

Motor Vehicle Standards Amendment Regulations 2003 (No. 1)

2003 No. 84

EXPLANATORY STATEMENT

STATUTORY RULES 2003 No. 84

Issued by the Authority of the Parliamentary Secretary to the Minister for Transport and Regional Services

Motor Vehicle Standards Act 1989

Motor Vehicle Standards Amendment Regulations 2003 (No. 1)

The *Motor Vehicle Standards Act 1989* (the Act) provides for national motor vehicle standards for new vehicles when they begin to be used in transport in Australia and regulates the first supply to market of used imported vehicles.

Section 42 of 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.

The Motor Vehicle Standards Amendment Regulations 2001 (amendment regulations) commenced on 1 April 2002. The amendments were made to implement the Registered Automotive Workshop (RAW) Scheme for used imported vehicles. Section 13C(2) of the Act provides for regulations to be made in relation to an application by a RAW for approval to place a used import plate on a single used imported vehicle. The amendments included a new regulation 5 to allow a RAW to make an application during the transition period (1 April 2002 to end 7 May 2003), for approval to place a used import plate on a used imported vehicle. These vehicles were imported on the basis of an approval to plate issued before the commencement of the transition period on 1 April 2002 (a transitional approval). These vehicles are on the Register of Specialist and Enthusiast Vehicles except for two-wheeled or three-wheeled vehicle, which are not required to be on the Register.

The purpose of the Regulations is to remove a restriction created by the earlier amendment regulations and allow a RAW to make an application at any time to place a used import plate on used imported vehicles, rather than by the end of 7 May 2003. This is necessary as a large percentage of RAW applicants will not have completed the steps necessary to be granted a RAW approval by the end of 7 May 2003. As a result, vehicles imported on the basis of a transitional approval that have not been plated under the transitional arrangements by the end of 7 May 2003 will not be able to be plated under the RAW Scheme after 7 May 2003. These vehicles would have to be re-exported or destroyed.

The new Regulations also omit provisions no longer required and effect some administrative changes.

The Regulations also describe the schedule of approved vehicles, and include a definition of a sample vehicle. They also ensures a RAW with transitional approvals on 7 May 2003 for unrestricted volume two-wheeled and three-wheeled vehicles (motorcycles) is able to have all the vehicle models added to its schedule when the RAW approval is granted. As this was previously provided for under regulation 56, a RAW approval granted after 7 May 2003 for unrestricted volume two-wheeled and three-wheeled vehicles would not have had the vehicle models covered by their transitional approvals added to their schedules of approved vehicles. The regulation also specifically provides for vehicles imported before and during the transition period (ie 1 April 2002 to 7 May 2003).

Regulation 63, which provided savings provisions for approvals issued before the commencement of the *Motor Vehicle Standards Amendment Act 2001* on 1 April 2002, has been omitted. This provision is no longer required as all approvals have been re-issued since commencement of the Amendment Act.

Regulations 64 and 65 that provided for transitional approvals under subsection 4(4) of the *Motor Vehicle Standards Amendment Act 2001*, have also be omitted. As these transitional approvals cease end of 7 May 2003, these regulations are not required from 8 May 2003.

Section 21D(1)(a) of the Act allows for regulations to prescribe the conditions of an approval as a RAW. One of the conditions set out in regulation 57(h) is that to every vehicle on which the RAW places a used import plate, it attaches a consumer information notice in accordance with regulation 58. Regulation 58 refers to the form of the Consumer Information Notice in Schedule 1. A change to the Consumer Information Notice at Schedule 1 allows a RAW to specify new brake pads and lining only in the cases where it is necessary according to the Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2002 (No 2). The change will also allow for an amendment to be made to the Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2002 (No 2).

The opportunity has also been taken to correct the position of the person signing the Consumer Information Notice, which should be the Vehicle Inspection Signatory not the RAW Signatory.

Details of the Regulations and changes to Schedule 1 Consumer Information Notice, are set out in the attachment.

The Regulations and changes to Schedule 1 will commence on 8 May 2003.

The Office of Regulation Review advised a Regulation Impact Statement was not required as the proposed changes are minor and machinery of government in nature and will not substantially alter existing arrangements.

Attachment

NOTES ON CLAUSES

Motor Vehicle Standards Amendment Regulations 2003 (No 1)

Clause 1 - Name of Regulations

This clause provides for the Regulations to be cited as the Motor Vehicle Standards Amendment Regulations 2003 (No. 1).

Clause 2 - Commencement

This clause provides that the regulation and Schedule 1 commences on 8 May 2003.

Clause 3 - Amendment of the Motor Vehicle Standards Regulations

This clause provides that the Motor Vehicle Standards Regulations are to be amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

Regulation 3, definition of schedule of approved vehicles.

A clearer definition is included and also the removal of the reference to regulation 56.

Regulation 5 - Application for approval to place a used import plate.

The regulation requires a registered automotive workshop to make an application for approval to place a used import plate on a used imported vehicle, in the approved form.

Regulation 52A - Schedule of approved vehicles.

The regulation is a re-write of the omitted regulation 56. It links the granting of an approval to the vehicles that may be included on the schedule of approved vehicles.

Road vehicles, other than unrestricted volume two-wheeled and three-wheeled vehicles are added to the schedule after the sample vehicle has been inspected and RAW approval has been granted.

For unrestricted volume two-wheeled and three-wheeled vehicles, the regulation provides that any make and model for which a transitional approval was held on 7 May 2003 is included on its schedule of approved vehicles. Another make and model of any sample vehicle may also be added to the schedule.

The regulation also makes provision for reinstating the schedule of approved vehicles where a RAW approval for a corporation has ceased but is then granted again within six months.

A definition of a sample vehicle has been included.

Regulation 56

Omitted. This regulation has been replaced with regulation 52A.

Regulation 57

Due to the replacement of regulation 56, the heading has been changed from Further conditions of a RAW approval to Conditions of a RAW approval.

Regulations 63, 64 and 65

Omitted. These regulations are no longer required.

Schedule 1 - Contents of consumer information notice

Schedule 1 - Contents of consumer information notice details the information that needs to be attached to vehicles plated by a RAW.

The change removes New brake pads/lining and fluid and inserts the words [In the case where new brake pads/linings are fitted to the vehicle, insert] New brake pads/linings.

Brake fluid replaced.

Another change corrects an error by removing RAW Signatory [insert signature of RAW Signatory] and replacing it with Vehicle Inspection Signatory [insert name and signature of Vehicle Inspection Signatory].

Schedule 3

Omitted. This is no longer required as it relates to the Conditions of transitional approvals, which cease end of 7 May 2003.