

TASMANIA

**VEHICLE AND TRAFFIC AMENDMENT (ROAD
VEHICLE STANDARDS) BILL 2020**

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VEHICLE AND TRAFFIC AMENDMENT (ROAD VEHICLE STANDARDS) BILL 2020

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
18 August 2020

*(Brought in by the Minister for Infrastructure and Transport,
the Honourable Michael Darrel Joseph Ferguson)*

A BILL FOR

**An Act to amend the *Vehicle and Traffic Act 1999*, the
Motor Vehicle Traders Act 2011 and the *Taxi and Hire
Vehicle Industries Act 2008* and various regulations**

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Vehicle and Traffic Amendment (Road Vehicle Standards) Act 2020*.

2. Commencement

This Act commences on a day to be proclaimed.

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Part 1 – Preliminary

3. Further amendment of regulations not prevented

The amendment by this Act of a provision of any rules or regulations does not prevent that or any other provision of those rules or regulations from being amended or rescinded by a later Act, rules or regulations.

4. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

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Part 2 – Repeal of Act

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PART 2 – REPEAL OF ACT

5. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

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SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 4

Motor Vehicle Traders Act 2011

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of *Australian Design Rules* and substituting the following definition:

ADR means –

- (a) the vehicle standards (Australian Design Rules) determined under the MVSA and as amended or replaced from time to time; or
- (b) a national road vehicle standard determined under section 12 of the RVSA and as amended or replaced from time to time;
- (b) by omitting the definition of *compliance plate* and substituting the following definition:

compliance plate means an identification plate approved to be attached, or taken to have been

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attached, to a vehicle under the
MVSA;

- (c) by inserting the following definition after the definition of *motor vehicle trader licence*:

MVSA means the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force immediately before its repeal;

- (d) by inserting the following definitions after the definition of *purchaser*:

RAV means the Register of Approved Vehicles kept under section 14(1) of the RVSA;

RVSA means the *Road Vehicle Standards Act 2018* of the Commonwealth;

2. Section 30(2)(d) is amended by inserting after subparagraph (ii) the following subparagraph:

- (iii) in the case of a vehicle that is entered on the RAV via an entry pathway under section 15(2) of the RVSA, the year so stated or represented is not or may not be the year in which the vehicle was entered on the RAV; or

3. Section 42 is amended as follows:

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(a) by omitting paragraph (c) from subsection (1) and substituting the following paragraph:

(c) the motor vehicle –

(i) was fitted with its compliance plate less than 7 years before its sale or exchange; or

(ii) is entered on the RAV via an entry pathway under section 15(2) of the RVSA less than 7 years before its sale or exchange.

(b) by omitting paragraph (c) from subsection (2) and substituting the following paragraph:

(c) the motor cycle –

(i) was fitted with its compliance plate less than 3 years before its sale or exchange; or

(ii) is entered on the RAV via an entry pathway under section 15(2) of the RVSA less than 3 years before its sale or exchange; and

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Motor Vehicle Traders Regulations 2012

1. Schedule 2 is amended by omitting

Date compliance plate fitted to vehicle	
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and substituting:

Date compliance plate fitted to vehicle or date the vehicle was entered on the RAV via an entry pathway under section 15(2) of the RVSA	
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Passenger Transport Services Regulations 2013

1. Clause 2(1) of Schedule 1 is amended by omitting the definition of *compliant seatbelt* and substituting the following definitions:

compliant seatbelt means a seatbelt that complies with the relevant second edition ADR or third edition ADR;

second edition ADR has the same meaning as in the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*;

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third edition ADR has the same meaning as in the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*.

Road Rules 2019

1. Clause 1 of Schedule 5 is amended as follows:

- (a) by inserting “of the Commonwealth, as in force immediately before its repeal” after “*Motor Vehicle Standards Act 1989*” in paragraph (b) of the definition of *bicycle*;
- (b) by omitting the definition of *GVM* and substituting the following definition:

GVM, for a vehicle, means the maximum loaded mass of the vehicle –

- (a) as specified on the RAV for that vehicle; or
- (b) if it is not specified on the RAV, as specified by the vehicle’s manufacturer on an identification plate on the vehicle; or
- (c) if it is not specified on the RAV or an identification plate, or if the specification is not appropriate because the

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vehicle has been
modified, as certified by a
vehicle registration
authority;

- (c) by inserting the following definition after the definition of *railway employee*:

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

Taxi Industry Regulations 2018

1. Regulation 3(1) is amended by omitting the definition of *ADR 21* and substituting the following definition:

ADR 21 means the Vehicle Standard (Australian Design Rule 21/00 – Instrument Panel) 2006 determined under –

- (a) the MVSA; or
- (b) section 12 of the *Road Vehicle Standards Act 2018* of the Commonwealth, as amended from time to time;

Taxi and Hire Vehicle Industries Act 2008

1. Section 3 is amended as follows:

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- (a) by omitting the definition of *compliance plate* and substituting the following definition:

compliance plate means an identification plate approved to be placed, or taken to have been placed, on a vehicle under the MVSA;

- (b) by inserting the following definition after the definition of *motor vehicle*:

MVSA means the *Motor Vehicle Standards Act 1989* of the Commonwealth as in force immediately before its repeal;

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

1. Regulation 54(1) is amended by omitting paragraph (a) and substituting the following paragraphs:
 - (a) that the vehicle is entered on the RAV via an entry pathway under section 15(2) of the RVSA: or
 - (ab) an identification plate relating to the vehicle; or

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Vehicle and Traffic (Vehicle Standards) Regulations 2014

1. Regulation 13 is amended by omitting paragraph (c) and substituting the following paragraph:

(c) despite the non-compliance –

- (i) approval was given, under section 10A(2) or (3) of the MVSA, to place an identification plate on that vehicle; or
- (ii) approval was given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or
- (iii) the vehicle satisfied the requirements of an entry pathway under section 15(2) of the RVSA and the vehicle is entered on the RAV; and

2. Regulations 14 and 15 are rescinded and the following regulation is substituted:

14. What is an ADR

An ADR (Australian Design Rule) is –

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

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3. Regulation 16 is amended as follows:

- (a) by omitting “a national standard” and substituting “an ADR”;
- (b) by omitting “national standard” second occurring and substituting “ADR”.

4. Regulation 18 is rescinded and the following regulation is substituted:

18. What is a third edition ADR

A third edition ADR is –

- (a) a national standard determined under the MVSA as in force from time to time before the repeal of that Act; or
- (b) a national road vehicle standard determined under section 12 of the RVSA.

5. Regulations 21 and 22 are rescinded and the following regulations are substituted:

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

A light vehicle need not comply with an ADR applying to it under regulation 19(1) or regulation 20(1) if –

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- (a) a determination, or declaration, under section 5B of the MVSA 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(6)(b) of the RVSA provides that the vehicle is not a road vehicle for the purposes of that Act.

22. Exception to compliance with ADRs: Motor Vehicle Standards Act

- (1) A light vehicle need not comply with an ADR applying to it under regulation 19(1) or regulation 20(1) if –
 - (a) despite the non-compliance –
 - (i) approval was given, under section 10A(2) or (3) of the MVSA, to place an identification plate on that vehicle; or
 - (ii) approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; and

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- (b) the vehicle complies with the approval conditions, if any.
- (2) A vehicle need not comply with an ADR applying to it under regulation 19(1) or regulation 20(1) if –
 - (a) either –
 - (i) the vehicle was approved to be supplied to the market under section 14A(1) of the MVSA; or
 - (ii) an approval is given under item 11(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; and
 - (b) the vehicle complies with the approval conditions, if any.
- (3) A vehicle need not comply with an ADR applied by regulation 19(1) or regulation 20(1) if –
 - (a) the vehicle was approved to be used in transport in Australia under section 15(2) of the MVSA; and
 - (b) the vehicle complies with the approval conditions, if any.

22A. Vehicles subject to particular approvals under RVSA

A vehicle need not comply with an ADR applying to it under regulation 19(1) or 20(1) if –

- (a) the vehicle satisfied the requirements of an entry pathway under section 15(2) of the RVSA; and
- (b) despite non-compliance with the ADR, the vehicle is entered on the RAV; and
- (c) the vehicle complies with the approval conditions, if any.

6. Regulation 23 is amended by omitting subregulation (1) and substituting the following subregulation:

(1) In this regulation –

personally imported vehicle means a light vehicle built after 1968 that is imported into Australia by a person who –

- (a) before the vehicle was imported into Australia, owned and used the vehicle for a continuous period of at least –

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- (i) in the case of a vehicle owned by the person before 9 May 2000 – 3 months; or
 - (ii) in any other case – 12 months; or
 - (b) has –
 - (i) in the case of a vehicle that was imported before the repeal of the MVSA, undertaken to comply with any requirements relating to road safety imposed on the vehicle under the *Motor Vehicle Standards Regulations 1989* of the Commonwealth; or
 - (ii) in any other case, complied with the RVSA and any rules made under it.
7. Regulation 24 is amended by omitting “a national standard” and substituting “an ADR”.
8. Regulation 126 is amended by omitting subregulation (3) and substituting the following subregulation:

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- (3) For subregulation (4), a vehicle is taken to have been manufactured –
 - (a) if the vehicle is entered on the RAV, in the month stated as its month of manufacture on the RAV; or
 - (b) if the vehicle is not entered on the RAV, in the month shown on its identification plate as its month of manufacture.

9. Regulation 131 is rescinded and the following regulation is substituted:

131. Meaning of *certified to ADR 83/00*

For this Division, a light motor vehicle is certified to ADR 83/00 if –

- (a) approval was given, under section 10A of the MVSA, to place identification plates showing compliance with ADR 83/00 on that motor vehicle; or
- (b) approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or
- (c) the vehicle satisfied the requirements of an entry pathway

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under section 15(2) of the RVSA,
including compliance with
ADR 83/00, and the vehicle is
entered on the RAV.

Vehicle and Traffic Act 1999

1. Section 3(1) is amended as follows:

(a) by omitting the definition of *ADR* and substituting the following definition:

ADR means –

(a) the vehicle standards (Australian Design Rules) determined under the MVSA and as amended or replaced from time to time; or

(b) a national road vehicle standard determined under section 12 of the *Road Vehicle Standards Act 2018*, as amended or replaced from time to time;

(b) by omitting the definitions of *GCM* and *GVM* and substituting the following definitions:

GCM for a motor vehicle, also known as the gross combination mass for

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a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may be towed by it at the same time –

- (a) as specified on the RAV for that vehicle; or
- (b) if it is not specified on the RAV, as specified by the vehicle's manufacturer on an identification plate on the vehicle; or
- (c) if it is not specified on the RAV or an identification plate, or if the specification is not appropriate because the motor vehicle has been modified, as certified by a vehicle registration authority;

GVM for a vehicle, also known as the gross vehicle mass for a vehicle, means the maximum loaded mass of the vehicle –

- (a) as specified on the RAV for that vehicle; or
- (b) if it is not specified on the RAV, as specified by the

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vehicle's manufacturer on an identification plate on the vehicle; or

(c) if it is not specified on the RAV or an identification plate, or if the specification is not appropriate because the vehicle has been modified, as certified by a vehicle registration authority;

(c) by omitting "under the *Motor Vehicle Standards Act 1989* of the Commonwealth" from the definition of *identification plate* and substituting "under the MVSA";

(d) by inserting the following definition after the definition of *motor vehicle*:

MVSA means the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force immediately before its repeal;

(e) by inserting the following definition after the definition of *public passenger vehicle*:

RAV means the Register of Approved Vehicles kept under section 14(1) of the RVSA;

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(f) by inserting the following definition after the definition of *road safety disqualification notice*:

RVSA means the *Road Vehicle Standards Act 2018* of the Commonwealth;

2. Section 40A(3)(c) is amended by omitting subparagraph (i) and substituting the following subparagraphs:

(i) national standards under the MVSA;

(ia) national standards under the RVSA;

3. Schedule 2 is amended by omitting the definition of *compliance plate* from clause 1 of Part 1 and substituting:

compliance plate means an identification plate approved to be placed, or taken to have been placed, on a vehicle under the MVSA;