

2011

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT
REGULATION 2011 (No 1)
SUBORDINATE LAW SL2011-28**

EXPLANATORY STATEMENT

Presented by
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OVERVIEW

This Regulation is made under the section 233 of the *Road Transport (General) Act 1999*, section 507 of the *Road Transport (Mass, Dimensions and Loading) Act 2009* and sections 13, 15 and 16 of the *Road Transport (Vehicle Registration) Act 1999*.

The purpose of the majority of the amendments in this Regulation is to incorporate changes to the nationally agreed vehicle standards, developed by the National Transport Commission, into the *Road Transport (Vehicle Registration) Regulation 2000*. The vehicle standards set out in Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000* are based on the Australian Vehicle Standards Rules (AVSRs), which are developed and maintained as national model laws by the National Transport Commission (NTC). The majority of the amendments in the Regulation incorporate the changes that have been made to the AVSRs between 2006 and 2011, which have been agreed by the Australian Transport Council (ATC).

The Regulation also includes amendments to allow the road transport authority to refuse an application for registration as a public passenger vehicle if the applicant has failed to comply with a territory law regarding the condition of the vehicle, and to require public passenger vehicles to carry a certified fire extinguisher. The list of internally reviewable decisions, contained in the *Road Transport (General) Regulation 2000*, is amended to include a right of internal review for decisions by the road transport authority to refuse an application for registration of a registrable vehicle as a public passenger vehicle. This amendment corrects an unintentional omission.

Minor consequential amendments are also made to the *Road Transport (General) Regulation 2000*, the *Road Transport (Mass, Dimensions and Loading) Regulation 2010* and the *Road Transport (Offences) Regulation 2005* to update terminology and references.

The amendments are considered to be consistent with human rights. They are aimed at protecting the interests and safety of all road users by providing for comprehensive vehicle standards. The amendments relating specifically to registration requirements and standards for public vehicles are aimed at ensuring that public vehicle transportation services are provided in clean, safe vehicles.

In this Explanatory Statement, a reference to ADR followed by a number means a reference to an Australian Design Rule of a particular number, as amended. For example, ADR 61/02 means Australian Design Rule 61, version 2. There are also references to the 2nd and 3rd edition ADR. These terms are defined in sections 1.14 and 1.15 of schedule 1 to the Principal Regulation, and in summary are references to published editions of the Australian Design Rules for Motor Vehicle Safety.

Notes on Clauses

Part 1 Preliminary

Clause 1 Name of regulation

This is a formal provision that sets out the name of the Regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the Regulation. The amendments will commence on the day after notification.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the Regulation. The majority of the amendments affect the *Road Transport (Vehicle Registration) Regulation 2000* (the Principal Regulation) although as the note explains, there are amendments – primarily of a consequential nature – to other regulations that form part of the road transport legislation.

Clause 4 New section 5A

This clause inserts new section 5A into the Principal Regulation. The purpose of this provision is to disapply sections 47 (5) and (6) of the *Legislation Act 2001* in relation to certain documents or instruments that are incorporated by reference in the Principal Regulation and by amendments contained in this Regulation. The effect of new section 5A is that these documents or instruments are not regarded as ‘notifiable instruments’ and do not need to be notified on the Legislation Register. It should be noted that the Principal Regulation was first made before sections 47 (5) and (6) of the *Legislation Act 2001* were enacted, which is often silent as to the application of those provisions. The inclusion of new section 5A will remove any uncertainty that might arise about notification requirements for instruments or documents that are incorporated by reference.

The Principal Regulation contains a great many references to incorporated documents such as national standards, adopted standards, vehicle services bulletins and instruments that would, but for the disapplication of sections 47 (5) and (6), be required to be notified on the Legislation Register. The copyright for these documents instruments is not owned by the ACT, and the ACT has not been given permission to reproduce them on its own legislative website. Where possible, a note containing a link to a website where the documents may be viewed or purchased has been included to assist people who use the Principal Regulation.

Clause 5 Section 32AA (1) and note

This clause amends section 32AA, which explains when the road transport authority may refuse to approve an application for registration of a registrable vehicle as a public passenger vehicle.

The current provision allows the road transport authority to refuse to approve an application for registration as a public passenger vehicle where the applicant is not the accredited operator of the vehicle. This amendment inserts an additional ground for refusal, where the applicant has failed to comply with a requirement under a territory law in regard to maintaining the condition of the vehicle. The amendment expressly

includes requirements in relation to the cleanliness of the vehicle and the maintenance of fittings and equipment, which are imposed under the *Road Transport (Public Passenger Services) Act 2001*. This amendment requires public passenger service operators to ensure that the standards of hygiene, maintenance and cleanliness required by the *Road Transport (Public Passenger Services) Regulation 2002* and the Minimum Service Standards¹ made under that Regulation are upheld.

The revised first note for this clause explains which vehicles are public passenger vehicles, and includes demand responsive service vehicles. The second note refers to the offence provisions in the *Road Transport (Public Passenger Services) Regulation 2002* relating to the condition of a public passenger vehicle, and is included to remind readers that failure to obtain registration is not the only consequence of failing to maintain the vehicle in an appropriate condition.

Clause 6 Section 33 (7)

This clause is a technical amendment to section 33 (7), to clarify the existing offence provision regarding the use of a vehicle that is conditionally registered in contravention of a condition of registration. This amendment redrafts section 33 (7) to make it clear that a person who is not the registered operator of a vehicle must not use, or permit the use of, a vehicle that is conditionally registered in contravention of a condition of registration. This offence applies to a person who is not the registered operator of the vehicle.

It should be noted that there is a separate offence, with a significantly higher penalty, that applies to a registered operator who fails to comply with a condition of registration. The penalty difference is considered appropriate as the registered operator would ordinarily be in a position to know the conditions that apply to registration, whereas other users may not have the same level of access to that information.

Clause 7 Section 33 (7) note

This clause is a technical amendment to the existing note in section 33 (7). It explains that it is an offence for a registered operator to fail to comply with the conditions of registration of a vehicle, under section 21 (3) of the *Road Transport (Vehicle Registration) Act 1999*. The purpose of the note is to draw attention to the reason that the offence in section 33 (7) does not apply to registered operators, which is the existence of the offence in section 21 (3) of the Act.

Clause 8 New section 44 (4) (ba) and (bb)

This clause inserts two new paragraphs into section 44 (4), which specifies the location of a registration label for various types of vehicles. New sections 44 (4) (ba) and (bb) insert requirements for the location of a registration label for vehicles not fitted with a windscreen, and for motorbikes, motortrikes, mopeds and specific trailers. The amendments aligns section 44 (4) with the requirements in section 9.2 of ADR 61/02.

¹ The Minimum Service Standards are disallowable instruments and are accessible at <http://www.legislation.act.gov.au/sl/2002-3/di.asp>

Clause 9 Section 44 (4) (d)

This clause is a consequential amendment to the amendment in clause 8, and has the effect of including new paragraphs 44 (4) (ba) and (bb) in the list of exceptions from the requirement in current section 44 (4) (d), which relates to fixing registration labels near rear numberplates. It should be noted that section 44 will be renumbered when the Principal Regulation is republished, so that existing paragraph 44 (4) (d) will become paragraph 44 (4) (f).

Clause 10 Section 114 (3) (b) and penalty

This clause amends section 114 (3) (b), which requires the certification by an authorised examiner of modifications or additions to a registrable vehicle as being compliant either with the *Vehicle Standards Bulletin No 6* or a specification approved by the road transport authority. This amendment sets out more specific compliance requirements, by differentiating between the requirements for light vehicles and heavy vehicles. It also updates references to the applicable Vehicle Standards Bulletins in which the relevant standards are published.

This clause inserts a note that explains that the Vehicle Standard Bulletins are not notifiable instruments (see the discussion in relation to clause 4, at page 2 of this Explanatory Statement) and provides a link to the website where the Bulletins may be accessed.

Clause 11 Section 114 (4)

This clause is a consequential amendment to section 114 (4) and reflects the division of previous section 114 (3) (b) into new paragraphs dealing separately with light and heavy vehicles.

Clause 12 Schedule 1, section 1.5, new note

This clause inserts a new note into section 1.5 of schedule 1. That section relates to the special requirements for vehicles used by people with disabilities. The note explains that any vehicle that is modified to be used by a person with disabilities must continue to comply with schedule 1, in particular, section 114. The note refers to the vehicle modification requirements in Vehicle Standards Bulletins 6 and 14 and identifies where they can be accessed. The note also explains that the bulletins are not required to be notified on the Legislation Register because section 47 (6) of the *Legislation Act 2001* has been disapplied (see clause 4).

Clause 13 Schedule 1, section 1.8

This clause replaces section 1.8 of schedule 1, which provides that a requirement in schedule 1 (part 1.5 to part 1.13 inclusive) does not apply in relation to a vehicle if it is inconsistent with an ADR requirement that applies to the vehicle and the vehicle complies with the relevant ADR requirement. The purpose of this section is to make it clear that the ADR requirements prevail over any requirements in the relevant parts of schedule 1, to the extent of any inconsistency, in order to maintain a nationally consistent approach to vehicle safety regulation where possible.

Replacement section 1.8 is based on the previous section but makes it clear that the relevant provisions of schedule 1 will not apply, whether or not the vehicle is required to comply with the ADR requirement. However, new section 1.8 (2) explains that if the vehicle is of a different class or type as the vehicles to which the ADR

requirement applies, then section 1.8 (1) does not apply. The vehicle would therefore need to comply with the relevant schedule 1 requirement instead. The amendment provides an example to illustrate where a requirement under section 1.5 to 1.13 may be inconsistent with an ADR.

Clause 14 Schedule 1, part 1.3 heading, note

This clause amends the note in the part 1.3 heading of schedule 1, which applies the Australian Design Rules (ADRs) to vehicles. The existing note explains that vehicles that are required to comply with the ADRs are generally required to comply with them for the whole of their life as a vehicle. The amendment to the note provides more guidance on the way that modified vehicles are required to comply with the ADRs. This amendment is related to the amendment in clause 10, and draws attention to the vehicle modification requirements in Vehicle Standards Bulletin 6 (for heavy vehicles) and 14 (for light vehicles) and identifies where they can be accessed. As previously explained, the Bulletins are not notifiable instruments because section 47 (6) of the *Legislation Act 2001* has been disapplied.

Clause 15 Schedule 1, part 1.3 heading, note

This clause also amends the note to the heading for part 1.3. This is a consequential amendment that arises from the technical amendments to section 1.42 in schedule 1 that is made by clauses 23, 24 and 25 of this Regulation to include the word ‘components’. These amendments will ensure consistency with Part 3 of the Australian Vehicle Standards Rules.

Clause 16 Schedule 1, part 1.3 heading, note

This clause also amends the note to the heading for part 1.3. This is a consequential amendment that arises from the technical amendment to section 1.178 in schedule 1, made by clause 49 of this Regulation.

This amendment identifies section 1.178 (1) (b) as a provision that applies to a vehicle instead of the corresponding ADR requirement.

Clause 17 Schedule 1, section 1.15

This clause is a technical amendment to section 1.15 of schedule 1, which refers to the definition of *3rd edition ADR*. The amendment revises the reference to the Commonwealth Department of Transport and Regional Development by inserting the word ‘then’ to make it clear that the reference to the name of the department is historical. The Commonwealth Department of Transport and Regional Development is currently the Department of Infrastructure and Transport.

Clause 18 Schedule 1, section 1.20 (4)

This clause amends section 1.20 (4) of schedule 1, which provides a partial exception to compliance with the ADRs for personally imported vehicles that comply with certain requirements relating to seat belts and child restraint anchorage points. The amendment rewords the definition of ‘personally imported vehicle’ in section 1.20 (4) to bring it into line with rule 23 (1) of the Australian Vehicle Standards Rules, to reflect changes in Commonwealth regulations relating to who may apply for the personal importation of vehicles.

Clause 19 Schedule 1, section 1.25 (2) (a)

This clause is a technical amendment to section 1.25 (2) (a) of schedule 1 to remove the word ‘not’. The current drafting of this paragraph requires a motor vehicle that has a GVM under 4.5t and is less than 30 years old to have a right-hand drive if the vehicle was not registered unconditionally in left-hand drive form in Australia before 1 January 1985. However, the policy intention of the provision was that a motor vehicle with a GVM under 4.5t and less than 30 years must have a right-hand drive if the vehicle was registered unconditionally in left-hand drive form in Australia before 1 January 1985. The amendment ensures that the provision gives effect to the policy.

Clause 20 Schedule 1, section 1.25 (6)

This clause amends section 1.25 (6) of schedule 1. That section exempts vehicles built or used mainly for a purpose other than the transportation of goods or people from the requirements in section 1.25. The amendment has the effect of omitting the words ‘or used’, so that the exemption will apply only to vehicles built mainly for a purpose other than the transportation of goods or people, regardless of how the vehicle is actually used. This amendment will clarify the intent of the exemption, while continuing to allow for left hand drive special purpose vehicles that are not built for passenger or goods to be used on roads or road related areas (for example, registrable vehicles built for use in construction or agriculture). The amendment ensures consistency with rule 27 (6) of the Australian Vehicle Standards Rules.

Clause 21 Schedule 1, section 1.35 (2)

This clause amends section 1.35 (2) of schedule 1, which prohibits a vehicle from being fitted with devices that can make particular sounds. The amendment removes the prohibition on devices that make a bell-like sound. With the increased use of electronic tones by emergency fire vehicles the prohibition on bell-like sounds is no longer necessary. This amendment ensures consistency with rule 34 (2) of the Australian Vehicle Standards Rules.

Clause 22 Schedule 1, new section 1.35 (5A)

This clause amends section 1.35 (5A) of schedule 1. It is essentially a deeming provision that modifies the application of the relevant ADR in relation to a vehicle. It provides that the relevant ADR applies to the vehicle as if it did not contain a reference to a bell. This amendment ensures consistency with rule 34 (6) of the Australian Vehicle Standards Rules.

Clause 23 Schedule 1, section 1.42 heading

This clause is a consequential amendment related to clauses 24 and 25. It amends the heading to the section to include a reference to ‘components’. This amendment ensures consistency with rule 41 of the Australian Vehicle Standards Rules.

Clause 24 Schedule 1, new section 1.42 (1A)

This clause amends section 1.42 to insert new section 1.42 (1A), to require the electrical components of a vehicle to be securely mounted. Following an incident in another jurisdiction in which a battery was not securely mounted to a vehicle, jurisdictions agreed that the Australian vehicle standards should specifically address the safety practice of securely mounting batteries. This amendment ensures consistency with rule 41 (1A) of the Australian Vehicle Standards Rules.

Clause 25 Schedule 1, section 1.42 (4)

This clause is a consequential amendment to the amendments in clauses 23 and 24, relating to electrical components mounted on vehicles. It inserts the word ‘components’ in section 1.42 (4).

Clause 26 Schedule 1, new section 1.45A

This clause inserts a new provision requiring all motor vehicles (excluding motor bikes, motor trikes and mopeds) to be fitted with a windscreen if the vehicle is manufactured or designed to have a windscreen. This is because vehicles that are manufactured or designed to have a windscreen must continue to be fitted with a windscreen to retain structural integrity. This amendment is consistent with rule 42A of the Australian Vehicle Standards Rules.

Clause 27 Schedule 1, section 1.46 (3), definition of *approved material*, dot points 5 and 7

This clause makes a technical amendment to the definition of ‘approved material’ in section 1.46 (3) of schedule 1, which prescribes the relevant standards for vehicle windscreens and windows. The amendment refers to the relevant British Standards for safety glass by their full title.

Clause 28 Schedule 1, section 1.46 (3), note

This clause is a technical amendment to the note in section 1.46 (3) of schedule 1. The purpose of the note is to explain where the standards referred to in that section can be accessed, as they are not notifiable instruments (see clause 4 of this Regulation). The amendment replaces the reference to the former Federal Office of Road Safety, Commonwealth Department of Transport and Regional Development, Canberra with a reference to the ‘Commonwealth Department of Infrastructure and Transport’, to reflect that agency’s current name.

Clause 29 Schedule 1, section 1.47 (1)

This clause amends section 1.47 (1) of schedule 1, which prescribes the luminous transmittance for glazing used in vehicle windscreens. The current provision sets out different luminous transmittance requirements for windscreen glazing for vehicles manufactured for pre- and post-1971 vehicles (70% and 75% respectively). The amendment applies a luminous transmittance of 70% for all vehicles and reflects changes that have been made to the ADR to align the luminous transmittance requirements with the European and American standard of 70%.

Clause 30 Schedule 1, section 1.47 (8), new note

This clause amends section 1.47 (8) of schedule 1, to insert a note to explain that ‘glazing’ is defined in the Dictionary.

Clause 31 Schedule 1, section 1.60A

This clause amends section 1.60A of schedule 1, which requires public passenger vehicles (excluding motorbikes) to have a fire extinguisher. The amendment strengthens the requirement under section 1.60A for a public passenger vehicle to be fitted with a fire extinguisher that is suitable for the size and type of public passenger vehicle. To ensure the safety of drivers, passengers and other road users, a public passenger vehicle must now carry one or more fire extinguishers in accordance with the requirements of Australian Standard 2444-2001. The note to section 1.60A (a)

explains that AS/NZS 1850:2009 also contains information about classification ratings and performance testing for fire extinguishers. There are also requirements relating to the number and location of extinguishers on vehicles. Note 2 explains that section 47 (5) of the *Legislation Act 2001* does not apply to the Standards referred to in section 1.60A (see clause 4). The note then explains where copies of the Standard may be purchased. (AS/NZS 1850:2009 is not ‘incorporated by reference’ by virtue of being mentioned in the note to section 1.60 A (a), so the disapplication of section 47 (5) of the *Legislation Act 2001* does not arise).

New section 1.60B requires fire extinguishers carried by public vehicles to be properly maintained in accordance with AS/NZS 1850:2009. The note explains that section 47 (5) of the *Legislation Act 2001* does not apply to this Standard; it also explains where the Standard may be purchased.

Clause 32 Schedule 1, section 1.75 (4) and (5)

This clause amends section 1.75 of schedule 1. That section deals with length requirements for vehicle combinations. At present, B-doubles are restricted to no more than 25m in length. A B-double vehicle is defined as a combination consisting of a prime mover towing 2 semi-trailers. The amendment inserts new section 1.75 (4) which permits B-doubles to be up to 26m under certain defined circumstances. The amendment is consistent with rule 69 (4) and (5) of the Australian Vehicle Standards Rules, and implements an agreed national position on increasing the length of B-double combinations from 25m to 26m. The four circumstances that must be met are set out in sections 1.75 (4) (a) to (d) and are intended to improve safety outcomes for B-double drivers and road users. The distance between the kingpin on the lead trailer and the rear of the B-double (i.e. the trailing length) is limited to 20.6m; the prime mover must have a front underrun protective device that accords with regulation 93 of the relevant UN ECE Agreement; the prime mover must have a cab that complies with certain standards intended to protect the occupant in the case of an accident; and lastly, the prime mover must not have a load-carrying area.

As the 26 metre regime is optional and the existing 25m length restriction will remain, any B-doubles that currently exceed the 20.6m trailing length and/or do not have the additional safety features are able to operate without change providing the total combination length does not exceed 25m.

New section 1.75 (5) contains a definition of UN ECE Agreement, which gives the complete (and somewhat lengthy) title of that Agreement. The note explains that section 47 (5) of the *Legislation Act 2001* does not apply to the UN ECE Agreement, and where that agreement can be accessed.

Clause 33 Schedule 1, section 1.124 (2)

This clause amends section 1.124 (2) of schedule 1, which deals with other lights and reflectors on vehicles. This section precludes certain flashing lights from being used by vehicles that are not exempt vehicles or special purpose vehicles. Existing section 1.124 (2) permits a vehicle to be fitted with a light or reflector not mentioned in schedule 1, other than the lights mentioned in section 1.124 (3). The amendment restricts section 1.124 (2) to instances where another law of the ACT allows a light or reflector of the relevant type to be fitted. This amendment has been agreed nationally as there has been an increase in decorative lights on vehicles, particularly blue

coloured lights. These lights are confusing to other road users, they reduce the effectiveness of the standard lights required by the ADR's and may incorrectly suggest to other road users that the vehicle to which they are fitted is a police vehicle. The amendment maintains the opportunity for non-standard lights to be fitted to a vehicle, provided the use of those lights has been authorised by another law. This amendment is consistent with rule 118 (2) of the Australian Vehicle Standards Rules.

Clause 34 Schedule 1, section 1.124 (3)

This clause is a technical amendment to section 1.124 (3) of schedule 1. The amendment substitutes 'display' with 'be fitted with' to align with rule 118 (3) of the Australian Vehicle Standards Rules.

Clause 35 Schedule 1, section 1.126 (1), definition of *rear marking plate*

This clause amends section 1.126 (1) of schedule 1, which deals with vehicle rear marking plates. This amendment removes the reference to the ADRs as the governing specification for these plates and replaces it with a reference to the Vehicle Standards Bulletin VSB 12. This amendment ensures consistency with rule 119 (1) of the Australian Vehicle Standards Rules.

Clause 36 Schedule 1, section 1.126 (1), definition of *rear marking plate*, new note

This clause inserts a note in section 1.126 (1) of schedule 1, to explain where Vehicle Standards Bulletin VSB 12 can be accessed. Section 47 (6) of the *Legislation Act 2001* does not apply to the Bulletin (see clause 4).

Clause 37 Schedule 1, section 1.126 (3)

This clause is a consequential amendment to section 1.126 (3) of schedule 1 made by clause 35, and reflects the new wording of section 1.126 (1).

Clause 38 Schedule 1, section 1.136 (8)

This clause amends section 1.136 (8) of schedule 1. That provision requires a parking brake to hold a vehicle (or combination) in a stationary position on a 12% gradient. This amendment clarifies the parking brake performance requirement by specifying the conditions in which the parking brake must hold the vehicle. The effect of the amendments is to require the parking brake to hold the vehicle or combination stationary on a 12% gradient when it is on a dry smooth road surface free from loose material. The brakes must be able to attain this level of performance whether or not the vehicle or combination is loaded. This amendment is consistent with rule 128 (8) of the Australian Vehicle Standards Rules.

Clause 39 Schedule 1, division 1.10.1 heading

This clause is a technical amendment to the heading for division 1.10.1 of the schedule, to replace a reference to 'visible emissions' with 'exhaust emissions'. The drafting of this amendment aligns with the revised heading in Part 10, Division 1 of the Australian Vehicle Standards Rules.

Clause 40 Schedule 1, section 1.154 heading

This clause is a technical amendment to the heading for section 1.154. The new heading reads 'Crankcase gases – certain petrol powered vehicles'. This amendment is consistent with rule 146 of the Australian Vehicle Standards Rules and is

consequential on the inclusion of new provisions relating to exhaust emissions from diesel powered vehicles (see clause 42 of this Regulation).

Clause 41 Schedule 1, section 1.155 heading

This clause is a technical amendment to the heading for section 1.155. The new heading reads ‘Visible exhaust emissions – vehicles with internal combustion systems’. This amendment is consistent with rule 147 of the Australian Vehicle Standards Rules.

Clause 42 Schedule 1, new section 1.155A

This clause inserts a new provision that prescribes the compliance requirements for exhaust emissions for diesel-powered vehicles. This amendment provides the emissions standards for diesel-powered vehicles undergoing the DT80 Test. Diesel emissions include oxides of nitrogen and particles. The emissions standards for these emissions are summarised in the tables in section 1.155A, and vary according to the vehicle’s date of manufacture and GVM rating. New section 1.155A contains a definition of ‘DT80 test’, which explains that these are tests that are carried out at test facilities that are recognised by the Australian Tax Office for the purposes of the fuel tax credit system. The drafting of this amendment aligns with rule 147A of the Australian Vehicle Standards Rules.

Clause 43 Schedule 1, section 1.156 (1)

This clause amends section 1.156 (1) of schedule 1, which deals with exhaust systems. This amendment omits the words ‘with a GVM over 4.5t’ and has the effect of applying the standards in section 1.156 to all vehicles other than a bus. This amendment is consistent with rule 148 of the Australian Vehicle Standards Rules.

Clause 44 Schedule 1, division 1.10.3, new subdivision 1.10.3.1

This clause amends division 1.10.3 of schedule 1 to create new subdivisions in that division and to insert new provisions (new sections 1.156A and 1.156B) that relate generally to noise emissions from vehicles.

New section 1.156A deals with the measurement of stationary noise levels, and explains that noise emissions are to be measured for the purposes of division 1.10.3 using the *National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles – September 2006* (the Noise Test Procedure), which is published by the National Transport Commission. The Noise Test Procedure was developed as a simple and consistent testing process. This amendment ensures consistency with division 3, subdivision A of the Australian Vehicle Standards Rules. The note explains that section 47 (5) of the *Legislation Act 2001* does not apply to the Noise Test Procedure (see clause 4), and also explains where a copy can be accessed.

New section 1.156B contains a definition of the term ‘certified to ADR 83/00 when used in division 1.10.3. In brief, a vehicle is certified to ADR 83/00 if approved compliance plates are placed on vehicles of that type. ADR 83/00 contains requirements relating to noise exhaust that apply to vehicles manufactured after 1 January 2005.

Clause 45 Schedule 1, division 1.10.3, new subdivision 1.10.3.2

This clause amends division 1.10.3 of schedule 1, to create a new subdivision that deals with noise levels for vehicles manufactured before ADR 83/00 (or any future ADRs that may be made) came into effect. It inserts new section 1.157A, which explains the application of the new subdivision. The result is that sections 1.157 to 1.160 of schedule 1 will apply to vehicles manufactured before ADR 83/00 (and any subsequent ADRs dealing with exhaust noises) came into effect.

Clause 46 Schedule 1, section 1.161

This clause replaces section 1.161 of schedule 1, which prescribes the requirements for the measurement of stationary noise levels for a vehicle that is certified to ADR 83/00. New section 1.161 reflects the adoption of the Noise Test Procedure as the standard for noise tests (see clause 44 of this Regulation). The stationary noise level for the vehicle cannot exceed the noise level for the vehicle when it was certified by more than 5 dB(A). This amendment will ensure stronger control over the exhaust noise of vehicles produced after 1 January 2005, whether they are modified or not after initial certification. It is consistent with division 3, subdivision C of the Australian Vehicle Standards Rules.

Clause 47 Schedule 1, part 1.11 heading and note

This clause updates the heading to part 1.11 and amends the note to the heading. This part deals with standards for non-petrol and unleaded petrol fuel systems. The new heading reads ‘Alternative fuel systems and unleaded petrol motor vehicles’, to recognise the increasing range of alternative fuel systems for vehicles as new technologies are accepted. The note has been redrafted to expand the acronym for Liquefied Petroleum Gas (LPG) and to note that Compressed Natural Gas (CNG) is an alternative fuel system that is now covered by this part. This amendment is consistent with part 11 of the Australian Vehicle Standards Rules.

Clause 48 Schedule 1, section 1.162

This clause amends section 1.162 of schedule 1, which sets out the requirements for compliance and labelling of LPG-powered vehicles. This amendment clarifies that vehicles fitted with LPG equipment must comply with the Australian Standard in force at the time that the equipment was fitted to the vehicle, and corrects an erroneous reference to the Australian Standard for Liquefied Petroleum Gas (LPG) labelling requirements.

This clause also inserts new section 1.162A to require vehicles powered by natural gas to comply with the relevant version of Australian Standard 2739 (*Natural Gas (NG) fuel systems for vehicle engines*) that applied to the vehicle when the fuel system was installed – the current version is AS 2739-2009. Section 47 (5) of the *Legislation Act 2001* does not apply to this Australian Standard (see clause 4 of this Regulation).

Clause 49 Schedule 1, section 1.178

This clause amends section 1.178 of schedule 1, which prescribes the requirements for the attachment of couplings and drawbar eyes on road trains. New paragraph 1.178 (1) (b) provides that the pivot point of a coupling must not extend past 300mm of the rear of the trailer to which it is attached, unless another law of the ACT permits this outcome. New subsection 1.178 (2) provides that 1.178 (1) (b) displaces any corresponding requirements in the relevant ADR. This amendment, including the

permitted displacement of the relevant ADR, is consistent with rule 169 of the Australian Vehicle Standards Rules.

Clause 50 Schedule 1, new part 1.15

This clause amends schedule 1, to insert a new part 1.15 which sets out in detail the requirements for the DT80 test procedure. This amendment is related to the amendment in clause 42 that inserts new section 1.155A (Exhaust emissions – diesel powered vehicles). This amendment is consistent with schedule 1 of the Australian Vehicle Standards Rules.

Clause 51 Schedule 2, part 2.2.3, new prescribed requirement 1A

This clause amends part 2.2.3 of schedule 2, which sets out the prescribed requirements for vehicle noise testing equipment. This amendment is related to the amendments in clauses 44 to 46 dealing with the Noise Test Procedure.

New requirement 1A requires testing devices used in conducting noise tests to comply with certain standards. The note explains that section 47 (5) of the *Legislation Act 2001* does not apply to those standards (see clause 4 of this Regulation).

Clause 52 Dictionary note 3

This clause amends note 3 in the Dictionary, which is a list of terms used in the Principal Regulation that are defined in the *Road Transport (Vehicle Registration) Act 1999*. This amendment includes ‘gross combination mass (GCM)’, ‘gross vehicle mass (GVM)’ and ‘registered’ in that list.

Clause 53 Dictionary, new definition of *certified to ADR 83/00*

This clause is consequential on the amendment in clause 44 and inserts a reference to the term ‘certified to ADR 83/00’ in the Dictionary. That term is defined in new section 1.156B of schedule 1.

Clause 54 Dictionary, new definition of *glazing*

This clause amends the definition of ‘glazing’ in the Dictionary, to remove the word ‘passenger’. In summary, this amendment defines glazing as material fitted to the vehicle through which the driver can obtain a view of the road. This amendment removes the unintended consequence of the current definition, which referred to material through which a driver *or passenger* can obtain a view of the road. The inclusion of passenger in the previous definition meant all vehicles, including buses, were subject to a luminous transmittance of 70% for all windows that are fitted behind the driver, even where the driver did not actively use those windows to see the road. This amendment is consistent with rule 44 (9) of the Australian Vehicle Standards Rules.

Clause 55 Dictionary, new definition of *VSB*

This clause amends the Dictionary to include a definition of ‘VSB’. This amendment defines ‘VSB’ as the abbreviation of Vehicle Standards Bulletin and explains where the Bulletin can be accessed. Sections 47 (5) and 47 (6) of the *Legislation Act 2001* do not apply to the VSB (see clause 4 of this Regulation).

Schedule 1 Consequential Amendments

Part 1.1 Road Transport (General) Regulation 2000

Clause 1.1 Schedule 1, part 1.11, new item 8A

This clause amends part 1.11 of Schedule 1 in the *Road Transport (General) Regulation 2000*, which lists the decisions of the road transport authority that are internally reviewable. It includes decisions to refuse to approve an application for registration of a registrable vehicle as a public passenger vehicle (under section 32AA (1) of the *Road Transport (Vehicle Registration) Regulation 2000*) in that list.

Part 1.2 Road Transport (Mass, Dimensions and Loading) Regulation 2010

Clause 1.2 Section 54 (3), definition of 3rd edition ADR, note

This clause is a technical amendment to the note in section 54 (3) of the *Road Transport (Mass, Dimensions and Loading) Regulation 2010*, which refers to the definition of 3rd edition ADR. The amendment expresses the reference to ‘Commonwealth Department of Transport and Regional Development’ in the past tense by including the word ‘then’ before the name of the agency. The current name of the agency is the Department of Infrastructure and Transport.

Part 1.3 Road Transport (Offences) Regulation 2005

Clause 1.3 Schedule 1, part 1.15, item 1, column 3

This clause is a technical amendment to the short description of the offence in section 33 (7) of the *Road Transport (Vehicle Registration) Regulation 2000*, which is related to the amendment to that provision by clause 6 of this Regulation.

Clause 1.4 Schedule 1, part 1.15, item 72.20, column 2

This clause is a technical amendment that relates to the case description that applies to breaches of section 1.42 of schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*, which is an offence under section 109 of that Regulation. Section 109 is a generic offence provision dealing with a failure to comply with a requirement in schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*. Item 72.20 specifically relates to a failure to comply with section 1.42 of schedule 1 of the Regulation. It includes a reference to ‘components’, and is consequential on the amendment to section 1.42 of schedule 1 by clause 24 of this Regulation.

Clause 1.5 Schedule 1, part 1.15, item 72.20, column 3

This clause is a technical amendment that relates to the short description for the offence mentioned in item 72.20, which relates to a failure to comply with the requirements in section 1.42 of schedule 1 of the Regulation. It includes a reference to ‘components’, and is consequential on the amendment to section 1.42 of schedule 1 by clause 24 of this Regulation.

Clause 1.6 Schedule 1, part 1.15, item 72.23, columns 2 and 3

This clause is a technical amendment to item 72.23, which relates to a failure to comply with a glazing requirement in sections 1.45 to 1.47 of schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*. This amendment is consequential on the amendment in clause 26, which included new section 145A.

Clause 1.7 Schedule 1, part 1.15, new items 72.27A and 72.27B

This clause is a technical amendment to the table in part 1.15 of the *Road Transport (Offences) Regulation 2005*, to include new items relating to the requirements for public vehicles to have fire extinguishers. Those requirements are set out in new sections 1.160A and 1.60B of schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*. This amendment is consequential on the amendment in clause 31 of this Regulation.

Clause 1.8 Schedule 1, part 1.15, item 72.41

This clause is a technical amendment to item 72.41 in the table in part 1.15 of the *Road Transport (Offences) Regulation 2005*. It is consequential on the amendments to sections 1.154 to 1.155A in schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000* relating to exhaust emissions, made by clauses 40 to 42 of this Regulation.

Clause 1.9 Schedule 1, part 1.15, new item 72.44A

This clause inserts new item 72.44A into the table in part 1.15 of the *Road Transport (Offences) Regulation 2005*, which deals with breaches of requirements for vehicles powered by natural gas. It is consequential on the amendment to insert new section 1.162A, made by clause 48 of this Regulation.