority of things done under a corresponding law of another jurisdiction; and
 - (e) allow the registration authority to enter into agreements with registered operators about rights to use special number plates; and
 - (f) provide for a refund, in accordance with the regulations, of part of the registration charges for a heavy vehicle under the

Road Transport Charges (Australian Capital Territory) Act 1993 where the registration of the heavy vehicle is surrendered before it expires; and

- (g) fix fees for services provided by the registration authority in connection with the registration, or the late renewal of registration, of heavy vehicles; and
- (h) provide for the approval by the registration authority of the form in which applications are to be made to the authority, and the form in which documents are to be issued by the authority, for the purposes of the regulations.

18 Regulations may exclude heavy vehicles from this Act

- (1) The regulations may provide that this Act does not apply to a heavy vehicle, or heavy vehicles of a kind, identified in the regulations.
- (2) The regulations may allow the registration authority to exempt a heavy vehicle from the requirement to be registered subject to compliance with conditions specified in the regulations.

19 Review of decisions

The regulations are to provide a system for review of decisions of the registration authority identified in the regulations.

Part 3—Offences, penalties and evidence

20 Prohibition on using unregistered heavy vehicles

- (1) A person who uses a heavy vehicle that is not registered in any jurisdiction on a road or on a road related area is guilty of an offence.
- (2) Subsection (1) does not apply to the use of a heavy vehicle in such a place if:
 - (a) the vehicle is one to which this Act does not apply; or
 - (b) the use is otherwise permitted under the regulations.

21 Obtaining registration by false statements

- (1) A person is guilty of an offence if the person:
 - (a) by a false statement or any misrepresentation or other dishonest means, attempts to register a heavy vehicle, or renew the registration of a heavy vehicle, under this Act; or
 - (b) without lawful authority or excuse possesses a device, plate or document obtained using those means.
- (2) A device, plate or document so obtained is void, and the registration authority may alter the register accordingly.

22 Using heavy vehicles contrary to conditions or prohibitions

A person who uses a heavy vehicle contrary to conditions or a prohibition imposed under section 28 is guilty of an offence.

23 Obligations of registered operator

- (1) This Act and the regulations do not affect the obligations of the registered operator of a heavy vehicle to comply with any applicable third party insurance legislation and stamp duty legislation.
- (2) The registered operator of a heavy vehicle must, in accordance with the regulations:
 - (a) ensure that any devices, plates and documents issued by the registration authority are installed or displayed on the vehicle; and
 - (b) while operating the vehicle, carry or cause the driver to carry, documents prescribed by the regulations; and

- (c) when required to do so by the registration authority, produce documents prescribed by the regulations; and
- (d) comply with any directions given by, and conditions imposed by, the registration authority about the registration of the vehicle; and
- (e) keep records required to be kept by the regulations about the registration of the vehicle.

24 Penalties for offences

- (1) The maximum penalty for an offence against this Act is:
 - (a) if the offender is an individual:
 - (i) \$2,500 for a first offence; and
 - (ii) \$5,000 for a second or subsequent offence; or
 - (b) if the offender is a body corporate:
 - (i) \$12,500 for a first offence; and
 - (ii) \$25,000 for a second or subsequent offence.
- (2) The regulations may create offences for breaches of the regulations.
- (3) The regulations may prescribe penalties, not exceeding \$2,000 for individuals or \$10,000 for bodies corporate, for offences against the regulations.

25 Evidentiary provisions

- (1) A court may admit as evidence a document that appears to be signed on behalf of the registration authority certifying a matter that appears in or can be calculated from the register or another record kept by the registration authority.
- (2) A court may admit as evidence a document that is issued under a corresponding law of another jurisdiction and that relates to:
 - (a) the registration or non-registration of a heavy vehicle; or
 - (b) the person recorded on the register as the registered operator of a heavy vehicle; or
 - (c) the GCM, GVM, load capacity or identification of a motor vehicle; or
 - (d) another matter relating to the use of heavy vehicles on roads or road related areas.

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- (3) The court must accept the documents as proof of the facts stated in them if there is no evidence to the contrary.
- (4) A court may admit into evidence other documents prescribed by the regulations in the circumstances set out in the regulations.

Part 4—General

26 Application orders and emergency orders

- (1) The Minister may order, by notice in the *Gazette*, that the operation of the regulations, or of specified parts of the regulations:
 - (a) is suspended for a specified period; or
 - (b) is varied in a manner specified by the Minister.
- (2) An order must be consistent with the provisions relating to application orders and emergency orders in the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth.
- (3) An order may have effect for the whole of the jurisdiction or for a specified area.
- (4) If the Ministerial Council for Road Transport terminates an emergency order, the Minister must publish notice of the termination in the *Gazette*.

27 Power to include or exclude areas

- (1) The Minister may declare, by notice in the *Gazette*, that this Act and the regulations, or specified provisions of this Act or the regulations:
 - (a) apply to a specified area of the jurisdiction that is open to or used by the public; or
 - (b) do not apply to a specified road or road related area.
- (2) The declaration has effect until it is revoked, or for the period specified in the declaration.

28 Defective heavy vehicles

- (1) A member of the police force, or the registration authority, may inspect a heavy vehicle for the purpose of deciding its identity, condition or the status of any registration or permit relating to the vehicle.
- (2) A member of the police force, or the registration authority, may, in accordance with the regulations, on discovering a defective heavy vehicle:
 - (a) issue a warning or a defect notice; or

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- (b) impose conditions on the use of the vehicle; or
 - (c) prohibit the use of the vehicle.
- (3) A defect notice may be withdrawn in accordance with the regulations.
- (4) After inspecting a heavy vehicle, a member of the police force, or the registration authority, may seize any device, plate or document in or on the vehicle if it is suspected on reasonable grounds that the device, plate or document is being used in committing an offence against this Act or the regulations.

29 Indemnity

- (1) An individual does not incur civil liability for an act or omission done honestly and in good faith in the course of his or her duties under this Act or the regulations
- (2) A liability that would, apart from this section, attach to an individual attaches instead to the registration authority.

30 Unpaid charges and fees

An amount of any unpaid charges or fees in respect of a heavy vehicle under the regulations or the *Road Transport Charges (Australian Capital Territory) Act 1993* is a debt due to the registration authority and may be recovered in a court of competent jurisdiction.

*[Minister's second reading speech made in—
House of Representatives on 4 December 1996
Senate on 13 February 1997]*