

Australian Light Vehicle Standards Rules Amendment (Vehicle Standards) 2019

1 Name of rules

These rules are the *Australian Light Vehicle Standards Rules Amendment (Vehicle Standards) 2019*.

2 Rules amended

These rules amend the *Australian Light Vehicle Standards Rules 2015*.

3 Rule 3 Definitions

Omit the definitions of *adopted standard*, *ADR*, *GVM*, *Motor Vehicle Standards Act*, *national standard*, *second edition ADR*, and *third edition ADR*.

Insert in alphabetical order:

adopted standard means a standard, except an ADR, that is adopted, applied or incorporated by the Light Vehicle Standards.

Example Rule 51 (2) (c) applies Australian Standard AS 1973-1976 *Retreaded Pneumatic Passenger Car and Light Truck Tyre*.

ADR means:

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

GVM (gross vehicle mass), for a vehicle, means the maximum loaded mass of the vehicle:

- (a) as stated on the RAV for that vehicle; or
- (b) if it is not stated on the RAV — as stated by the vehicle's manufacturer on an identification plate on the vehicle (that is, the plate of the kind referred to in section 10A of the Motor Vehicle Standards Act, affixed or taken to be affixed to the vehicle, in force immediately before the repeal of that Act); or
- (c) if it is not stated on the RAV or on the vehicle's identification plate, or if there is a specification on an identification plate on the vehicle but the specification is not appropriate because the vehicle has been modified — as certified by the vehicle registration authority.

Motor Vehicle Standards Act means the repealed *Motor Vehicle Standards Act 1989* (Cwlth) as in force before its repeal.

RAV means the Register of Approved Vehicles kept under section 14 (1) of the Road Vehicle Standards Act.

Road Vehicle Standards Act means the *Road Vehicle Standards Act 2018* (Cwlth).

second edition ADR means an Australian Design Rule incorporated in the document described as the *Australian Design Rules for Motor Vehicle Safety, Second Edition* originally published by the then Commonwealth Department of Transport.

third edition ADR means:

- (a) a national standard under the Motor Vehicle Standards Act as in force from time to time before the repeal of that Act; or
- (b) a national road vehicle standard under section 12 of the Road Vehicle Standards Act as in force from time to time.

4 Rule 3 (5)

Omit the subrule.

5 Rule 13 Vehicles to which the Light Vehicle Standards do not apply

Omit “vehicle standards determined under the Motor Vehicle Standards Act” from rule 13 (2) (d).

Insert instead “a national road vehicle standard under section 12 of the Road Vehicle Standards Act”.

6 Rule 13 (2) (e)

Omit “vehicle standards determined under the Motor Vehicle Standards Act”.

Insert instead “a third edition ADR”.

7 Rule 13, note

Omit “section 7 of the Motor Vehicle Standards Act”.

Insert instead “section 12 of the Road Vehicle Standards Act”.

8 Rule 16, heading

Omit “**Motor Vehicle Standards Act**”. Insert instead “**particular**”.

9 Rule 16 (c)

Omit the paragraph. Insert instead:

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

10 Rule 23

Omit the rule. Insert instead:

23 Vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by rule 21 (1) or 22 (1) if:

- (a) before the repeal of the Motor Vehicle Standards Act, 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 section 6 (5) (b) or (6) (b) of the Road Vehicle Standards Act provides that the vehicle is not a road vehicle for the purposes of that Act.

11 Rules 24 and 24A

Omit rule 24. Insert instead:

24 Vehicles subject to particular approvals

- (1) A vehicle need not comply with an ADR applied by rule 21 (1) or 22 (1) if:
 - (a) despite non-compliance with the ADR:
 - (i) before the repeal of the Motor Vehicle Standards Act an approval was given under section 10A (2) or (3) to place an identification plate on the vehicle; or
 - (ii) an approval is given under item 4 (2) or 6 (2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); and
 - (b) the vehicle complies with the approval conditions, if any.
- (2) A vehicle need not comply with an ADR applied by rule 21 (1) or 22 (1) if:
 - (a) either:
 - (i) before the repeal of the Motor Vehicle Standards Act the vehicle was permitted to be supplied to the market under section 14A (1) of that Act; or
 - (ii) an approval is given under item 11 (2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); and
 - (b) the vehicle complies with the approval conditions, if any.
- (3) A vehicle need not comply with an ADR applied by rule 21 (1) or 22 (1) if:
 - (a) before the repeal of the Motor Vehicle Standards Act the vehicle was permitted to be used in transport in Australia under section 15 (2) of that Act; and
 - (b) the vehicle complies with the approval conditions, if any.

24A Vehicles subject to particular approvals etc under Road Vehicle Standards Act

- A vehicle need not comply with an ADR applied by rule 21 (1) or 22 (1) if:
- (a) the vehicle satisfied an entry pathway under section 15 (2) of the Road Vehicle Standards Act; and
 - (b) despite non-compliance with the ADR, the vehicle is entered on the RAV.

12 Rule 25 Partial exemption for personally imported vehicles

Omit rule 25 (1). Insert instead:

- (1) For this rule, *personally imported vehicle* means a vehicle built after 1968 imported into Australia by a person who:
 - (a) before the vehicle was imported into Australia, owned and used it for a continuous period of at least:
 - (i) for a vehicle owned by the person before 9 May 2000—3 months; or
 - (ii) in any other case—12 months; and
 - (b) has:
 - (i) if the vehicle was imported immediately before the repeal of the Motor Vehicle Standards Act—undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* (Cwlth); or
 - (ii) otherwise—complied with the rules made under the Road Vehicle Standards Act.

13 Rule 131 Exhaust emissions – diesel-powered vehicles

Omit the definition of *GCM* from rule 131 (1). Insert instead:

GCM (gross combination mass), of a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and any vehicle or vehicles that may be towed by the motor vehicle at the same time:

- (a) as stated on the RAV for that vehicle; or
- (b) if it is not stated on the RAV — as stated by the vehicle's manufacturer on an identification plate on the vehicle (that is, the plate of the kind referred to in section 10A of the Motor Vehicle Standards Act, affixed or taken to be affixed to the vehicle, in force immediately before the repeal of that Act); or
- (c) if it is not stated on the RAV or on the vehicle's identification plate, or if there is a specification on an identification plate on the vehicle but the specification is not appropriate because the vehicle has been modified — as certified by the vehicle registration authority.

14 Rule 131 (3)

Omit the subrule. Insert instead:

- (3) For subrule (4), a vehicle is taken to have been manufactured:
 - (a) if the vehicle is entered on the RAV — in the month stated as the month of manufacture on the RAV for the vehicle; or
 - (b) if the vehicle is not entered on the RAV — in the month shown on its identification plate (that is, the plate of the kind referred to in section 10A of the Motor Vehicle Standards Act approved to be affixed on the vehicle before the repeal of that Act) as its month of manufacture.

15 Rule 136

Omit the rule. Insert instead:

136 Meaning of “certified to ADR 83/00”

For the purposes of this Division, a vehicle is *certified to ADR 83/00* if:

- (a) immediately before the repeal of the Motor Vehicle Standards Act, 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 item 4 (2) or 6 (2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); or
- (c) the vehicle has satisfied an entry pathway under section 15 (2) of the Road Vehicle Standards Act, including compliance with ADR 83/00, and the vehicle is entered on the RAV.