

EXPLANATORY STATEMENT

STATUTORY RULES 1989 NO. 202

**ISSUED BY THE AUTHORITY OF THE MINISTER OF STATE FOR LAND
TRANSPORT AND SHIPPING SUPPORT**

Subject: Motor Vehicles Standards Act 1989-
Motor Vehicles Standards Regulations

Section 42 of the Motor Vehicles Standards Act 1989 ('the Act') provides that the Governor-General may make regulations not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 7 of the Act empowers the Minister to make national standards by Order for all motor vehicles (including trailers), supplied to the Australian market for the first time, be they manufactured in Australia, new vehicle imports or secondhand imports. The first Order will promulgate as national standards the existing Third Edition Australian Design Rules which have been agreed as nationally applicable standards by the Australian Transport Advisory Council and where appropriate the Australian Environment Council.

Section 9 of the Act authorises the Minister to make arrangements as set out in the Regulations for the testing of road vehicles and the inspection and auditing of manufacturing and test facilities.

Section 10 of the Act provides for the Regulations to set out the arrangements under which compliance plates may be placed on vehicles to indicate that vehicles comply with relevant standards.

Section 20 of the Act permits, subject to the Minister's approval, certain nonstandard vehicles in circumstances prescribed by the Regulations.

Section 24 of the Act provides that fees may be set by the regulations for the various services to be performed under the Act.

The accompanying statement sets out details of the Regulations.

S/R No. 224/89

EXPLANATORY STATEMENT

MOTOR VEHICLE STANDARDS REGULATIONS

Regulation 1 provides for the Regulations to be called the Motor Vehicle Standards Regulations.

Regulation 2 provides for the Regulations to have effect on and from 1 August 1989.

Regulation 3 defines the terms "approved form" and "the Act" as used in the Regulations.

Regulation 4 prescribes an arrangement for the procedures which are to be adopted for the testing of vehicles and vehicle components, and for the inspection and auditing of manufacturing and testing facilities. The procedures will be effectively the same as those already in use nationally under the auspices of the Australian Motor Vehicle Certification Board.

Regulation 5 prescribes arrangements under which application may be made for an authority to place compliance plates or marks on vehicles or types of vehicles indicating that they comply with the national standards. Applications are to be accompanied by sufficient information so as to establish compliance with the relevant national standards and that the approved test procedures have been observed.

Regulation 6 provides for the placing of compliance plates, at the Minister's discretion, on road vehicles that are partly assembled.

Regulation 7 requires, at the Minister's request, for a vehicle of a particular type to be made available for inspection and testing before a type approval is granted.

Regulation 8 allows the Minister to authorise the placing of an identification plate on vehicles which do not comply with the national standards in prescribed circumstances.

Regulation 9 allows the Minister to approve the importation of nonstandard road vehicles subject to specified conditions and in respect of prescribed circumstances.

Regulation 10 prescribes the circumstances where a non-complying road vehicle may be supplied to the market and enables the Minister to determine conditions relating to safety or the placing of identification plates on a vehicle.

Regulation 11 prescribes the circumstances for which road trailers with a gross vehicle mass equal or less than 4.5 tonnes are exempted for the purposes of certain administrative procedures under these Regulations.

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Regulation 12 establishes the procedures for obtaining approval in relation to vehicles, components and partly assembled vehicles with relevant national standards.

Regulation 13 enables the Minister to seek sufficient information to establish that new vehicles being produced after a type approval has been given, continue to comply with the national standards. Where sufficient grounds exist, breach of this requirement may be regarded as constituting non-compliance with the standards.

Regulation 14 provides for the fees which are to apply under the Act and Regulations.

Regulation 15 enables the Minister to delegate to the Administrator, or another Senior Executive Service officer, all or any of his functions and powers under these Regulations.

Regulation 16 enables approvals for the fitting of compliance plates to types or makes of vehicles, which were given by the Australian Motor Vehicle Certification Board prior to these Regulations coming into force, to be treated as approvals given by the Minister under these Regulations.