

Authorised Version No. 002
**Transport Accident (Administration of
Charges) Regulations 2011**

S.R. No. 29/2011

Authorised Version incorporating amendments as at
1 January 2018

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**Transport Accident (Administration of
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1 Objective

The objective of these Regulations is to prescribe the periods and times or intervals for the payment of transport accident charges in relation to motor vehicles of specified classes.

2 Authorising provision

These Regulations are made under section 132 of the **Transport Accident Act 1986**.

3 Commencement

These Regulations come into operation on 28 May 2011.

4 Revocation

The Transport Accident (Administration of Charges) Regulations 2001¹ are **revoked**.

5 Prescribed periods

The following periods are prescribed for the purposes of section 109 of the **Transport Accident Act 1986** in relation to motor vehicles of the classes specified—

Reg. 5
amended by
S.R. No.
120/2017
reg. 4.

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<i>Item</i>	<i>Class of motor vehicle</i>	<i>Prescribed period</i>
1	Motor vehicles registered under Part 2 of the Road Safety Act 1986	Period of registration
2	Motor vehicles registered in accordance with a national scheme of vehicle registration established under an Act of the Parliament of the Commonwealth or adopted in Victoria by Act or Regulations	Period of registration
3	Motor vehicles that under regulation 43 of the Road Safety (Vehicles) Regulations 2009 may be registered for any period less than 12 months	Period of registration
4	Motor vehicles conditionally registered as recreation motor cycles	Period of registration
5	Motor vehicles in possession of, or under the control of, a person to whom a general identification mark has been assigned under regulation 141 of the Road Safety (Vehicles) Regulations 2009	12 months
6	Motor vehicles in respect of which a club permit has been issued under regulation 156 of the Road Safety (Vehicles) Regulations 2009	12 months
7	Motor vehicles in respect of which a short term unregistered vehicle permit has been granted under Part 3.2 of Chapter 3 of the Road Safety (Vehicles) Regulations 2009	Period of validity of permit

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<i>Item</i>	<i>Class of motor vehicle</i>	<i>Prescribed period</i>
8	Motor vehicles— (a) that are not registered in accordance with the Road Safety Act 1986 because they are exempt from registration in accordance with Part 2 of the Act or the Road Safety (Vehicles) Regulations 2009 as visiting overseas motor vehicles; and (b) whose owners and drivers are not insured under a contract of insurance in accordance with the law of another State or Territory against liability in respect of death or injury to any person caused by or arising out of the use of the motor vehicles in Victoria	Period commencing on arrival in Victoria and ending on the date the motor vehicle ceases to be entitled to be insured in Victoria
9	Motor vehicles that are not registered under the Road Safety Act 1986 and are not otherwise mentioned in this table	12 months

6 Prescribed times and intervals

The following times or intervals are prescribed for the purposes of section 109 of the **Transport Accident Act 1986** in relation to motor vehicles of the classes specified—

<i>Item</i>	<i>Class of motor vehicle</i>	<i>Prescribed times or intervals</i>
1	Motor vehicles registered under Part 2 of the Road Safety Act 1986	On or before registration or renewal of registration

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<i>Item</i>	<i>Class of motor vehicle</i>	<i>Prescribed times or intervals</i>
2	Motor vehicles registered in accordance with a national scheme of vehicle registration established under an Act of the Parliament of the Commonwealth or adopted in Victoria by Act or Regulations	On or before registration or renewal of registration
3	Motor vehicles that under regulation 43 of the Road Safety (Vehicles) Regulations 2009 may be registered for any period less than 12 months	On or before registration or renewal of registration
4	Motor vehicles conditionally registered as recreation motor cycles	On or before registration or renewal of registration
5	Motor vehicles in possession of, or under the control of, a person to whom a general identification mark has been assigned under regulation 141 of the Road Safety (Vehicles) Regulations 2009	On or before the issuing or renewal of the general identification mark
6	Motor vehicles in respect of which a club permit has been issued under regulation 156 of the Road Safety (Vehicles) Regulations 2009	On or before the granting or renewal of the permit
7	Motor vehicles in respect of which a short term unregistered vehicle permit has been granted under Part 3.2 of Chapter 3 of the Road Safety (Vehicles) Regulations 2009	On or before the granting of the permit

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<i>Item</i>	<i>Class of motor vehicle</i>	<i>Prescribed times or intervals</i>
8	Motor vehicles— (a) that are not registered in accordance with the Road Safety Act 1986 because they are exempt from registration in accordance with Part 2 of the Act or the Road Safety (Vehicles) Regulations 2009 as visiting overseas motor vehicles; and (b) whose owners and drivers are not insured under a contract of insurance in accordance with the law of another State or Territory against liability in respect of death or injury to any person caused by or arising out of the use of the motor vehicles in Victoria	On or before arrival in Victoria
9	Motor vehicles that are not registered under the Road Safety Act 1986 and are not otherwise mentioned in this table	On the date the motor vehicle is acquired and on each anniversary of that date

7 Refund of transport accident charge

- (1) If the registration of a motor vehicle is cancelled and a transport accident charge is no longer required to be paid in respect of that motor vehicle, the amount of the refund payable to the owner of the motor vehicle for the prescribed period related to that registration is the amount calculated, in accordance with the formula—

$$\frac{90}{100} \times A \times \frac{B}{C}$$

where—

- A is the amount of the transport accident charge paid, including duty payable under the **Duties Act 2000** in respect of the prescribed period;
 - B is the number of days remaining in the relevant prescribed period at the time of the cancellation of the registration;
 - C is the number of days in the prescribed period.
- (2) In subregulation (1), a reference to the registration of a motor vehicle includes registration in accordance with a national scheme of vehicle registration established under an Act of the Parliament of the Commonwealth or adopted in Victoria by Act or Regulations.
- (3) Subregulation (1) applies to a motor vehicle that is not registered under the **Road Safety Act 1986** and in respect of which a transport accident charge has been paid for the prescribed period if the motor vehicle is disposed of or destroyed as though—
- (a) a reference to the cancellation of registration is a reference to the disposal or destruction of the motor vehicle; and
 - (b) a reference to the registration of the vehicle is a reference to the ownership of the vehicle.
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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Transport Accident (Administration of Charges) Regulations 2011, S.R. No. 29/2011 were made on 24 May 2011 by the Governor in Council under section 132 of the **Transport Accident Act 1986**, No. 111/1986 and came into operation on 28 May 2011: regulation 3.

The Transport Accident (Administration of Charges) Regulations 2011 will sunset 10 years after the day of making on 24 May 2021 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

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Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Transport Accident (Administration of Charges) Regulations 2011 by statutory rules, subordinate instruments and Acts.

Transport Accident (Administration of Charges) Amendment Regulations 2017,
S.R. No. 120/2017

<i>Date of Making:</i>	22.11.17
<i>Date of Commencement:</i>	1.1.18: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 48/2001.