



# **National Transport Commission (Road Transport Legislation — Heavy Vehicles Registration Regulations) Regulations 2006<sup>1</sup>**

## **Select Legislative Instrument 2006 No. 23**

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Transport Commission Act 2003*.

Dated 15 February 2006

P. M. JEFFERY  
Governor-General

By His Excellency's Command

JAMES ERIC LLOYD  
Minister for Local Government, Territories and Roads

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### 1 Name of Regulations

These Regulations are the *National Transport Commission (Road Transport Legislation — Heavy Vehicles Registration Regulations) Regulations 2006*.

### 2 Commencement

These Regulations commence on the day after they are registered.

### 3 Road transport legislation — heavy vehicles registration

For section 7 of the *National Transport Commission Act 2003* (the NTC Act), Schedule 1 sets out road transport legislation, in the form of Regulations, about the registration of heavy vehicles.

*Note 1* The road transport legislation set out in Schedule 1 does not have the force of law (see paragraph 7 (2) (a) of the NTC Act).

*Note 2* These Regulations must be made in accordance with the Agreement (see subparagraph 3 (b) (ii) of the NTC Act).

*Note 3* These Regulations are not subject to disallowance — see the *Legislative Instruments Act 2003*, subsection 44 (2) (table, item 44) and the *Legislative Instruments Regulations 2004*, regulation 8 and Schedule 2 item 7.

*Note 4* These Regulations are not subject to sunseting — see the *Legislative Instruments Act 2003*, subsection 54 (2) (table, item 51) and the *Legislative Instruments Regulations 2004*, regulation 9 and Schedule 3 item 4.

*Note 5* The text set out in Schedule 1 is that of the proposed Road Transport Reform (Heavy Vehicles Registration) Regulations. Those proposed Regulations were prepared in the form of Regulations to be made under the *Road Transport Reform (Heavy Vehicles Registration) Act 1997*, and were approved in that form by the Ministerial Council for Road Transport on 9 October 1996, but were never actually made as Regulations. The text set out in Schedule 1 is that of those proposed Regulations as approved by the Council. It has been formatted in accordance with current drafting practice (including styles of provision numbering and cross-referencing) but is otherwise unaltered.

# Schedule 1 Text of the proposed Road Transport Reform (Heavy Vehicles Registration) Regulations

(regulation 3)

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*Note* These Regulations apply to the registration of motor vehicles and trailers with a gross vehicle mass greater than 4.5 tonnes ('**heavy vehicles**').

The Regulations control the process of registration of heavy vehicles, including initial registration, renewal and transfer of registration.

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Heavy vehicles which meet the requirements of the Heavy Vehicle Standards Regulations and, where it is required, are covered by third party personal injury insurance, are eligible to be registered or to remain registered without any condition (other than any road network access restrictions) being placed on their use on the road.

The registration authority is empowered to conditionally register heavy vehicles which do not meet the requirements of the Heavy Vehicle Standards Regulations, imposing conditions to compensate for their performance constraints.

If the registration authority refuses an application for registration or decides to suspend or cancel the registration of a heavy vehicle there are rights of internal and external review of those decisions.

The main objective of the Regulations is to ensure that, so far as is reasonable and practicable, the procedures and requirements for heavy vehicle registration are uniform or consistent throughout Australia.

**Regulation 1**

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**Part 1 Preliminary**

**1 Citation**

These Regulations may be cited as the Road Transport Reform (Heavy Vehicles Registration) Regulations.

**2 Commencement**

- (1) Regulations 1 and 2 commence on a day specified by notice in the Government *Gazette* by the Commonwealth Minister for the time being administering the Act.
- (2) The remaining provisions of these Regulations commence on a day or days specified by the Commonwealth Minister by notice in the Government *Gazette*.

**3 Purpose**

The purpose of these Regulations is to provide legislation, uniform or consistent throughout Australia:

- (a) to establish an effective and fair procedure for registration of heavy vehicles and collection of associated charges; and
- (b) to ensure that heavy vehicles are appropriately registered having regard to whether they meet the requirements of the Heavy Vehicle Standards Regulations.

**4 Interpretation**

- (1) In these Regulations, unless the contrary intention appears, words and phrases defined in the Dictionary have the same meaning as in the Dictionary.
- (2) A note does not form part of these Regulations.

## Regulation 5

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### 5 Exemptions

- (1) The Act does not apply to the following heavy vehicles:
  - (a) a vehicle or combination of vehicles that is used only on a railway or tramway;
  - (b) an agricultural implement towed by another vehicle;
  - (c) a trailer towed by an agricultural machine operating as an agricultural machine;
  - (d) a vehicle under tow by a registered tow truck operating as a tow truck.
- (2) The registration authority may declare that the Act, Regulations or a provision of the Act or Regulations does not apply to a heavy vehicle in particular locations and circumstances.
- (3) The registration authority must cause notice of a heavy vehicle to which a declaration applies under subregulation (2) to be published in the Government *Gazette*.

## Part 2 Eligibility for registration

### 6 Registered operator

A person is eligible to be the registered operator of a heavy vehicle if that person is:

- (a) a natural person who has attained the age of 18 years; or
- (b) a corporation.

### 7 Eligible vehicles

- (1) A heavy vehicle is eligible to be registered without conditions if:
  - (a) the vehicle complies with the provisions of the Heavy Vehicle Standards Regulations that apply to the vehicle; and

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- (b) the requirements of any applicable third party insurance legislation and stamp duty legislation are complied with in respect of the vehicle; and
  - (c) the vehicle is owned by, or is under the management of, a person who is eligible to be the registered operator of the vehicle.
- (2) Despite subregulation (1), the registration authority may refuse to register a heavy vehicle if the authority is satisfied that:
- (a) the vehicle has been registered in a State or another Territory; and
  - (b) the registration in that State or Territory has been cancelled or suspended; and
  - (c) the reasons for the cancellation or suspension still exist.

## **Part 3 Vehicle standards and certification**

### **8 Compliance with Heavy Vehicle Standards Regulations**

- (1) The registration authority may accept as evidence that a heavy vehicle complies with the Heavy Vehicle Standards Regulations:
- (a) an identification plate relating to the vehicle; or
  - (b) a certificate to that effect issued by the manufacturer of the vehicle.
- (2) In the absence of evidence mentioned in subregulation (1), the registration authority may, upon inspecting the heavy vehicle, issue a certificate to the effect that the vehicle complies with the Heavy Vehicle Standards Regulations.

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**9 Non-complying and non-standard vehicles**

A heavy vehicle that does not comply with the Heavy Vehicle Standards Regulations may be conditionally registered if the vehicle has:

- (a) an operations plate attached to it in accordance with regulation 10; or
- (b) a certificate of approved operations issued in accordance with regulation 10; or
- (c) an identification plate relating to the vehicle.

**10 Installation of operations plates and the modification of vehicles**

- (1) The registration authority may authorise a person to install an operations plate on, or issue a certificate of approved operations for, a heavy vehicle that has been manufactured or modified in such a way that the vehicle does not comply with the Heavy Vehicle Standards Regulations.
- (2) An operations plate installed on, or a certificate of approved operations issued for, a heavy vehicle must indicate:
  - (a) any deficiencies in the vehicle's operating characteristics; and
  - (b) any conditions which should be applied to the vehicle's registration.
- (3) A person who modifies, or adds components to, a heavy vehicle must ensure that:
  - (a) if the vehicle complied with the Heavy Vehicle Standards Regulations immediately before the modification or addition, the vehicle continues to comply with those Regulations; or
  - (b) the modification or addition is certified by an authorised person as complying with the *National Code of Practice for Heavy Vehicle Modifications* (1993) published by the Federal Office of Road Safety as Vehicle Standards Bulletin No. 6; or

## **Regulation 11**

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- (c) the modification or addition is otherwise acceptable to the registration authority.

# **Part 4 Application for registration**

## **11 Who may apply for registration**

- (1) Application for registration of a heavy vehicle may be made by:
  - (a) a natural person who is eligible to become the registered operator of a heavy vehicle; or
  - (b) an agent of:
    - (i) a natural person who is eligible to become the registered operator of that vehicle; or
    - (ii) a corporation.
- (2) If it appears to the registration authority that an application for registration of a heavy vehicle is made by an agent, the registration authority must not grant the application unless the agent produces:
  - (a) evidence of the agent's identity in a form acceptable to the registration authority; and
  - (b) a document evidencing the authority of the agent to act as agent of the natural person or corporation seeking registration as the registered operator.

## **12 Form of application**

- (1) An application for registration of a heavy vehicle must be in a form approved by the registration authority.
- (2) The registration authority, in any form of application approved by the authority, may require the applicant to provide to the authority information about:
  - (a) the identity and address of the natural person or corporation seeking registration as the registered operator of the heavy vehicle; and

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**Regulation 13**

- (b) the proposed garage address of the vehicle; and
- (c) fees, premiums, imposts and similar amounts relating to the vehicle under third party insurance legislation and stamp duty legislation which have been paid or which are payable; and
- (d) any other matter relevant to the decision whether to register the vehicle or to accept a natural person or corporation as the registered operator of the vehicle.

**13 Supporting evidence**

The registration authority may request an applicant for registration of a heavy vehicle to submit evidence, in a form acceptable to the authority, verifying:

- (a) the identity of the person seeking registration as the registered operator of the vehicle; and
- (b) the means by which the vehicle came into the ownership, or under the management, of that person; and
- (c) that the proposed garage address will be the principal depot or base of operations of the vehicle; and
- (d) compliance with the Heavy Vehicle Standards Regulations; and
- (e) the acceptability of non-standard or non-complying vehicles; and
- (f) any other information specified by the authority in the application form.

**14 Lodgement of application, supporting evidence and payment**

An applicant for registration of a heavy vehicle must submit to the registration authority:

- (a) the application for registration; and
- (b) supporting evidence referred to in regulation 13; and

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- (c) payment or evidence of payment of any applicable fees, premiums, imposts and similar amounts relating to the vehicle under third party insurance legislation and stamp duty legislation and the appropriate registration charge and administrative fee for registration of the vehicle.

### **15 Inspection of vehicles**

- (1) The registration authority may require a person to present a heavy vehicle for inspection by an authorised person at a time and place specified in a notice in writing served on the person if:
  - (a) the person has control over the vehicle and has made an application for its registration; or
  - (b) the vehicle is registered and the person is the registered operator of the vehicle.
- (2) A person on whom a notice under subregulation (1) has been served may, not later than 24 hours before the time specified in the notice, request the registration authority to change the time or place of inspection.
- (3) The registration authority must consider any request made under subregulation (2) and, if it is reasonable to do so, must notify the person of any change in the time or place of inspection.
- (4) A person who fails to comply with a notice under subregulation (1) or a notification under subregulation (3) is guilty of an offence.

### **16 Determination of applications**

- (1) The registration authority may refuse an application for registration of a heavy vehicle if:
  - (a) the vehicle is not eligible for registration; or
  - (b) a provision of these Regulations prevents approval of the application; or

**Regulation 17**

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- (c) the applicant has not complied with a provision of the Act or these Regulations in relation to the registration of the vehicle; or
  - (d) the authority reasonably believes that:
    - (i) the vehicle or a part of the vehicle is or may be stolen; or
    - (ii) information given in the application for registration is false or misleading; or
    - (iii) there are unpaid fines or pecuniary penalties arising out of the use of the vehicle in Australia; or
  - (e) the authority is not satisfied that the vehicle's garage address is in this jurisdiction; or
  - (f) the applicant fails to comply with the requirements of a law in force in this jurisdiction relating to certificates of roadworthiness for, or inspection of, heavy vehicles.
- (2) If the registration authority approves an application it must register the heavy vehicle in the name of the proposed registered operator.

## **Part 5                      Registration**

### **17            The Register**

- (1) If the registration authority registers a heavy vehicle it must record in the register, in respect of the vehicle:
- (a) the name of the registered operator; and
  - (b) the identification details of the vehicle; and
  - (c) the vehicle's GVM; and
  - (d) the vehicle's garage address; and
  - (e) the registered operator's residential address, and the address for the service of notices (if any); and
  - (f) the start date and expiry date of the registration; and
  - (g) if the vehicle is conditionally registered — the conditions of registration; and
  - (h) in the case of a motor vehicle — the vehicle's GCM; and

### Regulation 17

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- (i) in the case of a motor vehicle — the vehicle's nominated configuration; and
  - (j) the start date and expiry date of the current policy (if any) provided under third party insurance legislation and, if appropriate, the name of the insurer.
- (2) The registration authority may record in the register other information for:
  - (a) the purposes of the Act and these Regulations; or
  - (b) the purposes of another Act; or
  - (c) other purposes that the authority considers to be appropriate.
- (3) The registration authority must record in the register any change in the heavy vehicle's description or nominated configuration of which it has been notified under the Act or these Regulations.
- (4) The registration authority may require evidence in a form acceptable to the authority verifying the changes notified under subregulation (3) are correct.
- (5) The registration authority must ensure that the register contains details of all heavy vehicles which are currently registered, or that have been registered within the previous 24 months.
- (6) The registered operator of a heavy vehicle is entitled to request a search of the register, and to obtain a certificate as to any matter appearing in the register, in respect of the vehicle, upon payment of any applicable administrative fee.
- (7) A request for information about the particulars of a heavy vehicle, or the registered operator or former registered operator, of a heavy vehicle, must be treated by the registration authority in accordance with the Information Privacy Principles in section 14 of the *Privacy Act 1988*.

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**18 Certificates of registration**

- (1) If the registration authority registers a heavy vehicle, the authority must issue to the applicant a certificate of registration for the vehicle that includes:
  - (a) the name of the registered operator; and
  - (b) the address (if any) for the service of notices on the registered operator of the vehicle; and
  - (c) the garage address of the vehicle; and
  - (d) the registration number of the vehicle; and
  - (e) the make of the vehicle; and
  - (f) the vehicle's VIN or, if there is no VIN, the chassis number or engine number of the vehicle; and
  - (g) the vehicle's GVM; and
  - (h) in the case of a motor vehicle — the vehicle's GCM; and
  - (i) the applicable vehicle charging category under the *Road Transport Charges (Australian Capital Territory) Act 1993*; and
  - (j) the start date and expiry date of the registration; and
  - (k) if the vehicle is conditionally registered — the conditions to which registration of the vehicle is subject.
- (2) The registration authority may also include in a certificate of registration such other information as the authority considers is appropriate.
- (3) On payment of any applicable administrative fee, the registration authority may issue a replacement certificate of registration to the person in whose name the certificate was issued if the authority is satisfied that the original certificate is lost, damaged or destroyed.

**19 Duration of registration**

- (1) Subject to subregulation (3), a heavy vehicle may be registered for a period of:
  - (a) 3 months; or
  - (b) 6 months; or

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- (c) 1 year.
- (2) An applicant for registration of a heavy vehicle must:
  - (a) nominate a period specified in subregulation (1); or
  - (b) if seeking to register the vehicle for a specific period of the year only, and this is approved by the registration authority, nominate the period for which registration is sought.
- (3) An applicant may nominate, and the registration authority may approve, a different period of registration if:
  - (a) it is necessary to do so to achieve a common registration expiry date for heavy vehicles in a fleet; or
  - (b) for other reasons, the authority considers it appropriate to do so in the circumstances.

## 20 Number plates

- (1) In this regulation, *number* includes letter.
- (2) If the registration authority registers a heavy vehicle it must assign a distinguishing registration number to the vehicle.
- (3) The registration authority must issue:
  - (a) for each motor vehicle — 2 number plates bearing the registration number assigned to that motor vehicle; and
  - (b) for each trailer — 1 number plate bearing the registration number assigned to that trailer.
- (4) If the registration authority enters into an agreement with the registered operator of a heavy vehicle in relation to special number plates that is not inconsistent with these Regulations, it may issue number plates for that vehicle in accordance with the agreement.

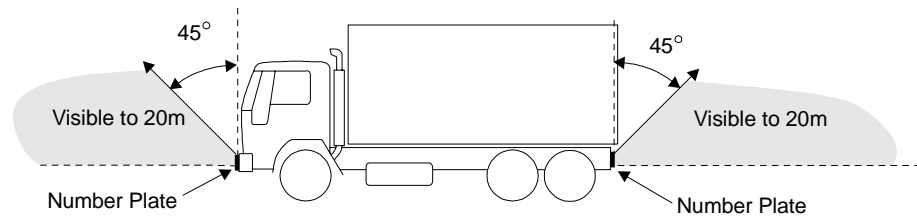
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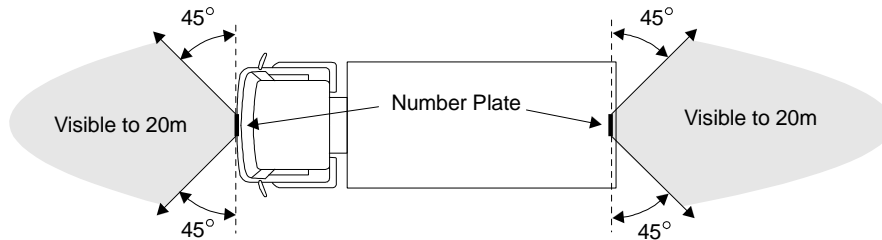
- (5) A registered operator of a registered heavy vehicle must ensure that a number plate issued by the registration authority for the vehicle is permanently affixed to the vehicle so that (assuming the vehicle to be on level ground):
- (a) the number plate is at all times:
    - (i) in an upright position parallel to the vehicle's axles; and
    - (ii) not more than 1.3 metres above ground level; and
  - (b) the numbers on the number plate are clearly visible from a distance of 20 metres at any point within an arc of 45 degrees from the surface of the number plate above or to either side of the vehicle, as shown in figures 1 and 2; and
  - (c) any cover on the number plate:
    - (i) is clear, clean, untinted and flat over its entire surface; and
    - (ii) has no reflective or other characteristics that would prevent the successful operation of a device approved for use under a law relating to the detection of traffic offences; and
  - (d) in the case of a motor vehicle — 1 number plate is affixed to the front of the vehicle and another to its rear; and
  - (e) in the case of a trailer — the number plate is affixed to its rear.

**Regulation 20**

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**Figure 1**



**Figure 2**

- (6) Paragraphs (5) (a) and (b) do not apply to a number plate of a heavy vehicle if:
  - (a) due to the construction of the vehicle it is not practicable to comply with those paragraphs; and
  - (b) the number plate is affixed in a manner that complies so far as practicable with those paragraphs.
- (7) Paragraph (5) (b) does not apply to the rear number plate of a heavy vehicle if:
  - (a) the rear number plate of the heavy vehicle is obscured by a vehicle that is being towed by the heavy vehicle; and
  - (b) the towed vehicle displays a rear number plate in accordance with subregulation (5); or

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- (c) the towed vehicle is not required to display a rear number plate — the registration number of the heavy vehicle is displayed at the rear of the towed vehicle in a manner that complies so far as practicable with subregulation (5).
- (8) On payment of any applicable administrative fee, the registration authority may issue replacement number plates to the registered operator if the authority is satisfied that the original number plates are lost, damaged or destroyed.

*Note* Regulation 50 contains transitional provisions relating to number plates issued to heavy vehicles registered before the commencement of these Regulations.

**21 Registration labels**

- (1) If the registration authority registers a heavy vehicle it must issue a registration label.
- (2) A registration label:
  - (a) issued in respect of a motor vehicle must include:
    - (i) the registration number of the vehicle; and
    - (ii) its make; and
    - (iii) its model or body type (whichever is the more descriptive); and
    - (iv) its VIN or, if there is no VIN, the chassis number or engine number; and
    - (v) the expiry date of the vehicle's registration; and
    - (vi) if the vehicle is conditionally registered—the conditions to which the registration of the vehicle is subject, in coded form; and
    - (vii) the vehicle's GVM; and
    - (viii) the vehicle's GCM; and
    - (ix) the applicable vehicle charging category under the *Road Transport Charges (Australian Capital Territory) Act 1993* in coded form.

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- (b) issued in respect of a trailer or a motor vehicle without a windscreen or fixed windows must be in a form approved by the registration authority.

*Note* In relation to subparagraph 21 (2) (a) (vi), a list of codes will be available from the registration authority.

The registered operator will receive full written explanation of the conditions applying to the vehicle when the registration label is issued.

- (3) A registration label must be affixed:
- (a) in the case of a motor vehicle fitted with a windscreen or fixed windows:
- (i) to the lower left (or near side) portion of the front windscreen; or
  - (ii) to any fixed window on the left (or near) side of the vehicle; and
- (b) in the case of a trailer — on or adjacent to the vehicle's number plate in such a manner that the characters on the number plate are not obscured; and
- (c) in any other case — on or adjacent to the vehicle's rear number plate in such a manner that the characters on the number plate are not obscured.
- (4) Despite subregulation (3), the registration label must be affixed so that the information on the label is readable from the outside of the vehicle.
- (5) Despite subregulation (1), the registration authority is not required to issue a registration label in respect of a heavy vehicle that is operated by a State or Territory or the Commonwealth or by an authority of a State or Territory or the Commonwealth.
- (6) If necessary, and on payment of any applicable administrative fee, the registration authority may issue a registration label to replace a registration label which has been lost, damaged or destroyed.

**Regulation 22**

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**22 Conditional registration**

- (1) If a heavy vehicle does not comply with the Heavy Vehicle Standards Regulations, the registration authority may register the vehicle conditionally.
- (2) The registration authority may refuse to register a heavy vehicle conditionally if the vehicle does not bear an operations plate or identification plate relating to the vehicle, or for which a certificate of approved operations has not been issued.
- (3) In determining the conditions to be imposed on the registration of a heavy vehicle, the registration authority must take into account the nature and extent of any failure of the vehicle to meet the requirements of the Heavy Vehicle Standards Regulations.
- (4) The registration authority may vary any conditions which it has imposed on the registration of a heavy vehicle.
- (5) The registration authority must notify the registered operator in writing of the conditions, or any variation in the conditions, applicable to the conditional registration of a heavy vehicle.

**23 Obligations of registered operators**

- (1) The registered operator of a heavy vehicle must notify the registration authority not more than 14 days after a change in:
  - (a) the vehicle's garage address; or
  - (b) the operator's name, residential address or address for service of notices.
- (2) The registered operator of a heavy vehicle that has been:
  - (a) destroyed or declared by the operator to be a write-off; or
  - (b) declared by an insurer to be a write-off;must cause notification of those matters to be given to the registration authority not more than 14 days after their occurrence.

## Regulation 24

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- (3) If any change is made to a heavy vehicle that:
- (a) affects its description as recorded in the register; or
  - (b) would incur liability for an additional charge under the *Road Transport Charges (Australian Capital Territory) Act 1993*;

the registered operator must ensure that the vehicle is not used until after:

- (c) the registration authority has been notified of the change; and
- (d) any additional fee or charge attributable to the change has been paid.

*Note* If after the change, the vehicle is eligible for a lower charge, an application for a refund may be made under subregulation 32 (4).

- (4) The registered operator of a heavy vehicle must present the vehicle for inspection or testing in accordance with reasonable notice in writing served on the operator by the registration authority.
- (5) The registered operator of a heavy vehicle must provide any information reasonably required by the registration authority to demonstrate that the garage address recorded in the register is the vehicle's actual garage address.

## 24 Service of notices on registered operators

The registration authority may serve any notice under the Act or these Regulations on the registered operator of a heavy vehicle by sending the notice by post or by some other means to the registered operator's residential address, or to the address for service of notices recorded in the register in relation to the vehicle.

**Regulation 25**

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**Part 6                      Renewal of registration**

**25                      Notice for renewal of registration**

- (1) A notice of renewal of registration is a notice:
  - (a) addressed to the registered operator; and
  - (b) stating that, if registration of a heavy vehicle is not renewed on or before a specified date, the registration of the vehicle will expire.
- (2) If the registration authority fails to send a notice of renewal, that failure does not affect:
  - (a) the expiry of the vehicle's registration; or
  - (b) the obligation of the registered operator to renew the registration of a vehicle that the operator intends to be used on a road or road related area after the expiry of its existing registration.

**26                      Renewal of registration**

- (1) A registered operator may apply for renewal of the registration of a heavy vehicle by submitting to the registration authority:
  - (a) an application for renewal of registration in the form approved by the authority; and
  - (b) payment of the registration charge and administrative fee (if any) for renewal of registration for the relevant period; and
  - (c) payment or evidence of payment of any applicable third party insurance premium required by third party insurance legislation in respect of the vehicle.
- (2) An applicant for renewal of registration of a heavy vehicle must:
  - (a) nominate a period specified in subregulation 19 (1); or

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- (b) if seeking to register the vehicle for a specific period of the year only, and this is approved by the registration authority, nominate the period for which registration is sought.
- (3) The registration of a heavy vehicle may be renewed:
  - (a) not more than 3 months after the expiry of registration of the vehicle; or
  - (b) in the case of a vehicle nominated under paragraph 26 (2) (b) — not more than 12 months after the expiry of registration of the vehicle.
- (4) The expiry date of a renewed period of registration must be calculated as if the renewal had commenced:
  - (a) on the day after the day recorded in the register as the expiry date of the period of registration; or
  - (b) in the case of a heavy vehicle nominated under paragraph 26 (2) (b) — on the first day of the nominated period.
- (5) Subregulations (3) and (4) do not have the effect of retrospectively registering a heavy vehicle.
- (6) Subject to subregulation (7), the registration authority must renew the registration of a heavy vehicle.
- (7) The registration authority may refuse to renew the registration of a heavy vehicle if the circumstances are such that if an initial application for registration of the vehicle were being made the authority would refuse the application under subregulation 16 (1).
- (8) If:
  - (a) the period during which the registration of a heavy vehicle may be renewed has expired; and
  - (b) the registration of the vehicle has not been renewed; and
  - (c) the registration authority requests by written notice the registered operator of the vehicle to return the number plates of the vehicle;the operator must return the number plates to the authority within 14 days of the date specified in the notice.

**Regulation 27**

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**Part 7                      Transfer of registration**

**27                      Obligations of a person disposing of a heavy vehicle**

A person, or the agent of a person, who disposes of a registered heavy vehicle must, immediately after disposing of the vehicle:

- (a) complete an application for transfer of registration as disposer in the form approved for that purpose by the registration authority and sign it; and
- (b) give the completed form to the acquirer.

**28                      Obligations of acquirers**

- (1) A person who acquires, or the agent of a person who acquires, a registered heavy vehicle must, as soon as practicable after acquiring the vehicle:
  - (a) obtain an application for transfer of registration from the disposer, completed and signed by the disposer as indicated on the form; and
  - (b) complete the form as acquirer to the extent indicated on the form and sign it; and
  - (c) not more than 14 days after acquiring the vehicle, lodge the completed and signed application with the registration authority accompanied by any applicable stamp duty and the appropriate fee for transfer of registration of the vehicle.
- (2) Regulation 27 and subregulation (1) do not apply in relation to a heavy vehicle acquired in accordance with an order of a court in Australia or other legal process.
- (3) If a registered heavy vehicle is acquired in accordance with an order of a court in Australia or other legal process, the person or the agent of the person, who acquires the vehicle must:
  - (a) obtain a form of notification of a court order or other legal process and complete the form as the acquirer to the extent indicated on the form and sign it; and

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**Regulation 29**

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- (b) not more than 14 days after acquiring the vehicle, lodge the completed and signed application with the registration authority accompanied by any applicable stamp duty and the appropriate fee (if any) for transfer of registration of the vehicle.

**29            Repossession and restoration**

- (1) The holder of a security interest in a registered heavy vehicle must notify the registration authority, and apply for transfer of the vehicle, not more than 14 days after:
  - (a) taking possession of the vehicle from the registered operator; or
  - (b) returning possession of the vehicle to the registered operator.
- (2) Notification of taking or returning possession must be in a form approved by the registration authority.
- (3) An application for transfer after taking or returning possession of a registered heavy vehicle must be:
  - (a) in a form approved by the registration authority for the purpose; and
  - (b) accompanied by the appropriate fee for transfer of registration of the vehicle.

**30            Registration of the transfer of vehicles**

- (1) The registration authority may refuse to register the transfer of registration of a heavy vehicle if:
  - (a) the heavy vehicle is the subject of a vehicle defect notice that:
    - (i) prohibits use of the vehicle or imposes conditions on the use of the vehicle; and
    - (ii) has not been cleared in accordance with subregulation 41 (4); or
  - (b) the vehicle is registered on condition that it not be transferred; or

**Regulation 30**

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- (c) the requirements of these Regulations relating to transfer of registration have not been complied with; or
  - (d) the registration authority reasonably believes that the ownership, possession, control or description of the vehicle as recorded on the register is uncertain; or
  - (e) the person disposing of, or the person acquiring the heavy vehicle, fails to comply with the requirements of a law in force in this jurisdiction relating to certificates of roadworthiness for, or inspection of, heavy vehicles; or
  - (f) the registration authority would refuse an application to register the vehicle under subregulation 16 (1).
- (2) The registration authority must refuse to register a transfer of registration of a heavy vehicle if an order of a court in Australia prohibits the transfer of registration of the vehicle, and the authority has been notified of the order.
- (3) The registration authority may register the transfer of a heavy vehicle, despite the failure of one of the parties to the transfer to meet a requirement of these Regulations relating to the transfer of heavy vehicles, if the authority considers it appropriate to do so in the circumstances.
- (4) If the registration authority is advised by the registered operator of a heavy vehicle that the vehicle has been disposed of, the authority may make an entry in the register to that effect pending the receipt of the application for transfer.
- (5) If the registration authority registers a transfer of a heavy vehicle it must issue a new certificate of registration, make an endorsement on the certificate of registration or issue a form of transfer of registration to the person acquiring the vehicle.

**Regulation 31**

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**Part 8 Expiry, surrender and cancellation of registration**

**31 Expiry of registration**

The registration of a heavy vehicle expires at the end of the day recorded in the register as the vehicle's registration expiry date.

**32 Surrender of registration by registered operator**

- (1) A registered operator, personally or by an agent who produces written evidence of his or her appointment as agent, may apply to the registration authority to surrender the registration of a heavy vehicle.
- (2) A registered operator who applies for surrender of registration of a heavy vehicle must:
  - (a) give to the registration authority a statement signed by the operator or agent that the registration label for the vehicle has been destroyed; and
  - (b) if required to do so by the authority, return the registration certificate and number plates for the vehicle to the authority or an agent nominated by the authority.
- (3) Despite subregulation (2), a registered operator is not required to return to the registration authority:
  - (a) a registration certificate or number plate which has been lost or destroyed if the authority is satisfied that the original registration certificate or number plate is lost or destroyed; or
  - (b) special number plates, if retention of the plates is permitted by an agreement with the registration authority or by legislation.
- (4) Subject to subregulation (6), the registration authority must make a partial refund of the registration charge paid in respect of a heavy vehicle if the authority approves an application for:
  - (a) the surrender of the registration of the vehicle; or

### Regulation 33

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- (b) a change in the registration of the vehicle as a result of which a lower registration charge is payable under the *Road Transport Charges (Australian Capital Territory) Act 1993*.
- (5) A partial refund of a registration charge in relation to a heavy vehicle is calculated using the formula:

$$\frac{\text{number of days}}{365} \times \text{annual charge}$$

where:

***number of days*** is the number of unexpired whole days of the registration period for which the charge was paid, from the date on which the registration authority approves an application made under subregulation (4); and

***annual charge*** is the amount of the registration charge for 12 months, or the amount of the reduction in that charge for 12 months, as the case may be.

- (6) The registration authority may deduct from a refund of registration charge the amount of any unpaid administrative fees incurred in respect of the vehicle.
- (7) The registration authority must approve an application for the surrender of the registration of a heavy vehicle unless:
- (a) the registered operator of the vehicle has failed to meet the requirements of this regulation; or
  - (b) the registration authority is taking action to suspend or cancel the registration under the provisions of regulation 33 or 34, other than paragraph 33 (i).

### 33 Suspension or cancellation of registration

The registration authority may suspend or cancel the registration of a heavy vehicle in accordance with regulation 34 if:

- (a) a vehicle defect notice relating to the vehicle has not been complied with and the date for compliance specified in the notice has expired; or

### **Regulation 34**

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- (b) the vehicle does not comply with the Heavy Vehicle Standards Regulations; or
- (c) any amounts payable in relation to the vehicle under third party insurance legislation, stamp duty legislation, the Act or the *Road Transport Charges (Australian Capital Territory) Act 1993* have not been paid; or
- (d) a non-cash payment submitted to the registration authority as payment of a registration charge or fees or third party insurance premium or stamp duty is dishonored; or
- (e) except as provided for in paragraph (f), a penalty imposed on the registered operator of the vehicle in respect of the operation of the vehicle is unpaid and no court order for the payment of a penalty by instalments has been made; or
- (f) the registered operator of the vehicle has not complied with a court order for the payment by instalments of a penalty imposed on the registered operator in respect of the operation of the vehicle; or
- (g) the vehicle has been destroyed or damaged beyond repair; or
- (h) the registration authority reasonably believes that the ownership, possession, control or description of the heavy vehicle as recorded on the register is uncertain; or
- (i) the registration authority has approved an application to surrender registration of the vehicle under subregulation 32 (7).

### **34 Procedures for suspension and cancellation of registration**

- (1) If the registration authority decides to suspend the registration of a heavy vehicle, the authority must give the registered operator notice in writing of:
  - (a) the reasons for the suspension; and
  - (b) the date on which the registration is to be suspended; and
  - (c) the action to be taken by the registered operator in order to avoid the suspension or to have the suspension removed.

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**Regulation 35**

- (2) The registration authority must not cancel the registration of a heavy vehicle, except at the request of the registered operator, unless the registration authority:
- (a) has suspended the registration and believes that a reason for the suspension still exists; and
  - (b) has served notice on the registered operator that:
    - (i) advises the registered operator that the authority has decided to cancel the registration of the vehicle and gives the reasons for the decision; and
    - (ii) specifies requirements that must be met if the cancellation is to be avoided; and
    - (iii) states that, if those requirements are not met within 14 days after the date specified in the notice for that purpose, the cancellation will then take effect; and
    - (iv) advises the registered operator of the right to apply for an internal review and an external review of the decision.
- (3) If the requirements stated in the notice are not met within the period specified in the notice, the registration of the vehicle is cancelled at the end of that period.
- (4) As soon as practicable after cancellation of the registration of a heavy vehicle, the registered operator must:
- (a) destroy the registration label for the vehicle; and
  - (b) if required to do so by the registration authority, return the vehicle's registration certificate and number plates to the authority or an agent nominated by the authority within 14 days of the date specified in a written notice from the authority requesting their return.

## **Part 9                      Review rights**

### **35                      Authority to ensure notification of review rights**

- (1) In this Part, *affected person* means an applicant for registration of a heavy vehicle or the registered operator of a heavy vehicle.

### **Regulation 36**

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- (2) If an affected person is eligible to apply for review of a decision of a registration authority under subregulation 36 (1) or 37 (1), the authority must advise that person of:
  - (a) the person's right to apply for review of a decision under those subregulations; and
  - (b) the right of a person to have the decision reviewed by a court, tribunal, Ombudsman or Parliamentary Commissioner.
- (3) The time periods specified in subregulations 36 (3) and 37 (3) are taken not to have commenced until an affected person is notified in accordance with subregulation (2).

### **36 Application for internal review**

- (1) An affected person may apply to the registration authority in writing for an internal review of a decision by the registration authority:
  - (a) not to register a heavy vehicle under subregulation 7 (2), 16 (1) or 22 (2); or
  - (b) to impose or vary a condition on the registration of a heavy vehicle under subregulation 22 (3) or 22 (4); or
  - (c) not to renew the registration of a heavy vehicle under subregulation 26 (7); or
  - (d) not to register the transfer of registration of a heavy vehicle under subregulation 30 (1) or 30 (3); or
  - (e) to suspend or cancel the registration of a heavy vehicle under regulation 33; or
  - (f) not to exempt a heavy vehicle from the requirement to be registered under subregulation 38 (5); or
  - (g) not to issue a short term unregistered vehicle permit for a heavy vehicle under subregulation 39 (2).

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**Regulation 37**

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- (2) Despite paragraph (1) (e), an internal review of a decision of a registration authority to suspend or cancel registration of a heavy vehicle under paragraph 33 (e) or 33 (f) does not permit review of:
  - (a) the guilt or innocence of a registered operator to which that paragraph relates; or
  - (b) the imposition of a penalty or the level of a penalty imposed on a registered operator to which that paragraph relates.
- (3) An application for internal review must be made within 28 days after the affected person is notified of the decision.
- (4) An application for internal review must be considered by a person other than the person who made the decision to be reviewed.
- (5) After considering an application for internal review, the registration authority must:
  - (a) affirm the decision; or
  - (b) vary the decision; or
  - (c) revoke the decision.
- (6) The registration authority must notify an affected person in writing of its decision within 28 days after the request for internal review is received by the authority.
- (7) A decision subject to internal review under this regulation is taken to be affirmed by the registration authority if that authority has not given written notice of its decision to the affected person within 28 days of application being made under subregulation (1).

**37 Application for external review**

- (1) Application may be made to the Tribunal for a review of a decision by the registration authority under regulation 36.

### Regulation 38

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- (2) Despite paragraph 36 (1) (e), review of a decision of a registration authority to suspend or cancel registration of a heavy vehicle under paragraph 33 (e) or 33 (f) does not permit review of:
  - (a) the guilt or innocence of a registered operator to which that paragraph relates; or
  - (b) the imposition of a penalty or the level of a penalty imposed on a registered operator to which that paragraph relates.
- (3) An application for external review must be made within 28 days after the affected person is notified of the decision made by the registration authority under regulation 36.
- (4) The making of an application for external review does not affect the operation of the decision, unless otherwise ordered by the Tribunal.

## Part 10 Use of unregistered heavy vehicles

### 38 Vehicles exempt from requirement to be registered

- (1) A heavy vehicle that:
  - (a) is being driven for the purpose of obtaining registration; and
  - (b) is proceeding by the most direct or convenient route to the nearest place at which registration under the Act is carried out;is exempt from the requirement to be registered until it reaches that place.
- (2) In subregulation (1), *direct or convenient route* includes the route to the nearest place at which the heavy vehicle can be weighed or inspected for the purpose of obtaining registration.
- (3) A heavy vehicle that:
  - (a) is temporarily in this jurisdiction; and

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- (b) is:
- (i) registered in a State or another Territory or in a foreign country; or
  - (ii) permitted to be used in accordance with a law in force in a State or Territory relating to the use of unregistered vehicles (including a law relating to trade plates);

is exempt from the requirement to be registered if it meets the requirements of subregulation (4).

- (4) The requirements to be met by a heavy vehicle referred to in subregulation (3) are:
- (a) that the vehicle carry, conspicuously displayed in the required manner and condition, all number plates and labels which it is at that time required to carry:
    - (i) in the case of a vehicle registered outside this jurisdiction — in the State, Territory or country in which it is registered; or
    - (ii) in the case of an unregistered vehicle permitted to be used in a State or another Territory — in that State or Territory;
      - under a law of that State, Territory or country, as the case may be; and
  - (b) in the case of a vehicle described in subparagraph (3) (b) (ii) — that the vehicle is used in accordance with any conditions of any permit or other authority which apply in the State or Territory, so far as they are capable of being applied to the use of the vehicle outside that State or Territory.
- (5) The registration authority may exempt a heavy vehicle from the requirement to be registered on the condition that the vehicle is not used on a road or road related area except to move directly across the road or road related area from property on one side of the road to property on the other side.

*Note* The exemption from the requirement to be registered does not include an exemption from any requirement to have the appropriate third party insurance cover in this jurisdiction.

### Regulation 39

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The registered operator is advised to contact the registration authority to ascertain what insurance arrangements apply.

#### **39 Short term unregistered vehicle permits**

- (1) In this regulation, *number* includes letter.
- (2) The registration authority may issue a short term unregistered vehicle permit for a heavy vehicle:
  - (a) if:
    - (i) it would be unreasonable or impracticable to require that the heavy vehicle be registered during the period of the permit; or
    - (ii) the vehicle has been driven to a place under subregulation 38 (1) for the purpose of obtaining registration and registration has been refused; and
  - (b) if the heavy vehicle complies with any applicable third party insurance legislation.
- (3) A short term unregistered vehicle permit:
  - (a) authorises use of a heavy vehicle on:
    - (i) a road or road related area; or
    - (ii) particular roads or road-related areas;subject to any condition specified in the permit; and
  - (b) expires on a day specified in the permit.
- (4) If the registration authority issues a short term unregistered vehicle permit the authority must:
  - (a) record details of the permit, including any condition to which the permit is subject, in the register; and
  - (b) assign a temporary identification number to the heavy vehicle.
- (5) An applicant for a short term unregistered vehicle permit must pay to the registration authority any applicable administrative fee for issue of the permit.

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**Regulation 40**

- (6) The holder of a short term unregistered vehicle permit must display a notice affixed securely to the heavy vehicle in a prominent position depicting the temporary identification number assigned to the vehicle by the registration authority.

## **Part 11                      Vehicle defect notices**

### **40                      Issue of defect notices and formal warnings**

- (1) A vehicle defect notice may be stated to be:
- (a) a major vehicle defect notice, if, in the reasonable opinion of the member of the police force, or the registration authority issuing the notice, the further use of the heavy vehicle in road transport after the time specified in the notice would constitute an imminent and serious safety risk; or
  - (b) a minor vehicle defect notice, if, in the reasonable opinion of the member of the police force, or the registration authority issuing the notice, deficiencies in the heavy vehicle, if allowed to continue after the time specified in the notice, may constitute a safety risk.

*Note* *Safety risk* is defined in the Dictionary to mean danger to a person, to property or to the environment.

- (2) A vehicle defect notice must state:
- (a) the heavy vehicle's registration details including the registration number, unregistered vehicle permit number (if practicable and applicable), expiry date and jurisdiction of registration; and
  - (b) the name of the driver of the heavy vehicle or, if the driver is not present when the notice is issued, the term 'registered operator'; and
  - (c) to the extent practicable, the heavy vehicle's identification details including its VIN, or if there is no VIN, the chassis number or engine number, its make and type; and
  - (d) the type of inspection conducted; and

#### **Regulation 40**

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- (e) the details of the heavy vehicle's defects and whether the notice is a major defect notice or a minor vehicle defect notice; and
  - (f) the time and date after which the heavy vehicle is not to be used on a road or road related area; and
  - (g) the means by which the heavy vehicle must be moved to another location following issue of the vehicle defect notice; and
  - (h) the repair requirement, including the date by which repairs must be completed if the vehicle is to be used on a road or road related area; and
  - (i) whether an infringement notice was also served in relation to the defect at that time; and
  - (j) the name, official number or other identification of the member of the police force, or the registration authority who issued the notice.
- (3) A member of the police force, or the registration authority who issues a vehicle defect notice, must:
- (a) in the case of a heavy vehicle the driver of which is present — give the notice to the driver; and
  - (b) in the case of a heavy vehicle that is unattended — cause the vehicle defect notice to be affixed to the vehicle; and
  - (c) in the case of a major defect notice — cause a defective vehicle label to be affixed to the heavy vehicle.
- (4) A driver of a heavy vehicle who is given a vehicle defect notice in accordance with subregulation (3) must cause the notice to be sent to the registered operator of the vehicle.
- (5) A defective vehicle label must state:
- (a) the heavy vehicle's registration number; and
  - (b) the time and date after which the heavy vehicle is not to be used on a road or road related area; and
  - (c) the means by which the heavy vehicle must be moved to another location following issue of the vehicle defect notice; and

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- (d) the name, official number or other identification of the member of the police force, or the registration authority who issued the notice; and
  - (e) the date of issue of the label; and
  - (f) the serial number of the defect notice to which the label relates.
- (6) If a member of the police force, or the registration authority considers that deficiencies in a heavy vehicle do not constitute a safety risk but should be remedied, the member of the police force, or registration authority may:
- (a) in the case of a heavy vehicle where the driver is present — give the driver a formal written warning; and
  - (b) in the case of a heavy vehicle that is unattended — cause the formal written warning to be affixed to the vehicle.
- (7) A driver of a heavy vehicle who is given a formal written warning in accordance with subregulation (6) must cause the warning to be sent to the registered operator of the vehicle.

**41 Recording, clearance and withdrawal of vehicle defect notices**

- (1) If a vehicle defect notice is issued under the Act, or under a law in force in a State or another Territory in relation to a heavy vehicle, the details of which are on the register, the registration authority must record in the register in relation to the vehicle:
- (a) the serial number of the notice; and
  - (b) the clearance date (if any) shown on the notice unless that date is later than the date of any recorded certificate of inspection.
- (2) The registration authority may conduct or require to be conducted an inspection for the purposes of considering whether the defects described in a vehicle defect notice have been rectified and that the heavy vehicle does not have any other defects.

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- (3) A vehicle defect notice may be cleared by the registration authority, a corresponding registration authority, or an authorised person.
- (4) For the purposes of this regulation, a vehicle defect notice is cleared when:
  - (a) the registration authority receives evidence, in a form approved by the authority, that the heavy vehicle is no longer defective; and
  - (b) in the case of a major defect notice — the registration authority or corresponding registration authority causes the defective vehicle label to be defaced or removed from the heavy vehicle.
- (5) Upon the vehicle defect notice being cleared, the registration authority must make a record in the register to the effect that the notice has been cleared.
- (6) A member of the police, or the registration authority who issues a vehicle defect notice may withdraw that notice at any time and must cause:
  - (a) notice of the withdrawal to be sent to the person to whom the notice was issued; and
  - (b) a record to be made in the register to the effect that the vehicle defect notice has been withdrawn.

## **Part 12                      Offences**

### **42                      Use of vehicle offences**

- (1) A person who uses, or permits the use of, a heavy vehicle which is conditionally registered, in breach of a condition of registration, is guilty of an offence.
- (2) A person who uses, or permits the use of, a heavy vehicle in breach of a condition of a defect notice is guilty of an offence.

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**Regulation 43**

- (3) If the registration of a heavy vehicle is suspended by the registration authority it is an offence to use the vehicle on a road or road related area during the period of suspension.
- (4) Despite subregulation (3) it is not an offence against these Regulations to leave a heavy vehicle whose registration has been suspended standing on a road or road related area.

**43 Number plate and registration certificate and label offences**

- (1) The driver and the registered operator of a heavy vehicle are each guilty of an offence if the vehicle is used on a road or in a road related area:
  - (a) without bearing number plates affixed and displayed in accordance with these Regulations; or
  - (b) with a number plate affixed that was not issued by the registration authority or was not issued for that vehicle; or
  - (c) with a number plate obscured, defaced, or otherwise not legible or displayed contrary to the requirements of subregulation 20 (5); or
  - (d) with the registration label obscured, defaced, or otherwise not legible, or not displayed in accordance with these Regulations.
- (2) The driver and the registered operator of a heavy vehicle are each guilty of an offence if the vehicle is used on a road or in a road related area displaying:
  - (a) an altered number plate or registration label; or
  - (b) the representation of a number plate or registration label:
    - (i) other than a number plate or registration label issued in accordance with these Regulations or another law; and
    - (ii) that is likely to be mistaken for a number plate or registration label displayed in accordance with these Regulations.

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- (3) A person who fails to return a registration certificate or number plate in accordance with subregulation 26 (8), 32 (2) or 34 (4) is guilty of an offence.

#### **44 Notification offences**

- (1) A person who does not provide notification to the registration authority as required by these Regulations is guilty of an offence.
- (2) A person who provides false or misleading information to the registration authority about the location of the garage address of a heavy vehicle is guilty of an offence.

#### **45 Penalties**

- (1) A person who is guilty of an offence under regulation 42 or subregulations 15 (4), 43 (2) or 43 (3) is liable to a penalty not exceeding \$2 000 for an individual or \$10 000 for a corporation.
- (2) A person who commits an offence under subregulation 43 (1) or regulation 44 is guilty of an offence of strict liability and is liable to a penalty not exceeding \$1 000 for an individual or \$5 000 for a corporation.
- (3) Section 6.1 of the *Criminal Code* and, to the extent mentioned in that section, section 9.2 of the *Criminal Code*, are taken to apply to an offence under subregulation 44 (2) as if the Code were in operation and applied to the laws of this jurisdiction.

## **Part 13 Delegation**

#### **46 Delegation of registration authority's powers**

For the purposes of section 14 of the Act, the prescribed persons to whom the registration authority may delegate all or any of its powers under the Act or these Regulations are:

- (a) a statutory corporation; or

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- (b) the holder of a statutory office; or
- (c) an officer or employee of a government department or statutory corporation; or
- (d) a member of the police force; or
- (e) a municipality or other local government authority; or
- (f) any other person who, in the opinion of the authority, has appropriate qualifications for the exercise of the power delegated.

## **Part 14 Charges and fees**

### **47 Registration charges and administrative fees**

- (1) A heavy vehicle must be registered as an individual vehicle or a towing unit in a category under the *Road Transport Charges (Australian Capital Territory) Act 1993*.
- (2) The registration authority may apply a range of administrative fees for services provided in connection with, or for late renewal of, the registration of heavy vehicles.
- (3) The charge payable for registration of a heavy vehicle for a period other than 12 months is calculated using the formula:

$$\frac{\text{number of days}}{365} \times \text{annual charge}$$

where:

***number of days*** is the number of days of the nominated period of registration; and

***annual charge*** is the charge for 12 months' registration of the vehicle.

*Note* A heavy vehicle must be registered as an individual vehicle or towing unit to enable the vehicle's registration charge to be determined under the *Road Transport Charges (Australian Capital Territory) Act 1993*.

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**Part 15 Entitlement to reasons**

**48 Meaning of *affected person***

In this Part, *affected person* has the same meaning as in Part 9.

**49 Affected person entitled to be given reasons**

- (1) Where an affected person is entitled under subregulation 36 (1) or 37 (1) to seek internal or external review of a decision of a registration authority, the affected person may apply to the authority for written reasons for the decision.
- (2) After receiving an application for reasons under subregulation (1), the registration authority must provide to the affected person within 14 days of the application being made:
  - (a) the decision of the authority and the reasons for that decision; and
  - (b) the identity of the person who made the decision.
- (3) An application for reasons may be made before or during (or both) an affected person seeks internal or external review of a decision under regulations 36 or 37.
- (4) An affected person cannot make application under this regulation if the authority has already provided the person with the details prescribed in subregulation (2).

**Part 16 Transitional provisions**

**50 Previously issued number plates**

If number plates were issued in relation to a heavy vehicle registered before the commencement of these Regulations the plates may be retained until the registration authority requires in writing that they be returned.

## Dictionary

In these Regulations, unless the contrary intention appears:

**Act** means the *Road Transport Reform (Heavy Vehicles Registration) Act 1996*.

*Note* For the text of the *Road Transport Reform (Heavy Vehicles Registration) Act 1996*, see Schedule 1 to the *National Transport Commission (Road Transport Legislation — Heavy Vehicles Registration Act) Regulations 2005*.

**administrative fee** means a fee applied in accordance with subregulation 47 (2).

**authorised person** means a person authorised by the registration authority to be an authorised person for the purposes of these Regulations.

**agricultural implement** means a vehicle without its own automotive power, built to perform agricultural tasks.

**agricultural machine** means a machine with its own automotive power, built to perform agricultural tasks.

*Note* Examples of agricultural implements are irrigating equipment, augers, conveyors, empty field bins, harvester fronts, and machinery fully carried on the three-point linkage of a tractor.

Examples of agricultural machinery are tractors and harvesters.

**certificate of approved operations** means a certificate issued in respect of a heavy vehicle in accordance with subregulation 10 (2).

**certificate of inspection** means a certificate issued by an authorised person which specifies the components of the vehicle requiring inspection, and that the person has inspected those components and found them not to be defective.

**corporation** means a corporation recognised under the laws of Australia, including a foreign corporation and a body incorporated by or under statute.

**corresponding registration authority** means an authority appointed under the Act and these Regulations as adopted in a State or the Northern Territory in accordance with the agreements scheduled to the *National Road Transport Commission Act 1991*.

Dictionary

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**eligible heavy vehicle** means a vehicle which is eligible for registration in accordance with regulation 7.

**Heavy Vehicle Standards Regulations** means the Heavy Vehicle Standards Regulations made under the *Road Transport Reform (Vehicles and Traffic) Act 1993*.

**identification plate** means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989*.

**nominated configuration** means the configuration in which the heavy vehicle will operate for the registration period, as nominated by the registered operator.

**operations plate** means a plate placed on a heavy vehicle in accordance with subregulation 10 (2).

**registration charge** means the amount payable as a registration charge under the *Road Transport Charges (Australian Capital Territory) Act 1993*.

**residential address**, in relation to a company or other body corporate, means its registered office or any place recorded in the register as its residential address or business address.

**safety risk** means danger to a person, to property or to the environment.

**security interest** means an interest in, or a power over, goods which secures payment of a debt or other pecuniary obligation or the performance of any other obligation and includes any interest in, or power over, goods of a lessor, owner or other supplier of goods, but does not include a possessory lien or pledge.

**special number plates** means number plates specifically applied for and issued to a registered operator or reserved by the registration authority.

**trade plate** means a number plate issued by the registration authority to a person engaged in a relevant trade to move unregistered vehicles for short term purposes.

**Tribunal** means a tribunal or body which is:

- (a) in the case of the Australian Capital Territory or the Jervis Bay Territory — the Administrative Appeals Tribunal of the Australian Capital Territory; or
- (b) in the case of a State or the Northern Territory — the appropriate review body for that jurisdiction.

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**vehicle defect notice** means a defect notice referred to in paragraph 28 (2) (a) of the Act as adopted and in force in any jurisdiction.

**VIN** means the Vehicle Identification Number allocated in accordance with the Australian Design Rules.

*Note* There are definitions of *defective heavy vehicle*, *garage address*, *gross combination mass (GCM)*, *gross vehicle mass (GVM)*, *heavy vehicle*, *infringement notice*, *jurisdiction*, *motor vehicle*, *register*, *registration authority*, *registered operator*, *road*, *road related area*, *third party insurance legislation* and *trailer* in the Act.

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### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).