



HEAVY VEHICLE NATIONAL LAW

National Heavy Vehicle Standards (Detainee Transport Vehicle) Exemption Notice 2018 (No.1)

1. Purpose

The purpose of this notice is to exempt heavy vehicles built or modified for transporting detainees from certain prescribed heavy vehicle standards.

2. Authorising Provision

This notice is made under section 61 of the Heavy Vehicle National Law (HVNL) as in force in each participating jurisdiction.

3. Commencement

This notice commences on the date of its publication.

4. Expiry

This notice expires five years after its publication.

5. Title

This notice may be cited as the National Heavy Vehicle Standards (Detainee Transport Vehicle) Exemption Notice 2018.

6. Definitions

(1) Unless otherwise stated, words and expressions used in this notice have the same meanings as those defined in the HVNL.

(2) In this notice—

Detainee means a person who is detained by, or is in the custody of, an agency or department of the Commonwealth Government, or an Australian State or Territory Government. This includes persons defined as detainees, prisoners and inmates under various Commonwealth, State and Territory laws.

Detainee seating compartment means a compartment of a detainee transport vehicle that contains a seating position designed for the transport of a detainee.

Detainee transport vehicle means a heavy vehicle:

- (a) Designed and constructed for the purpose of transport of detainees; and
- (b) is operated or contracted by an agency or department of the Commonwealth Government, or an Australian State or Territory Government, that is authorised by law to detain and transport detainees.

7. Application

This notice applies to a detainee transport vehicle operating in participating jurisdictions.

8. Exemption – Prescribed vehicle standards for detainee seating compartments

- (1) This notice provides vehicle standards exemptions and conditions that apply only to the detainee seating compartments of a detainee transport vehicle.
- (2) All other seating positions in the Detainee transport vehicle that are not contained in a detainee seating compartment must comply with relevant vehicle standards.
- (3) Referring to Table 1, any detainee seating compartment of a detainee transport vehicle operating under this notice is exempt from the requirement in Column 2, of the Australian Design Rule in Column 1, providing it satisfies the requirement in Column 3.

Table 1: Exemptions from prescribed vehicle standards

Column 1 Australian Design Rule	Column 2 Applicable requirement	Column 3 Condition of exemption
ADR 3/03 – Seats and Seat Anchorages	All Sections – Seats and Seat Anchorage requirements	Additional seats provided for detainees are installed in the vehicle must, as far as practicable, meet the requirements of VSB6 section K.
ADR 4/04 – Seatbelts	All Sections – Seatbelt requirements	If fitted, seatbelts provided for detainees must be installed in accordance with the standards specified by the relevant Corrective Service.
ADR 5/05 – Anchorages for Seatbelts	All Sections – Seatbelt anchorage requirements	If fitted, seatbelts provided for detainees must be in accordance with the standards specified by the relevant Corrective Service.
ADR 8/01 – Safety Glazing Material	All Sections – Glazing Material requirements	Any glazing is shatter resistant and designed to reduce the danger of bodily injury.
ADR 42/04 – General Safety Requirements	Clause 19.2.1 – Omnibus ventilation	Each compartment is fitted with ducted air conditioning.
ADR 44/02 – Specific Purpose Vehicle Requirements	Clause 44.9 – Emergency exits for omnibuses	Emergency exits or service doors are provided for each passenger section and these exits are in accordance with the standards specified by the relevant Corrective Service.
ADR 58/00 – Requirements for Omnibuses Designed for Hire and Reward	Clause 58.4 – Aisle requirements Clause 58.5.1 – Access from left hand side and hand grips Clause 58.5.3 – Access from left hand side and minimum door width Clause 58.5.4 – Access from right hand side of vehicle Clause 58.7.2.3 – Maximum access step height to a single row of seats Clause 58.10 – Fitting of grab handles	Emergency exits are capable of being opened manually from the outside. Each emergency exit must be at least 500mm x 550mm in size. At least one emergency exit, accessible from the detainee section, must be provided on both sides or one side and rear of the vehicle.

Column 1 Australian Design Rule	Column 2 Applicable requirement	Column 3 Condition of exemption
	Clause 58.12 – Emergency exits Clause 58.13.9 – Upholstered seats Clause 58.15 – Interior doors Clause 58.23.7.1 – Fitting of fuel filler less than 900mm from an access opening	
ADR 68/00 – Occupant Impact Protection in Buses	Clause 5.4 – Seatbelt Assemblies Clause 5.5 – Seatbelt Anchorages Clause 5.6 – Provision for Child Restraints	If fitted, seatbelts for detainees must be installed in accordance with the standards specified by the relevant Corrective Service.

9. Conditions – General

In addition to complying with the conditions relating to detainee seating compartments in s8 and s9 above, if a detainee transport vehicle is disposed of to anyone other than an agency or department of the Commonwealth Government, or an Australian State or Territory Government, the vehicle must be returned to a configuration that complies with all applicable ADRs.

Dated 3 December 2018

Geoff Casey
Executive Director Productivity and Safety
National Heavy Vehicle Regulator