

CLAUSE NOTES

VEHICLE AND TRAFFIC (ROAD VEHICLE STANDARDS) AMENDMENT BILL 2019

- Clause 1 Short title**
Provides that, once passed, the Bill will be cited as the *Vehicle and Traffic Amendment (Road Vehicle Standards) Act 2019*.
- Clause 2 Commencement**
Provides that the Act commences on the day that it is proclaimed.
- Clause 3 Further amendment of regulations not prevented**
Allows that amendments made by this Act may be subsequently amended.
- Clause 4 Consequential Amendments**
Provides that affected legislation be amended as per the schedule to this Act.
- Clause 5 Repeal of Act**
Sets the repeal date of this Act.

Schedule 1 – Consequential Amendments

Motor Vehicle Traders Act 2011

- Clause 1(a)**
Amends the definition of Australian Design Rule to recognise the repeal of the *Motor Vehicle Standards Act 1989* (Cth) and the introduction of the *Road Vehicle Standards Act 2018* (Cth).
Simplifies terminology by using the abbreviation “ADR”.
- Clause 1(b)**
Amends the definition of compliance plate to recognise the repeal of the *Motor Vehicle Standards Act 1989* (Cth).
Simplifies the definition by using the abbreviation “MVSA”.

Clause 1(c)

Introduces a definition of the abbreviation “MVSA” for “*Motor Vehicle Standards Act 1989 (Cth)*” to simplify terminology.

Clause 1(d)

Introduces a definition of “RAV”, an abbreviation of the term “Register of Approved Vehicles”, to recognise the introduction of the Register of Approved Vehicles by the commencement of the *Road Vehicle Standards Act 2018 (Cth)*.

Introduces a definition of “RVSA”, an abbreviation of the term “*Road Vehicle Standards Act 2018 (Cth)*”, to recognise the commencement of the *Road Vehicle Standards Act 2018 (Cth)*.

Clause 2

Extends section 30(2)(d), which covers misrepresentation of the age of a motor vehicle by a licensed motor vehicle trader, to recognise the introduction of the Register of Approved Vehicles.

Clause 3

Extends section 42, which covers the statutory warranty applicable to certain motor vehicles, to recognise the introduction of the Register of Approved Vehicles.

Motor Vehicle Traders Regulations 2012

Clause 1

Extends Schedule 2, which prescribes the form of the pre-sale disclosure statement to be used by licensed motor vehicle traders when selling used motor vehicles, to recognise the introduction of the Register of Approved Vehicles.

Passenger Transport Services Regulations 2013

Clause 1

Extends section 2(1) of Schedule 1, which defines “compliant seatbelt” in respect of passenger transport vehicles, to recognise the introduction of the Register of Approved Vehicles.

Road Rules 2019

Clause 1(a)

Amends the definition of “bicycle” in section 1 of Schedule 5 to recognise the proposed repeal of the *Motor Vehicle Standards Act 1989* (Cth).

Clause 1(b)

Amends the definition of “GVM” in section 1 of Schedule 5 to recognise the introduction of the Register of Approved Vehicles through the *Road Vehicle Standards Act 2018* (Cth).

Clause 1(c)

Introduces the definition of “RAV” in section 1 of Schedule 5 to recognise the introduction of the Register of Approved Vehicles through the *Road Vehicle Standards Act 2018* (Cth).

Taxi and Industry Regulations 2018

Clause 1

Amends the definition of “ADR 21” in regulation 3(1) to recognise the commencement of the regulatory framework under the *Road Vehicle Standards Act 2018* (Cth).

Taxi and Hire Vehicles Industry Act 2008

Clause 1(a)

Amends the definition of “compliance plate” to recognise the repeal of the *Motor Vehicle Standards Act 1989* (Cth).

Simplifies the terminology by using the term MVSA instead of “*Motor Vehicle Standards Act 1989* (Cth)”.

Clause 1(b)

Introduces a definition of the abbreviation “MVSA” for the “*Motor Vehicle Standards Act 1989* (Cth)”.

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

Clause 1

Introduces a new sub-section before the existing paragraph (a) of regulation 54(1) to recognise the commencement of the *Road Vehicle Standards Act 2018* (Cth).

Reorders the two paragraphs.

Vehicle and Traffic (Vehicle Standards) Regulations 2014

Clause 1

Extends regulation 13, which varies the application of the regulations to vehicles that have received approval under the *Motor Vehicle Standards Act 1989* (Cth), to cover also vehicles that have received approval under the *Road Vehicle Standards Act 2018* (Cth) or the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cth).

Clause 2

Replaces regulation 14 with a revised definition that is consistent with the model *Australian Light Vehicle Standard Rules 2015*.

Rescinds regulation 15 because it duplicates the definition of ADR.

Clause 3

Amends regulation 16 to reflect the rescission on regulation 15.

Clause 4

Amends regulation 18 to be consistent with the model *Australian Light Vehicle Standard Rules 2015*.

Clause 5

Amends regulations 21 and 22 to recognise:

- the repeal of the *Motor Vehicle Standards Act 1989* (Cth)
- the requirements of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cth), and
- the introduction of the *Road Vehicle Standards Act 2018* (Cth).

Introduces a new regulation 22A that is analogous to regulation 22 in respect of vehicles that are deemed compliant with Australian Design Rules under the *Road Vehicle Standards Act 2018* (Cth).

Clause 6

Amends regulation 23 to extend the definition of “personally imported vehicle” to recognise the repeal of the *Motor Vehicle Standards Act 1989* (Cth) and introduction of the *Road Vehicle Standards Act 2018* (Cth).

Clause 7

Amends regulation 24 to recognise the rescission of regulation 15.

Clause 8

Amends regulation 126 to recognise the loss of compliance plates with the repeal of the *Road Vehicle Standards Act 2018* (Cth) and the introduction of the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cth).

Clause 9

Amends regulation 131 to recognise that Australian Design Rules may be may under the *Motor Vehicle Standards Act 1989* (Cth) or the *Road Vehicle Standards Act 2018* (Cth).

Vehicle and Traffic Act 1999

Clause 1(a)

Amends the definition of Australian Design Rule to recognise the repeal of the *Motor Vehicle Standards Act 1989* (Cth) and the introduction of the *Road Vehicle Standards Act 2018* (Cth).

Simplifies terminology by using the abbreviation “ADR”.

Clause 1(b)

Amend the definition of “GCM” and “GVM” to recognise the repeal of the *Motor Vehicle Standards Act 1989* (Cth) and the commencement of the *Road Vehicle Standards Act 2018* (Cth).

Clause 1(c)

Amends the definition of “identification plate” to simplify by using the abbreviation “MVSA”.

Clause 1(d)

Introduces a definition of the abbreviation “MVSA” for “*Motor Vehicle Standards Act 1989 (Cth)*” to simplify terminology.

Clause 1(e)

Introduces a definition of “RAV”, an abbreviation of the term “Register of Approved Vehicles”, to recognise the introduction of the Register of Approved Vehicles by the commencement of the *Road Vehicle Standards Act 2018 (Cth)*.

Clause 1(f)

Introduces a definition of “RVSA”, an abbreviation of the term “Road Vehicle Standards Act 2018”, to recognise the commencement of the *Road Vehicle Standards Act 2018 (Cth)*.

Clause 2

Amends section 40A(3)(c) to recognise the repeal of the *Motor Vehicle Standards Act 1989 (Cth)* and the introduction of the *Road Vehicle Standards Act 2018 (Cth)*.

Clause 3

Amends section 1 of Part 1 of Schedule 1 so that the definition of “compliance plate” recognises the introduction of the definition of “MVSA” as per clause 1(d).