



# Motor Vehicle Standards Amendment Regulations 2009 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2009 No. 308

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Motor Vehicle Standards Act 1989*.

Dated 12 November 2009

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE  
Minister for Infrastructure, Transport, Regional Development  
and Local Government

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**1 Name of Regulations**

These Regulations are the *Motor Vehicle Standards Amendment Regulations 2009 (No. 1)*.

**2 Commencement**

These Regulations commence as follows:

- (a) on the day after they are registered — regulations 1 to 4 and Schedule 1;
- (b) 6 months after the day they are registered — Schedule 2.

**3 Amendment of *Motor Vehicle Standards Regulations 1989***

Schedules 1 and 2 amend the *Motor Vehicle Standards Regulations 1989*.

**4 Transitional**

- (1) Regulation 13 of the *Motor Vehicle Standards Regulations 1989*, as in force immediately before the commencement of regulation 1 of these Regulations, continues to apply to an application made, but not finally determined, under regulation 13 before the commencement of regulation 1 of these Regulations.
- (2) The amendment made by item [14] of Schedule 1 applies to an application that is made after the end of the period of 12 months commencing on the commencement of regulation 1 of these Regulations.

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## Schedule 1      Amendments commencing on the day after registration

(regulation 3)

**[1]      Regulation 3, before the definition of *approved form***

*insert*

***aggregate trailer mass*** has the same meaning as in the Vehicle Standard (Australian Design Rule — Definitions and Vehicle Categories) 2005 made under section 7 of the Act.

**[2]      Regulation 3, after the definition of *approved form***

*insert*

***Australian citizen*** has the same meaning as in the *Australian Citizenship Act 2007*.

**[3]      Regulation 3, after the definition of *old approval***

*insert*

***permanent resident*** has the same meaning as in the *Australian Citizenship Act 2007*.

**[4]      Regulation 3, after the definition of *vehicle inspection certificate***

*insert*

***Vehicle Standards Bulletin 1*** means the publication published by the Department and known as *Vehicle Standards Bulletin 1 (Revision 5, June 2009) — National Code of Practice — Building Small Trailers*.

***visa*** has the same meaning as in the *Migration Act 1958*.

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**[5] Before regulation 8**

*insert*

**8A Supply of used imported trailer to market —  
prescribed circumstances**

- (1) For paragraph 16 (1) (d) of the Act, a person may supply to the market a used imported vehicle in the circumstances prescribed in subregulation (2).
- (2) The prescribed circumstances are that:
  - (a) the used imported vehicle is a road trailer that has an aggregate trailer mass that does not exceed 4.5 tonnes; and
  - (b) the person provides to the Minister a written statement from the original manufacturer of the trailer stating that, at the time of manufacture, the aggregate trailer mass of the trailer did not exceed 4.5 tonnes; and
  - (c) the road trailer complies with the requirements for trailers set out in Vehicle Standards Bulletin 1.

**[6] Regulation 12**

*omit*

The Minister must

*insert*

- (1) The Minister may

**[7] Paragraph 12 (a)**

*substitute*

- (aa) the vehicle was manufactured by a person (the **manufacturer**) holding a valid approval under subsection 10A (1) or (2) of the Act at the time the vehicle was manufactured, being an approval covering vehicles of the type specified in the application; and

- (a) the application is accompanied by a written statement from the manufacturer, or from the manufacturer's authorised representative in Australia, stating that the vehicle complied with the national standards in force for the vehicle when the vehicle was first manufactured and delivered for use in transport; and

**[8] Paragraph 12 (c)**

*substitute*

- (c) the applicant has not been granted an approval to import a vehicle under this regulation in the 12 months immediately before the day the application is received by the Minister.

**[9] Regulation 12**

*insert*

- (2) An approval under subregulation (1) is subject to any written conditions determined by the Minister.

**[10] Regulation 13**

*omit*

The Minister must

*insert*

- (1) The Minister may

**[11] Regulation 13**

*omit*

if:

*insert*

if the Minister is satisfied that:

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**[12] Paragraph 13 (a)**

*substitute*

- (aa) the applicant owns the vehicle at the time the application is made; and
- (ab) the applicant acquired ownership of the vehicle overseas; and
- (ac) the applicant owned the vehicle while overseas and owned it for a continuous period of at least 12 months immediately before arriving in Australia for the purpose of remaining in Australia indefinitely as mentioned in paragraph (b); and
- (ad) during that period of ownership the vehicle was available to the applicant for use in transport; and
- (a) the application is made not later than 6 months after the applicant arrived in Australia for the purpose of remaining in Australia indefinitely as mentioned in paragraph (b); and

**[13] Paragraph 13 (b)**

*substitute*

- (b) at the time the application is received by the Minister, the applicant is:
  - (i) an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely; or
  - (ii) a person who has applied to become an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely if granted Australian citizenship or permanent residency; or
  - (iii) a person who is entitled to remain in Australia indefinitely and provides evidence that he or she intends to do so; or

- (iv) the holder of a visa that entitles him or her to apply to become a permanent resident (whether or not after a specified period or in specified circumstances) and provides evidence that he or she intends to remain in Australia indefinitely; and

**[14] Paragraph 13 (e)**

*omit*

imported a road vehicle owned by him within the year

*insert*

been granted an approval under this regulation within the period of 5 years

**[15] Regulation 13**

*insert*

- (2) An approval under subregulation (1) is subject to any written conditions determined by the Minister.

**[16] Regulation 21**

*substitute*

**21 Road trailers not exceeding 4.5 tonnes aggregate trailer mass — prescribed circumstances**

- (1) For paragraph 20 (1) (b) of the Act, a person may import a nonstandard road vehicle or a road vehicle that does not have an identification plate, in the circumstances prescribed in subregulation (2).
- (2) The prescribed circumstances are that:
  - (a) the Minister has approved the importation under subregulation (3); and
  - (b) the person complies with any conditions determined by the Minister; and



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- (c) the road vehicle is a road trailer that has an aggregate trailer mass that does not exceed 4.5 tonnes; and
  - (d) the person provides to the Minister a written statement from the original manufacturer of the trailer stating that, at the time of manufacture, the trailer did not exceed 4.5 tonnes; and
  - (e) the Minister is satisfied that the trailer is capable of being modified to comply with the requirements set out in Vehicle Standards Bulletin 1.
- (3) The Minister may grant a written approval for the purposes of paragraph (2) (a).
- (4) An approval is subject to any written conditions determined by the Minister.

## **Schedule 2 Amendments commencing 6 months after registration**

(regulation 3)

### **[1] Schedule 1**

*substitute*

## **Schedule 1 Contents of consumer information notice**

(regulation 58)

### **CONSUMER INFORMATION**

Document Reference: [*insert a reference unique to the vehicle*]

This vehicle complies with the *Motor Vehicle Standards Act 1989* and is fitted with a used import plate under the Registered Automotive Workshop Scheme (RAWS).

It has been imported from another country as a used vehicle. The vehicle may not comply with the Australian Design Rules (ADRs) that apply to new vehicles.

Service and replacement parts for this vehicle may not be available from a recognised franchised dealer for this make of vehicle.

At the time the used import plate was fitted, this vehicle had the following:

- [*In the case where seat belts are fitted to the vehicle, insert*] Seat belts that are securely fixed, functioning and in good condition
- New tyres, other than any spare tyre

- *[In the case where the registered automotive workshop is required to service this vehicle, insert]* The engine serviced to the manufacturer's specifications including a new air filter and fuel filter
- *[In the case where new brake pads/linings are fitted to the vehicle, insert]* New brake pads/linings
- Brake fluid replaced
- The engine management system serviced and tuned to the manufacturer's specifications
- *[In the case where any applicable Australian Design Rules requires information to be provided in the owners manual, insert all applicable parts of]* An owner's manual (vehicle handbook) giving information on seat belts, child restraints, starting, driving and maintenance of the emission system.

Make	<i>[insert Make as per vehicle schedule]</i>	Used import plate location	<i>[insert location of used import plate]</i>
Model	<i>[insert Model as per vehicle schedule]</i>	Date fitted	<i>[insert date on which plate was fitted]</i>
VIN <i>[insert 17 digit VIN]</i>		RAWS Workshop	<i>[insert name of registered automotive workshop]</i>
Engine number	<i>[insert engine number]</i>	Address <i>[insert address of registered automotive workshop]</i>	
Build month/year:	<i>[insert month/year of original build date]</i>		
Odometer reading (km)	<i>[insert odometer reading]</i>		
Date of importation	<i>[insert date as shown on Australian Customs clearance]</i>		

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Country of first registration	<i>[insert the country of first registration]</i>	Telephone	<i>[insert telephone number of registered automotive workshop]</i>
<i>ADR Number</i>	<i>Description of modification</i>	Part Number(s) or markings	

Additional modifications may be printed on the other side of this page.

Vehicle Inspection Signatory *[insert name and signature of Vehicle Inspection Signatory]*

Date *[insert date the consumer information notice was completed]*

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.