



Australian Capital Territory

# Road Transport (Vehicle Registration) Amendment Regulation 2021 (No 1)

Subordinate Law SL2021-18

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The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 5 August 2021.

ANDREW BARR  
Chief Minister

CHRIS STEEL  
Minister





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**1 Name of regulation**

This regulation is the *Road Transport (Vehicle Registration) Amendment Regulation 2021 (No 1)*.

**2 Commencement**

- (1) This regulation (other than schedule 1) is taken to have commenced on 1 July 2021.
- (2) Schedule 1 commences on the day after this regulation's notification day.

**3 Legislation amended**

This regulation amends the *Road Transport (Vehicle Registration) Regulation 2000*.

*Note* This regulation also amends other legislation (see sch 1).

**4 Section 5A (2), example 1**

*substitute*

1 an ADR

**5 Section 20, note**

*substitute*

*Note* A bicycle does not include any vehicle—

- (a) with an electric motor capable of generating a power output over 200W, other than a vehicle that is a power-assisted pedal cycle within the meaning of the national road vehicle standards determined under the *Road Vehicle Standards Act 2018* (Cwlth), s 12; or
- (b) that has an internal combustion engine.

(See *Road Transport (General) Act 1999*, dict, def *bicycle*.)

**6 Section 32B (5)**

*substitute*

- (5) For this section, the age of a vehicle is measured starting 6 months after the end of the month stated—
- (a) if the vehicle is on the RAV—in the vehicle’s date of entry on the RAV; or
  - (b) if the vehicle is not on the RAV but has an identification plate attached—on the vehicle’s identification plate.

*Note* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed).

**7 Section 33 (1) (a), new note**

*insert*

*Note* Evidence of compliance with applicable vehicle standards is dealt with in s 112.

**8 New section 33 (2) (aa)**

*before paragraph (a), insert*

- (aa) the vehicle is not on the RAV because it does not satisfy the requirements of the type approval pathway under the *Road Vehicle Standards Act 2018* (Cwlth); or

**9 Section 33 (2) (a), new note**

*insert*

*Note* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed).

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**10 Sections 112 and 113**

*substitute*

**112 Evidence of compliance with applicable vehicle standards**

- (1) The road transport authority may accept any of the following as evidence that a registrable vehicle complies with the applicable vehicle standards:
  - (a) an entry for the vehicle on the RAV indicating that the vehicle satisfies the requirements of the type approval pathway under the *Road Vehicle Standards Act 2018* (Cwlth), section 15;
  - (b) an identification plate attached to the vehicle;

*Note* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed).
  - (c) a certificate issued by the vehicle's manufacturer, certifying that the vehicle complies with the applicable vehicle standards.
- (2) If the road transport authority does not have the evidence mentioned in subsection (1) for a vehicle, the authority may inspect the vehicle and, if satisfied that the vehicle does comply, issue a certificate certifying that the vehicle complies with the applicable vehicle standards.

**113 Noncomplying and non-standard vehicles**

A registrable vehicle that does not comply with the applicable vehicle standards may be conditionally registered if the vehicle—

- (a) is on the RAV, and its entry on the RAV indicates it satisfied the requirements of the concessional approval pathway under the *Road Vehicle Standards Act 2018* (Cwlth), section 15; or

- (b) has an operations plate installed on it under section 114; or
- (c) has a certificate of approved operations issued or accepted for it under section 114; or
- (d) has an identification plate attached.

*Note* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed).

## **11 Schedule 1, section 1.9**

*substitute*

### **1.9 Non-application of sch 1—vehicles subject to particular approvals**

A provision of parts 1.5 to 1.12, except section 1.24 (1) and (2), does not apply to a light vehicle if—

- (a) the vehicle does not comply with a requirement of an ADR applying to the vehicle; and
- (b) the provision corresponds to the requirement of the ADR; and
- (c) despite the noncompliance—
  - (i) the vehicle is on the RAV, and complies with the conditions (if any) of the approvals required for its entry on the RAV; or



- (ii) an approval to place identification plates on vehicles of that type was given under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 10A (2) or (3), and the vehicle complies with the conditions (if any) of the approval.

*Note* Identification plates were approved under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 10A (2) or (3) for vehicles that failed to comply with the national standards, but either the noncompliance was minor and inconsequential, or the vehicle complied to an extent that made it suitable for supply to the market.

## 12 Schedule 1, division 1.3.1

*substitute*

### Division 1.3.1 Interpretation

#### 1.10 What is an *ADR* (or *Australian Design Rule*)?

An *ADR* (or *Australian Design Rule*) is—

- (a) a 2nd edition *ADR*; or
- (b) a 3rd edition *ADR*.

#### 1.11 What is a *2nd edition ADR*?

A *2nd edition ADR* is a national standard 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, as in force from time to time.

*Note* A *2nd edition ADR* does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see s 5A and [Legislation Act](#), s 47 (7)). The *ADRs* are accessible at [www.infrastructure.gov.au](http://www.infrastructure.gov.au).

### **1.12 What is a 3rd edition ADR?**

A *3rd edition ADR* is—

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

*Note 1* The *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), sch 3, s 2 provides that a vehicle standard in force before the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth) continues in force as if it were a national road vehicle standard determined under the *Road Vehicle Standards Act 2018* (Cwlth), s 12.

*Note 2* A *3rd edition ADR* does not need to be notified under the *Legislation Act* because s 47 (5) and (6) do not apply (see s 5A and *Legislation Act*, s 47 (7)). The ADRs are accessible at [www.legislation.gov.au](http://www.legislation.gov.au) and [www.infrastructure.gov.au](http://www.infrastructure.gov.au).

## **13 Schedule 1, sections 1.17 and 1.18**

*substitute*

### **1.16A Exception to compliance with ADRs—vehicles on RAV**

A vehicle need not comply with an ADR applied by section 1.15 (1) or section 1.16 (1) if, despite noncompliance with the ADR, the vehicle is on the RAV.

### **1.17 Exception to compliance with ADRs—vehicles that are not road vehicles**

A vehicle need not comply with an ADR applied by section 1.15 (1) or section 1.16 (1) if—

- (a) a determination under the *Road Vehicle Standards Act 2018* (Cwlth), section 6 (5) (b) or (6) (b) provides that the vehicle is not a road vehicle for that Act; or

- (b) a determination or declaration under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 5B provided that the vehicle is not a road vehicle for that Act, and the determination or declaration was in force immediately before the repeal of that Act.

**1.18 Exception to compliance with ADRs—vehicles with particular approvals**

- (1) A vehicle need not comply with an ADR applied by section 1.15 (1) or section 1.16 (1) if—
    - (a) an approval to place identification plates on vehicles of that type was given under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 10A (2) or (3); and
    - (b) the vehicle complies with the conditions (if any) of the approval.
- Note* Identification plates were approved under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 10A (2) or (3) for vehicles that failed to comply with the national standards, but either the noncompliance was minor and inconsequential, or the vehicle complied to an extent that made it suitable for supply to the market.
- (2) A vehicle need not comply with an ADR applied by section 1.15 (1) or section 1.16 (1) if—
    - (a) the vehicle is supplied to the market before 1 July 2022 in accordance with an approval under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 14A (1); and

- (b) the vehicle complies with the conditions (if any) of the approval.

*Note 1* Despite the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth) on 1 July 2021—

- (a) approvals in force immediately before the repeal continue in force until 1 July 2022; and  
(b) new approvals may be given between 1 July 2021 to 1 July 2022, and remain in force until 1 July 2022.

(See *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), sch 3, s 11.)

*Note 2* Approvals under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 14A (1) may also have been given under the *Motor Vehicle Standards Regulations 1989* (Cwlth) (repealed), s 20.

- (3) A vehicle need not comply with an ADR applied by section 1.15 (1) or section 1.16 (1) if—

- (a) the vehicle was approved for use in transport in Australia before 1 July 2021 under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 15 (2); and  
(b) the approval was in force immediately before the repeal of that Act; and  
(c) the vehicle complies with the conditions (if any) of the approval.

*Note* Approvals under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 15 (2) may also have been given under the *Motor Vehicle Standards Regulations 1989* (Cwlth) (repealed), s 20.

**14 Schedule 1, section 1.19 (4)**

*substitute*

(4) In this section:

***personally imported vehicle*** means a vehicle built after 1968 that is imported into Australia by a person who—

- (a) owned and used the vehicle before it was imported into Australia, for a continuous period of at least—
  - (i) 12 months; or
  - (ii) for a vehicle owned by the person before 9 May 2000—3 months; and
- (b) imported the vehicle—
  - (i) after 1 July 2021, in accordance with the *Road Vehicle Standards Act 2018* (Cwlth), section 22; or
  - (ii) before 1 July 2022, in accordance with an approval under the *Motor Vehicle Standards Regulations 1989* (Cwlth) (repealed), section 13; and
- (c) complies with the conditions (if any) of the approvals required for the importation.

*Note 1* Despite the repeal of the *Motor Vehicle Standards Regulations 1989* (Cwlth) on 1 July 2021—

- (a) approvals in force immediately before the repeal continue in force until 1 July 2022; and
- (b) new approvals may be given between 1 July 2021 to 1 July 2022, and remain in force until 1 July 2022.

(See *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), sch 3, s 13.)

*Note 2* Under an approval mentioned in s (b) (ii), the applicant must undertake to comply with any road safety requirements imposed by the Minister (see *Motor Vehicle Standards Regulations 1989* (Cwlth) (repealed), s 13 (1) (d)).

**15 Schedule 1, section 1.21**

*omit*

a national standard

*substitute*

an ADR

**16 Schedule 1, section 1.46 (3), note 1**

*substitute*

*Note 1* An instrument mentioned in this section does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 5A and [Legislation Act](#), s 47 (7)).

**17 Schedule 1, section 1.63**

*substitute*

**1.63 Identification plates on certain older light motor vehicles**

- (1) A light motor vehicle (other than a tractor, trailer or implement) registered for the first time after July 1972 must either—
- (a) be on the RAV; or
  - (b) have an identification plate securely and prominently attached within the engine compartment, or another position approved by the road transport authority.

*Note* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 under the [Motor Vehicle Standards Act 1989](#) (Cwlth) (repealed).

- (2) However, subsection (1) does not apply to a vehicle if—
- (a) any of the following apply:
- (i) the vehicle was supplied to the market without an identification plate before 1 July 2022, in accordance with an approval under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 14A (1);
  - (ii) the vehicle was approved for use in transport in Australia without an identification plate before 1 July 2021, under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 15 (2), and the approval was in force immediately before the repeal of that Act on 1 July 2021;
  - (iii) the vehicle was imported without an identification plate before 1 July 2022, in accordance with an approval under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 20 (1); and
- (b) the vehicle complies with the conditions (if any) of the approval.

*Note 1* Despite the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth) on 1 July 2021—

- (a) approvals mentioned in par (a) (i) and (iii) that were in force immediately before the repeal continue in force until 1 July 2022; and
- (b) new approvals under the sections mentioned in par (a) (i) and (iii) may be given between 1 July 2021 to 1 July 2022, and remain in force until 1 July 2022.

(See *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), sch 3, s 11 and s 13.)

*Note 2* Approvals under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 14A (1), s 15 (2) and s 20 (1) may also have been given under the *Motor Vehicle Standards Regulations 1989* (Cwlth) (repealed).

**18 Schedule 1, section 1.141 (3)**

*substitute*

- (3) For subsection (2), a light vehicle is taken to have been manufactured in—
- (a) if the vehicle is on the RAV—the month stated in the vehicle’s date of entry on the RAV; or
  - (b) if the vehicle is not on the RAV but has an identification plate attached—the month stated on the vehicle’s identification plate.

*Note* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed).

**19 Schedule 1, section 1.144**

*substitute*

**1.144 Meaning of *certified to ADR 83/00*—div 1.10.3**

- (1) For this division, a vehicle is *certified to ADR 83/00* if—
- (a) the vehicle is on the RAV, and its entry pathway included compliance with ADR 83/00; or
  - (b) an approval to place identification plates showing compliance with ADR 83/00 on vehicles of that type was given under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 10A.

- (2) In this section:

*entry pathway*—see the *Road Vehicle Standards Act 2018* (Cwlth), section 15 (2) (Entering vehicles on RAV).



**20 Dictionary, note 3**

*insert*

- RAV

**21 Dictionary, definitions of *administrator of vehicle standards and compliance plate***

*omit*

**22 Dictionary, definition of *identification plate***

*substitute*

***identification plate*** means a plate approved to be placed on a vehicle, or taken to have been placed on a vehicle, under the [Motor Vehicle Standards Act 1989](#) (Cwlth) (repealed), section 10A.

*Note 1* Identification plates were approved for vehicles that complied with the national standards. Identification plates were also approved for vehicles that failed to comply, but either the noncompliance was minor and inconsequential, or the vehicle complied to an extent that made it suitable for supply to the market (see [Motor Vehicle Standards Act 1989](#) (Cwlth) (repealed), s 10A).

*Note 2* Despite the repeal of the [Motor Vehicle Standards Act 1989](#) (Cwlth) on 1 July 2021—

- approvals in force immediately before the repeal continue in force until 1 July 2022; and
- new approvals may be given between 1 July 2021 to 1 July 2022, and remain in force until 1 July 2022.

(See [Road Vehicle Standards \(Consequential and Transitional Provisions\) Act 2018](#) (Cwlth), sch 3, s 4 and s 6.)

*Note 3* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 (see [Motor Vehicle Standards Act 1989](#) (Cwlth) (repealed), s 42 (d)).

**23 Dictionary, definitions of *motor vehicle certification board*  
and *national standard***

*omit*

## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1                      Road Transport (Driver Licensing) Regulation 2000**

#### **[1.1]      Section 99 (2), note**

*substitute*

*Note*      A bicycle does not include any vehicle—

- (a)      with an electric motor capable of generating a power output over 200W, other than a vehicle that is a power-assisted pedal cycle within the meaning of the national road vehicle standards determined under the *Road Vehicle Standards Act 2018* (Cwlth), s 12; or
- (b)      that has an internal combustion engine.

(See *Road Transport (General) Act 1999*, dict, def *bicycle*.)

## Part 1.2 Road Transport (Offences) Regulation 2005

### [1.2] Schedule 1, part 1.15, item 66.31

*substitute*

66.31	<ul style="list-style-type: none"><li>motor vehicle not comply with sch 1, ss 1.15-1.20 in relation to identification plates or s 1.63</li></ul>	driver/operator motor vehicle not comply with standard—identification plate	20	205	-
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**[1.3] Schedule 1, part 1.15, item 67.11**

*substitute*

67.11	<ul style="list-style-type: none"><li>trailer not comply with sch 1, ss 1.15-1.20 in relation to identification plates or s 1.63</li></ul>	driver motor vehicle towing trailer/operator trailer not comply with standard— identification plate	20	205	-
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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 9 August 2021.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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