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Statutory Rules 1989 No. 1

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Motor Vehicle Standards Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Motor Vehicle Standards Act 1989*.

Dated 31 July 1989.

BILL HAYDEN

Governor-General

By His Excellency's Command,

Minister of State for Land Transport
and Shipping Support
~~Minister of State for Transport and
Communications~~

R. S. Brown

Citation

1. These Regulations may be cited as the Motor Vehicle Standards Regulations.

Commencement

2. These Regulations commence on 1 August 1989.

Interpretation

3. In these Regulations, unless the contrary intention appears:
“approved form” means a form approved by the Minister for the purposes of the provision in which the expression is used;
“the Act” means the *Motor Vehicle Standards Act 1989*.

Arrangements under sections 9 and 10 of the Act—procedures

4. (1) A person may apply in writing to the Minister for approval of procedures in relation to a matter referred to in paragraph 9 (a), (b), (c) or (d) or section 10 of the Act.

(2) If the procedures are in respect of a matter that is relevant to determining whether national standards are satisfied by road vehicles, the Minister may approve them.

(3) Where the Minister approves procedures under subregulation (2), the Minister shall cause the name of the applicant, the fact that procedures have been approved and where copies of the procedures may be obtained to be notified in the *Gazette*.

(4) Where the Minister approves a procedure in relation to a particular matter the Minister is not required to approve alternative procedures in relation to that matter.

Arrangements under section 10 of the Act—applications and authority to place compliance plates on road vehicles

5. (1) Application may be made to the Minister for authority to place a compliance plate on a road vehicle, or on road vehicles of a particular type, specified in the application.

(2) An application must be in accordance with the approved form and must be accompanied by information, including any information that would indicate compliance with any relevant procedures approved under regulation 4, sufficient to establish whether the road vehicle, or each road vehicle of a particular type, complies with the national standards.

(3) Application may be made under subregulation (1) to vary an application under that subregulation.

(4) In the case of an application in respect of a single road vehicle, if the vehicle complies with the national standards the Minister must authorise the placing of a compliance plate on that vehicle.

(5) In the case of an application in respect of road vehicles of a particular type, if road vehicles of that type comply with the national standards the Minister may authorise the placing of compliance plates on vehicles of that type.

(6) Where a road vehicle upon which a compliance plate is placed is altered, whether or not, as altered, it is required to comply with additional national standards, the Minister may require a further application under subregulation (1) to be made in respect of that vehicle and may authorise the applicant to place a further compliance plate on the vehicle.

(7) An authority under subregulation (4), (5) or (6) may be subject to written conditions determined by the Minister, being conditions in relation to:

- (a) the placing of a compliance plate on a vehicle; or
- (b) any other matter that is relevant to indicating whether a vehicle complies with the national standards.

(8) Where, in respect of a road vehicle, a condition of an authority under subregulation (4), (5) or (6) is not complied with, the person to

whom the authority was given is to be regarded as having placed a compliance plate on the vehicle otherwise than in accordance with the arrangements made under section 10 of the Act.

Placing of compliance plates on road vehicles during manufacture

6. Where:

- (a) it is intended that a partly assembled road vehicle will, upon its complete assembly, be a vehicle of a type on which a person is authorised to place compliance plates; and
- (b) the Minister so approves in respect of vehicles of that type;

a compliance plate may, as part of the manufacturing process, be placed on that partly assembled vehicle.

Inspection of vehicles

7. (1) A person to whom an authority to place compliance plates on road vehicles of a particular type has been given must, at the request of the Minister, before the first vehicle of that type is supplied to the market, make available to the Minister for inspection and testing a vehicle of that type.

(2) If:

- (a) the Minister has, under subregulation (1) requested that a road vehicle of a particular type be made available for inspection and testing; and
- (b) the person to whom the request is made fails to make such a vehicle available for inspection and testing before the first such vehicle is supplied to the market;

the person is to be regarded as having placed a compliance plate otherwise than in accordance with the arrangements made under section 10 of the Act on each such vehicle supplied to the market.

Nonstandard road vehicles—prescribed circumstance relating to identification plates

8. (1) In respect of a road vehicle that does not comply with the national standards, the Minister, after taking into account:

- (a) the nature of the non-compliance; and
- (b) the ease with which it can be rectified; and
- (c) whether circumstances exist that would make it reasonable for the Minister to do so;

may, upon application by a person in accordance with the approved form, authorise the placing of an identification plate, in such form and containing such information as the Minister determines, on the vehicle.

(2) Where the Minister has, under subregulation (1), authorised the placing of an identification plate on a vehicle, that is a prescribed

circumstance for the purposes of paragraphs 14 (2) (a) and 15 (2) (a) of the Act.

Nonstandard road vehicles—importation

9. (1) A person may apply to the Minister for approval to import a nonstandard road vehicle.

(2) The Minister may, by signed instrument, approve the importation, whether generally or in specified circumstances, of a nonstandard road vehicle.

(3) An approval under subregulation (2) may be subject to conditions specified in the instrument of approval.

(4) The granting of an approval under subregulation (2) is, in respect of a vehicle to which the approval relates, a prescribed circumstance for the purposes of paragraph 20 (1) (b) of the Act.

(5) Where a road vehicle:

- (a) has been owned and used by the person importing it for a continuous period that is not less than 3 months in duration; and
- (b) complies with any requirements as to safety imposed in respect of the vehicle by the Minister; and
- (c) is the only road vehicle (other than a road vehicle in respect of which an approval under subregulation (2) has been granted) to which paragraphs (a) and (b) apply that the person has imported during a period of not less than 12 months duration ending on the day on which the first-mentioned vehicle is landed in Australia;
- (d) the person agrees to comply with a condition (if any) imposed by the Minister under subregulation (4);

that is a prescribed circumstance for the purposes of paragraph 20 (1) (b) of the Act.

(6) The Minister may, as a condition of the importation of a nonstandard road vehicle, require that an identification plate in such form and containing such information as the Minister determines be placed on the vehicle.

Nonstandard road vehicles—prescribed circumstance relating to design

10. (1) Where:

- (a) a road vehicle does not comply with the national standards applicable to it; and
- (b) the road vehicle would, if it did comply with those standards, be unable to operate as a road vehicle in the manner or for the purpose in respect of which it was designed; and
- (c) the Minister approves, in writing, of the vehicle being supplied to the market, used by a corporation in transport in Australia or imported, as the case may be;

that is a prescribed circumstance for the purpose of paragraph 14 (2) (a), 15 (2) (a) or 20 (1) (b) of the Act, as the case requires.

(2) An approval under paragraph (1) (b) may be subject to written conditions determined by the Minister, being conditions relating to safety or emissions or to the placing of an identification plate on the vehicle.

Road trailers not exceeding 4.5 tonnes—prescribed circumstance

11. Where:

- (a) a road trailer has a gross vehicle mass within the meaning of the Interstate Road Transport Regulations that does not exceed 4.5 tonnes; and
- (b) the trailer complies with the relevant national standards; and
- (c) if the Minister has approved an identification plate in a form and containing such information as the Minister determines in respect of the trailer, or in respect of trailers of that particular type—such an identification plate is placed on the trailer;

that is a prescribed circumstance for the purposes of paragraphs 14 (2) (a), 15 (2) (a), 16 (2) (a) and 20 (1) (b) of the Act.

Approval of certain vehicles, components etc. as complying with particular national standards

12. (1) Application may be made to the Minister for approval of:

- (a) a vehicle component, being a component that is, or is to be, supplied to the market for the manufacture of a new vehicle; or
- (b) a road vehicle; or
- (c) a partly assembled road vehicle;

being an approval that states that the component, road vehicle or partly assembled road vehicle, as the case requires, complies with particular national standards or relevant parts of particular national standards.

(2) The Minister may, by signed instrument, approve:

- (a) a vehicle component that is, or is to be, supplied to the market for the manufacture of a new vehicle; or
- (b) a road vehicle; or
- (c) a partly assembled road vehicle;

being an approval that states that the component, road vehicle or partly assembled road vehicle, as the case requires, complies with the particular national standards specified in the approval or with relevant parts of particular national standards.

(3) An approval under subregulation (2) may be used to support an application for authority to place a compliance plate on a road vehicle, or on road vehicles of a particular type.

(4) Application may be made to vary an application made under subregulation (1) or an approval under subregulation (2).

(5) An application under subregulation (1) or (4) must be in accordance with an approved form and is to be accompanied by material sufficient to establish compliance with the national standards or relevant parts of national standards in relation to which the application is made.

Information to be provided

13. (1) Where the Minister has authorised a person to place compliance plates on road vehicles of a particular type or has, upon application by a person, approved a vehicle component of a particular type, the Minister may, from time to time, require the person to furnish the Minister with information sufficient to establish whether new vehicles or new components of that type continue to comply with the national standards applicable to them.

(2) A person must comply with a requirement of the Minister under subregulation (1).

Penalty: \$1,000.

(3) Where the Minister has authorised a person to place compliance plates on road vehicles of a particular type and:

- (a) that person fails to provide information to the Minister under subregulation (1); or
- (b) there are reasonable grounds for believing that the road vehicles in respect of which the authority was given are nonstandard;

the person to whom the authority was given is to be regarded as having placed a compliance plate on a vehicle otherwise than in accordance with the arrangements made under section 10 of the Act.

Fees

14. There is payable to the Commonwealth in respect of a matter specified in Column 2 of the Schedule in an item in that Schedule the fee specified in Column 3 of that Schedule in that item.

Delegation by Minister

15. The Minister may by signed instrument delegate to the Administrator, or to any other person holding, or performing the duties of, a Senior Executive Service Office within the meaning of the *Public Service Act 1922*, being an office in the Department, all or any of the Minister's functions or powers under these Regulations.

Saving—approvals given before the commencement of these Regulations

16. (1) Where, before the commencement of section 10 of the Act, an approval was given by the body known as the Australian Motor Vehicle Certification Board to place compliance plates on a road vehicle, or on road vehicles of a particular type, that approval is to be taken to be an authority given by the Minister under subregulation 5 (4), (5) or (6), as the case requires.

(2) A compliance plate placed on a vehicle under an approval referred to in subregulation (1) is to be regarded as a compliance plate placed on that vehicle under the Act in accordance with these Regulations.

(3) Where, before the commencement of section 10 of the Act, an approval was given by the body known as the Australian Motor Vehicle Certification Board stating that a vehicle component, a road vehicle, or a party assembled road vehicle complies with particular national standards, that approval is to be taken to be an approval given by the Minister under subregulation 12 (2).

SCHEDULE

Regulation 13

FEES

Column 1 Item No.	Column 2 Matter	Column 3 Fee
		\$
1	Granting of authority to place a compliance plate or an identification plate on road vehicles of a particular type (other than road vehicles to which item 2, 3, 6, 7, 8 or 10 apply)—in respect of each such vehicle	5.00
2	Granting of authority to place a compliance plate or an identification plate on a motor cycle other than a motor cycle to which item 3 applies	2.50
3	Granting of authority to place a compliance plate on a road vehicle (other than a road trailer) that is imported by the person for his or her personal use	26.00
4	On lodging an application to import a nonstandard road vehicle (other than a road trailer) that is to be imported by a person for his or her personal use	26.00
5	For supply of a compliance plate or an identification plate in respect of:	
	(a) a road vehicle other than a motor cycle or road trailer	0.40
	(b) a motor cycle	0.30
6	Granting of authority to place a compliance plate supplied by the Minister on road trailers of a particular type, being road trailers in respect of which type approval was given by the body known as the Australian Motor Vehicle Certification Board before the commencement of section 10 of the Act—in respect of each such road trailer	58.00
7	Granting of authority (other than an authority to which item 6 applies) to place compliance plates, or identification plates, supplied by the Minister on road trailers of a particular type:	
	(a) in respect of the first such road trailer	157.00
	(b) in respect of each such road trailer after the first	58.00
8	Granting of authority (other than an authority to which item 6 or 7 applies) to place a compliance plate, or an identification plate, supplied by the Minister on a road trailer	133.00
9	On lodging each application for variation of an authority referred to in item 6 or 7, or of an application for such an authority, other than the first such variation	33.00
10	Granting of approval under regulation 12 of a sub-assembly of a road trailer	258.00
11	On lodging each application for variation of an approval under regulation 12, or of an application for such approval, other than the first such variation	133.00

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NOTE

1. Notified in the *Commonwealth of Australia Gazette* on (1989.

31 July