**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.

1. **Authorising Provision**

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

1. **Commencement**

This notice commences on the date of its publication.

1. **Expiry**

This notice expires five years after its publication.

1. **Title**

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

1. **Definitions**
2. Unless otherwise stated, words and expressions used in this notice have the same meanings as those defined in the HVNL.
3. 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:

1. Designed and constructed for the purpose of transport of detainees; and
2. 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.
3. **Application**

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

1. **Exemption – Prescribed vehicle standards for detainee seating compartments**
2. This notice provides vehicle standards exemptions and conditions that apply only to the detainee seating compartments of a detainee transport vehicle.
3. All other seating positions in the Detainee transport vehicle that are not contained in a detainee seating compartment must comply with relevant vehicle standards.
4. 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 requirementsClause 58.5.1 – Access from left hand side and hand gripsClause 58.5.3 – Access from left hand side and minimum door widthClause 58.5.4 – Access from right hand side of vehicleClause 58.7.2.3 – Maximum access step height to a single row of seatsClause 58.10 – Fitting of grab handlesClause 58.12 – Emergency exitsClause 58.13.9 – Upholstered seatsClause 58.15 – Interior doorsClause 58.23.7.1 – Fitting of fuel filler less than 900mm from an access opening | 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.  |
| ADR 68/00 – Occupant Impact Protection in Buses | Clause 5.4 – Seatbelt AssembliesClause 5.5 – Seatbelt AnchoragesClause 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. |

1. **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**