

Road Traffic (Vehicles) Amendment Regulations (No. 7) 2021

SL 2021/81

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 7) 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2021.

3. Regulations amended

These regulations amend the *Road Traffic (Vehicles) Regulations 2014*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *mass rating for charging (MRC)*.
- (2) In regulation 3 insert in alphabetical order:

mass rating for charging (MRC), for a vehicle,
means —

- (a) the maximum permissible loaded mass of the vehicle as stated on the RAV for that vehicle;
or
- (b) if the maximum permissible loaded mass of the vehicle is not stated on the RAV — the mass recorded on the compliance plate as —
 - (i) the aggregate trailer mass; or
 - (ii) the gross trailer mass rating; or
 - (iii) the GVM;or
- (c) if the vehicle is not entered on the RAV and does not have a compliance plate — the

maximum permissible loaded mass of the vehicle as determined by the CEO;

RAV means the Register of Approved Vehicles kept under the *Road Vehicle Standards Act 2018* (Commonwealth) section 14(1);

5. Regulation 137 amended

In regulation 137(2) delete “chassis or that could be licensed as of Class A under regulation 34 except that it does not have a compliance plate fitted to it” and insert:

chassis, or that cannot be licensed as of Class A under regulation 34 because it does not have a compliance plate fitted to it or it is not entered on the RAV,

6. Regulation 161 amended

In regulation 161 in the definition of *complying bus* after paragraph (a) insert:

- (aa) with 2 or 3 axles and a single steer axle that —
 - (i) is entered on the RAV as having been manufactured during or after July 1994; and
 - (ii) is equipped with an approved air suspension system;
- or

7. Regulation 162 amended

In regulation 162(1):

- (a) in paragraph (b) delete “1 July 1994.” and insert:

1 July 1994; or

- (b) after paragraph (b) insert:

- (c) is not entered on the RAV as having been manufactured during or after July 1994.

8. Regulation 226 amended

- (1) In regulation 226 delete the definitions of:

ADR

national standard

third edition ADR

- (2) In regulation 226 insert in alphabetical order:

Australian Design Rules (ADR) means —

- (a) a third edition ADR; or
- (b) a second edition ADR;

third edition ADR means —

- (a) a national standard under the *Motor Vehicle Standards Act 1989* (Commonwealth) as in force immediately before the repeal of that Act; or
- (b) a national road vehicle standard, as amended from time to time, under the *Road Vehicle Standards Act 2018* (Commonwealth) section 12;

- (3) In regulation 226:

- (a) in the definition of ***adopted standard*** delete “except a national standard,” and insert:

except an ADR,

- (b) in the definition of ***second edition ADR*** delete “a national standard” and insert:

an Australian Design Rule

9. **Regulation 231 amended**

Delete regulation 231(c) and insert:

- (c) despite the non-compliance —
 - (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
 - (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2); or
 - (iii) the vehicle satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2) and the vehicle is entered on the RAV;

and

Note: The heading to amended regulation 231 is to read:

Non-application of this Part: approvals under Commonwealth legislation

10. Regulation 235 amended

After regulation 235(6) insert:

- (6A) On receiving notification under subregulation (6), the CEO may, for the purposes of section 9(1)(c), direct the responsible person for the vehicle to present the vehicle for inspection within 28 days.

11. Regulation 239 replaced

Delete regulation 239 and insert:

239. Exception to compliance with ADRs: vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by regulation 236(2) or 238(2) if —

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for the purposes of that Act; or
- (b) a determination under the *Road Vehicle Standards Act 2018* (Commonwealth) section 6(5)(b) or (6)(b) provides that the vehicle is not a road vehicle for the purposes of that Act.

12. Regulation 240 amended

- (1) Delete regulation 240(1)(a) and insert:

- (a) despite non-compliance with the ADR —
 - (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
 - (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018*

(Commonwealth) Schedule 3 item 4(2)
or 6(2);

and

(2) In regulation 240(2):

(a) delete paragraph (a) and insert:

(a) either —

- (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) the vehicle was permitted to be supplied to the market under section 14A(1) of that Act; or
- (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 11(2);

and

(b) in paragraph (b) delete “under that section —” and insert:

as described in paragraph (a)(i) or (ii) —

(3) Delete regulation 240(3)(a) and insert:

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) the vehicle was permitted to be used in transport in Australia under section 15(2) of that Act; and

Note: The heading to amended regulation 240 is to read:

Exception to compliance with ADRs: approvals under Commonwealth legislation

13. Regulation 240A inserted

After regulation 240 insert:

240A. Vehicles satisfying an entry pathway under *Road Vehicle Standards Act 2018* (Commonwealth)

A vehicle need not comply with an ADR applied by regulation 236(2) or 238(2) if —

- (a) the vehicle satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2); and

- (b) despite non-compliance with the ADR, the vehicle is entered on the RAV.

14. Regulation 241 amended

In regulation 241(1) in the definition of *personally imported vehicle*:

- (a) in paragraph (c) delete “the person.” and insert:

the person; and
- (b) after paragraph (c) insert:
- (d) has —
 - (i) if the vehicle was imported before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) — undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* (Commonwealth); or
 - (ii) otherwise — complied with the rules made under the *Road Vehicle Standards Act 2018* (Commonwealth).

15. Regulation 357A replaced

Delete regulation 357A and insert:

357A. Meaning of *certified to ADR 83/00*

For this Subdivision, a vehicle is *certified to ADR 83/00* if —

- (a) immediately before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth), approval has been given under section 10A of that Act to place an identification plate showing compliance with ADR 83/00 on the vehicle; or
- (b) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2); or
- (c) the vehicle has satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2), including compliance with ADR 83/00, and the vehicle is entered on the RAV.

16. Regulation 389 amended

(1) In regulation 389 delete “If” and insert:

(1) If

(2) At the end of regulation 389 insert:

(2) Subregulation (1) does not apply if the vehicle has satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2) and the vehicle is entered on the RAV.

N. HAGLEY, Clerk of the Executive Council.
