

Serial 120
Transport Legislation Amendment Bill 2020
Ms Lawler

*A Bill for an Act to amend the Motor Vehicles Act 1949, Traffic Act 1987,
Motor Vehicles Regulations 1977, Motor Vehicles (Fees and Charges)
Regulations 2008, Motor Vehicles (Standards) Regulations 2003 and Traffic
Regulations 1999 and for related purposes*

NORTHERN TERRITORY OF AUSTRALIA

TRANSPORT LEGISLATION AMENDMENT ACT 2020

Act No. [] of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2020

An Act to amend the *Motor Vehicles Act 1949*, *Traffic Act 1987*, *Motor Vehicles Regulations 1977*, *Motor Vehicles (Fees and Charges) Regulations 2008*, *Motor Vehicles (Standards) Regulations 2003* and *Traffic Regulations 1999* and for related purposes

[Assented to [] 2020]
[Introduced [] 2020]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Transport Legislation Amendment Act 2020*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Motor Vehicles Act 1949

3 Act amended

This Part amends the *Motor Vehicles Act 1949*.

4 Section 5 amended (Interpretation)

- (1) Section 5(1), definitions ***Australian Design Rule, Australian Motor Vehicle Certification Board, certification plate, former owner, gross vehicle mass, multi-purpose passenger car, new owner, passenger car, passenger car derivative, Territory motor vehicle, vehicle identification number*** and ***visiting motor vehicle***

omit

- (2) Section 5(1)

insert

Australian Design Rule means a national road vehicle standard determined under section 12 of the *Road Vehicle Standards Act 2018* (Cth).

Australian Vehicle Standards Rules means the *Australian Vehicle Standards Rules* set out in Schedule 6 of the Standards.

former owner, in relation to a motor vehicle or trailer that is sold or disposed of, means the person who owned the motor vehicle or trailer immediately before the sale or disposal.

GCM or ***gross combination mass***, of a motor vehicle, means the sum of the maximum laden mass of the motor vehicle and any other vehicle or vehicles it may tow at the same time, as determined in accordance with section 60B.

GVM or ***gross vehicle mass***, of a vehicle, means the maximum laden mass at which the vehicle may be operated as determined in accordance with section 60A.

identification device means a plate or label that is:

- (a) attached to a motor vehicle or trailer; and
- (b) part of the identification requirements for the motor vehicle or trailer under section 101(1) or (2).

new owner, in relation to a motor vehicle or trailer that is sold or disposed of, means the person to whom the motor vehicle or trailer is sold or disposed of.

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

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

third edition ADR means an Australian Design Rule that is not a second edition ADR.

vehicle identification number, of a motor vehicle or trailer, means:

- (a) the vehicle identifier of the motor vehicle or trailer; or
- (b) the number allotted by the Registrar to the motor vehicle or trailer under section 101AA(1) and marked on the motor vehicle or trailer under section 101AA(2).

vehicle identifier means:

- (a) for a motor vehicle or trailer manufactured on or before 30 June 1988 – a number permanently marked on the motor vehicle or trailer by the manufacturer for its identification and accepted by the Registrar as a unique identifier; or
- (b) for a motor vehicle or trailer manufactured after 30 June 1988 – the identification number allocated to and permanently marked on the motor vehicle or trailer by the manufacturer in accordance with an Australian Design Rule.

visiting vehicle means a vehicle that:

- (a) is registered in a State, another Territory or another country; and
 - (b) if required under the law of that State, Territory or country – has affixed to it a current registration label and a number plate or plates; and
 - (c) is temporarily in the Northern Territory.
- (3) Section 5(1), definition "**owner**", after "vehicle" (*all references*)

insert

or trailer

(4) Section 5(3)

omit, insert

- (2) Unless otherwise provided, a reference in this Act to an Australian Design Rule is a reference to the rule as in force from time to time.
- (3) A reference in this Act to an Australian Design Rule is a reference to the rule read in conjunction with:
 - (a) for a second edition ADR – the document entitled "Australian Design Rules - Definitions" that forms part of the document entitled "Australian Design Rules for Motor Vehicle Safety, Second Edition" originally published by the then Commonwealth Department of Transport; or
 - (b) for a third edition ADR – the *Vehicle Standard (Australian Design Rule - Definitions and Vehicle Categories) 2005* (Cth).
- (4) If an Australian Design Rule mentioned in this Act refers to another document, the other document is taken to be incorporated with, and form part of, the Australian Design Rule.
- (5) A reference in this Act to a second edition ADR, or third edition ADR, followed by a number is a reference to the second edition ADR, or third edition ADR, as appropriate, of that number.
- (6) A reference in this Act to a number includes a reference to a letter of the alphabet.
- (7) A word or expression defined in the *Australian Vehicle Standards Rules* applies to those Rules despite any inconsistent definition in this Act.

5 Section 5A inserted

After section 5

insert

5A Provisions relating to motor vehicles also apply to trailers

- (1) A provision of this Act that refers to a motor vehicle, other than an excluded provision, applies to a trailer in the same way that it applies to a motor vehicle.
- (2) For subsection (1), each of the following is an excluded provision:
 - (a) the provisions of this Part;

- (b) sections 8, 8A, 10, 10A, 11, 11A, 12, 12A, 13A(1A), 14(3) and (5), 16 to 18 and 23 to 25D;
- (c) the provisions of Parts 2A and 3;
- (d) sections 37, 45 and 47;
- (e) the provisions of Part 5A;
- (f) sections 60B, 101 to 102, 102AA, 104, 106, 108, 109, 111, 113, 116, 117, 119(c)(ia) and 138;
- (g) the provisions of Schedule 4;
- (h) a provision of the Regulations prescribed by regulation.

Note for section 5A

*In a provision specified in subsection (2), a reference to a motor vehicle includes a trailer at any time attached to the vehicle due to the definition **motor vehicle** in section 5(1).*

6 Section 8 amended (Registration of motor vehicles)

- (1) Section 8, heading, after "**motor vehicles**"
insert
and trailers
- (2) Section 8(a)
omit, insert
 - (a) must register, and from time to time renew the registration of, a motor vehicle or trailer in respect of which the requirements of Schedule 4 and the Standards are complied with; and
- (3) Section 8(b), after "motor vehicle"
insert
or trailer

7 Section 8A amended (Registrar may grant exemption)

Section 8A(1)

omit, insert

- (1) The Registrar may exempt a visiting vehicle from the requirement for registration for a period if the Registrar is satisfied the visiting vehicle would be registered if it was presented for registration.

8 Section 16 amended (Affixing of number plates)

- (1) Section 16(1) and (2)

omit, insert

- (1) Subject to subsection (3), on being issued 2 number plates by the Registrar, the owner of a registered motor vehicle, other than a motor cycle, must securely affix one number plate to the attachment at the front, and the other to the attachment at the rear, of the motor vehicle.
- (2) Subject to subsection (3), on being issued a number plate, the owner of a registered motor cycle or trailer must securely affix the number plate to the attachment at the rear of the motor cycle or trailer.

- (2) After section 16(3)

insert

- (4) The Registrar may:
 - (a) in writing, determine the design, type and material of number plates for motor vehicles and trailers; and
 - (b) issue number plates for motor vehicles and trailers.
- (5) In this section:

attachment means an attachment for affixing a number plate that is required to be affixed to a motor vehicle or trailer under the Standards or Schedule 4, clause 3.

9 Sections 17 and 18 replaced

Sections 17 and 18

repeal, insert

17 Defaced or damaged number plate

- (1) If the number on a number plate becomes so defaced or damaged that it is not clearly legible, the owner of the motor vehicle or trailer to which the number plate is affixed must, within 14 days of the defacement or damage occurring, notify the Registrar.
- (2) The Registrar must, on payment by the owner of the prescribed fee in respect of the defaced or damaged number plate, issue to the owner:
 - (a) if the plate was affixed to a motor vehicle, other than a motor cycle – 2 new number plates; or
 - (b) otherwise – a new number plate.
- (3) On receipt of the new number plate or plates, the owner must immediately:
 - (a) affix the plate or plates to the motor vehicle or trailer in accordance with section 16; and
 - (b) return to the Registrar the number plate or plates previously affixed to the motor vehicle or trailer.

18 Loss or destruction of number plate

- (1) If a number plate has been lost or destroyed, the owner of the motor vehicle or trailer to which it was affixed must, within 14 days after the loss or destruction, forward to the Registrar a statutory declaration of the loss or destruction.
- (2) On payment by the owner of the prescribed fee, the Registrar must, if the motor vehicle or trailer has not also been lost or destroyed and the Registrar has no reason to believe that improper use has been or is being made of the number plate, issue to the owner:
 - (a) if the plate was affixed to a motor vehicle, other than a motor cycle – 2 new number plates; or
 - (b) otherwise – a new number plate.

- (3) On receipt of the new number plate or plates, the owner must immediately:
- (a) affix the plate or plates to the motor vehicle or trailer in accordance with section 16; and
 - (b) return to the Registrar any number plate that was not lost or destroyed.

10 Section 23 amended (Sales of motor vehicles on behalf of other persons)

- (1) Section 23, heading, after "**motor vehicles**"
insert
or trailers
- (2) Section 23(1), after "motor vehicle"
insert
or trailer
- (3) Section 23(1)
omit
shall forthwith
insert
must within 14 days
- (4) Section 23(1)(a)
omit
chassis number of the vehicle;
insert
vehicle identification number of the vehicle or trailer; and
- (5) Section 23(1)(b) and (d), after "vehicle" (*all references*)
insert
or trailer

- (6) Section 23(1)(b), at the end

insert

and

11 Section 42 replaced

Section 42

repeal, insert

42 Affixing of trader's plates

- (1) A person must not drive a vehicle with a trader's plate attached to it on a public street unless the trader's plate is securely affixed at the rear of the vehicle so that, when the vehicle is on level ground:
- (a) the plate is at all times in an upright position parallel to the vehicle's axles; and
 - (b) the number on the plate is clearly legible and visible from:
 - (i) if the vehicle is a heavy vehicle – any point that is up to 20 m from the plate and within an arc of 45 degrees from the surface of the plate above and on either side of the vehicle; or
 - (ii) otherwise – up to 20 m from the plate within an arc of 15 degrees from the surface of the plate above and 45 degrees on either side of the vehicle.
- (2) However, the person does not contravene subsection (1)(b) if the number on the trader's plate affixed to the vehicle is not clearly legible and visible as mentioned in that subsection merely because the vehicle is towing another vehicle.

12 Section 45 amended (Compensation contributions to be paid)

- (1) Section 45(1)

omit, insert

- (1) The Registrar must not register or renew the registration of a motor vehicle or trailer unless the applicant has paid to the Registrar the relevant amount of compensation contributions declared in a notice made under section 47.

- (2) Section 45(3)

omit

13 Section 46 amended (Moneys received)

Section 46(1)

omit

all words from "Subject" to "him"

insert

The Registrar must pay to the MAC Commission all amounts received

14 Section 47 amended (Declaration of compensation contributions)

(1) Section 47(1)(a), after "vehicle"

insert

or trailer

(2) Section 47(1)(c)

omit

motor

(3) Section 47(1)(e)

omit

plate;

insert

plate.

(4) Section 47(1)(f)

omit

15 Sections 48 and 49 repealed

Sections 48 and 49

repeal

16 Part VC, Division 1 and Division 2 heading inserted

After Part VC heading

insert

Division 1 Determination of GVM and GCM**60A Determination of GVM**

- (1) Subject to subsection (2), the GVM or gross vehicle mass of a vehicle is:
 - (a) the GVM stated on the RAV for the vehicle; or
 - (b) if the GVM is not stated on the RAV – the GVM stated by the vehicle's manufacturer on the identification device attached to the vehicle; or
 - (c) if the GVM is not stated as specified in paragraph (a) or (b), or the vehicle's manufacturer has amended the GVM – the GVM certified by the vehicle's manufacturer.
- (2) If a circumstance specified in subsection (3) applies in relation to a vehicle, the GVM or gross vehicle mass of the vehicle is:
 - (a) for a vehicle that is registered in a State, another Territory or another country or an unregistered vehicle that was previously registered – the GVM accepted by the vehicle registration authority in the registering jurisdiction; or
 - (b) for any other vehicle or for a vehicle mentioned in paragraph (a) in relation to which the Registrar cannot reasonably ascertain the accepted GVM – the GVM recorded by the Registrar.
- (3) For subsection (2), the following circumstances are specified:
 - (a) the GVM of the vehicle is not stated or certified as specified in subsection (1)(a), (b) or (c);
 - (b) the GVM of the vehicle determined under subsection (1)(a), (b) or (c) is no longer appropriate for the vehicle because the vehicle has been modified in accordance with the laws of the registering jurisdiction.

(4) In this section:

registering jurisdiction, for a vehicle, means:

- (a) the jurisdiction in which the vehicle is registered; or
- (b) for an unregistered vehicle that was previously registered – the jurisdiction in which the vehicle was last registered.

60B Determination of GCM

(1) Subject to subsection (2), the GCM or gross combination mass of a motor vehicle is:

- (a) the GCM stated on the RAV for the motor vehicle; or
- (b) if the GCM is not stated on the RAV – the GCM stated by the motor vehicle's manufacturer on the identification device attached to the motor vehicle; or
- (c) if the GCM is not stated as specified in paragraph (a) or (b), or the motor vehicle's manufacturer has amended the GCM – the GCM certified by the motor vehicle's manufacturer.

(2) If a circumstance specified in subsection (3) applies in relation to a motor vehicle, the GCM or gross combination mass of the motor vehicle is:

- (a) for a motor vehicle that is registered in a State, another Territory or another country or an unregistered motor vehicle that was previously registered – the GCM accepted by the vehicle registration authority in the registering jurisdiction; or
- (b) for any other motor vehicle or for a motor vehicle mentioned in paragraph (a) in relation to which the Registrar cannot reasonably ascertain the accepted GCM – the GCM recorded by the Registrar.

(3) For subsection (2), the following circumstances are specified:

- (a) the GCM of the motor vehicle is not stated or certified as specified in subsection (1)(a), (b) or (c);
- (b) the GCM of the motor vehicle determined under subsection (1)(a), (b) or (c) is no longer appropriate for the motor vehicle because the motor vehicle has been modified in accordance with the laws of the registering jurisdiction.

(4) In this section:

registering jurisdiction, for a motor vehicle, means:

- (a) the jurisdiction in which the motor vehicle is registered; or
- (b) for an unregistered motor vehicle that was previously registered – the jurisdiction in which the motor vehicle was last registered.

Division 2 Determination of mass

17 Section 95 replaced

Section 95

repeal, insert

95 Change of address

- (1) A person to whom a certificate of registration, a licence or a permit has been granted must give notice of any change of the person's address to the Registrar.
- (2) Notice under subsection (1) must be given within 14 days of the change.

18 Section 101 replaced

Section 101

repeal, insert

101 Identification requirements for motor vehicles and trailers

- (1) Subject to subsection (3), the identification requirements for a motor vehicle are as follows:
 - (a) for a motor vehicle that was manufactured on or before 1 January 1971 – the motor vehicle has a vehicle identification number;
 - (b) for a motor vehicle that was manufactured during the period from 2 January 1971 to 1 August 1989, the motor vehicle:
 - (i) has a vehicle identification number; and

- (ii) has a compliance plate that was placed on the motor vehicle in accordance with an approval by the body known as the Australian Motor Vehicle Certification Board;
 - (c) for a motor vehicle that was manufactured during the period from 2 August 1989 to the RVSA commencement date, the motor vehicle:
 - (i) has a vehicle identification number; and
 - (ii) has a plate or label that was placed on the motor vehicle in accordance with an approval given under the repealed Act before its repeal;
 - (d) for a motor vehicle that was manufactured after the RVSA commencement date, either:
 - (i) the motor vehicle:
 - (A) has been entered on the RAV; and
 - (B) has a vehicle identification number; and
 - (C) has a plate or label identifying the motor vehicle that was placed on it in accordance with requirements under the *Road Vehicle Standards Act 2018* (Cth); or
 - (ii) the motor vehicle:
 - (A) has a vehicle identification number; and
 - (B) has a plate or label that was placed on the motor vehicle in accordance with an approval mentioned in the transitional Act provisions.
- (2) Subject to subsection (3), the identification requirements for a trailer are as follows:
- (a) for a trailer that was manufactured on or before 1 August 1989 – the trailer has a vehicle identification number;
 - (b) for a trailer that was manufactured during the period from 2 August 1989 to the RVSA commencement date, the trailer:
 - (i) has a vehicle identification number; and

- (ii) has a plate or label that was placed on the trailer in accordance with an approval given under the repealed Act before its repeal;
- (c) for a trailer that was manufactured after the RVSA commencement date, either:
 - (i) the trailer:
 - (A) has been entered on the RAV; and
 - (B) has a vehicle identification number; and
 - (C) has a plate or label identifying the trailer that was placed on the trailer in accordance with requirements under the *Road Vehicle Standards Act 2018* (Cth); or
 - (ii) the trailer:
 - (A) has a vehicle identification number; and
 - (B) has a plate or label that was placed on the trailer in accordance with an approval mentioned in the transitional Act provisions.
- (3) The identification requirement for a special vehicle is that it has a vehicle identification number.
- (4) In this section:

repealed Act means the *Motor Vehicle Standards Act 1989* (Cth) (repealed).

RVSA commencement date means the day on which section 15 of the *Road Vehicle Standards Act 2018* (Cth) commences.

special vehicle means a vehicle that is not a road vehicle as defined in section 6 of the *Road Vehicle Standards Act 2018* (Cth).

transitional Act provisions means Schedule 3, Part 3, Division 1 of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cth).

101AA Allocation, marking and interference with vehicle identification numbers

- (1) The Registrar may allot a number to a motor vehicle or trailer if the motor vehicle or trailer does not have a vehicle identifier.

- (2) The owner of the motor vehicle or trailer must permanently mark the number allotted by the Registrar under subsection (1) on the motor vehicle or trailer in accordance with any directions of the Registrar.
- (3) Except in accordance with the Regulations or a written approval from the Registrar, a person must not:
 - (a) remove a vehicle identification number or identification device from a motor vehicle or trailer; or
 - (b) alter or interfere with a vehicle identification number on, or identification device attached to, a motor vehicle or trailer.
- (4) A person must not mark a vehicle identification number on a motor vehicle or trailer other than in accordance with:
 - (a) a direction of the Registrar given under subsection (2); or
 - (b) the vehicle marking requirements under the *Road Vehicle Standards Act 2018* (Cth).

19 Section 102 amended (Refusal, cancellation or suspension of authorities)

- (1) Section 102(2)(a)
omit
he is
- (2) Section 102(2)(a)
omit
his
insert
the Registrar's
- (3) Section 102(2)(aa)
omit
bona fide
insert
genuine

(4) Section 102(2)(ac)

omit, insert

(ac) refuse to register or renew the registration of a motor vehicle or trailer, or cancel the registration of a motor vehicle or trailer, in the following circumstances:

- (i) if the owner is an individual – the owner is not able to satisfy the Registrar that the owner is, or has a genuine intention of, residing in the Territory;
- (ii) if the owner is a body corporate incorporated or taken to be incorporated under the Corporations Act 2001 or is a foreign company as defined in section 9 of that Act – the owner is not able to satisfy the Registrar that the vehicle or trailer is to be used primarily in the Territory or that there is an operational base for the vehicle or trailer in the Territory; or

(5) Section 102(2)(ba) and (f), after "vehicle" (*all references*)

insert

or trailer

(6) Section 102(2)(c)

omit, insert

(c) refuse to register or to renew the registration of, or cancel or suspend for any period the Registrar thinks fit the registration of, a motor vehicle or trailer that:

- (i) does not comply with the requirements of Schedule 4 and the Standards; or
- (ii) does not comply with the identification requirements specified in section 101; or
- (iii) cannot reasonably, in the opinion of the Registrar, be relied on to operate without being a source of danger or annoyance to a person, or a source of damage to public streets, due to its condition, design or construction; or

(7) Section 102(2)(d) and (5)

omit

he

insert

the Registrar

- (8) Section 102(2)(a), (aa), (ab), (b)(i) and (iii), (ba), (d) to (e) and (f)(i), at the end

insert

or

- (9) Section 102(5)(a), after "motor vehicle"

insert

or trailer

- (10) Section 102(5)(b)

omit, insert

- (b) for preventing the driving on public streets of any motor vehicle or trailer that in the opinion of the Registrar, due to its condition, design or construction, cannot reasonably be relied on to operate without being a source of danger or annoyance to a person or a source of damage to public streets.

- (11) Section 102(5B)(b)

omit

vehicle,

insert

vehicle or trailer;

20 Section 102AA amended (Applications made by certain offenders)

Section 102AA(1), definition **heavy vehicle**

omit

all words after "mass"

insert

exceeding 15 tonnes.

21 Part VIA and section 108A repealed

Part VIA and section 108A

repeal

22 Section 111 replaced

Section 111

repeal, insert

111 Certain numbers or plates not to be on vehicle

- (1) Subject to subsections (2) and (3), the owner of a vehicle must not cause or permit to be on the vehicle:
 - (a) any number, other than the vehicle's registered number or vehicle identification number, that is likely to be taken to be the registered number of the motor vehicle; or
 - (b) any number plate, other than a number plate issued or approved by the Registrar for the purposes of this Act, that is likely to be taken to be the number plate of the vehicle.
- (2) A visiting vehicle may have affixed to it:
 - (a) the number plate or plates allotted or authorised for it under the law of the State, Territory or country in which it is registered; or
 - (b) the distinguishing mark required to be carried under any convention relating to motor traffic to which the Commonwealth is a party.
- (3) On the occasions and under the circumstances that are prescribed, or as the Minister directs, a number, other than the registered number, may be on a vehicle in such a position as not to obscure or be taken to be the registered number or vehicle identification number of the vehicle.

23 Section 128A amended (Defective motor vehicles)

- (1) Section 128A(1)

omit

(2) After section 128A(16)

insert

(17) For this section, a motor vehicle is **defective** if:

- (a) it does not comply with the requirements of Schedule 4 and the Standards; or
- (b) due to its condition, design or construction, the motor vehicle cannot reasonably be relied on to operate without being a source of danger or annoyance to a person or a source of damage to public streets.

24 Section 138 amended (Regulations)

(1) Section 138(1)(a)

omit

III

insert

3

(2) Section 138(1)(s), (u), (v), (w), (ad) and (af)

omit (all references)

motor

25 Schedules 4 and 6 replaced

Schedules 4 and 6

repeal, insert

Schedule 4 Vehicle requirements

sections 8(a), 16(5), definition **attachment**, 59(1) and (2), 60, 102(2)(c)(i) and 128A(17), definition **defective**

1 A motor vehicle or trailer must be structurally sound and designed and constructed to operate safely on a public street.

- 2 All brake and steorage connections must be secured with fasteners that are tensioned sufficiently to operate safely and any secondary locking mechanisms must be in use.
- 3 (1) This clause applies to a motor vehicle or trailer if none of the requirements of the Australian Design Rules regarding number plates or registration plates apply to it.
- (2) A suitable attachment must be securely fastened at the front and rear of a motor vehicle, other than a motor cycle, and at the rear of a motor cycle or trailer, in a location that enables number plates to be affixed to the motor vehicle or trailer in accordance with the requirements of third edition ADR 43/00.
- (3) No part of a vehicle, or fitting to the vehicle, may be located in a place that would obscure any portion of a number plate affixed to the vehicle.
- 4 (1) Subclause (2) applies to a motor cycle if none of the requirements of the Australian Design Rules regarding the attachment of a side-car apply to it.
- (2) A side-car must not be attached to the right-hand side of the motor cycle.

26 Act further amended

The Schedule has effect.

Part 3 Amendment of Traffic Act 1987

27 Act amended

This Part amends the *Traffic Act 1987*.

28 Section 19 amended (Interpretation)

Section 19(1), definition **GVM**

omit, insert

GVM or **gross vehicle mass**, see section 5(1) of the *Motor Vehicles Act 1949*.

29 Section 33 amended (Driving unregistered vehicle)

- (1) Section 33(3)(a) to (da), at the end

insert

and

- (2) Section 33(3)(e)

omit

and

- (3) Section 33(3)(f)

omit

- (4) Section 33(3)

omit

shall be deemed

insert

are taken

30 Section 33A amended (Driving unregistered heavy vehicle)

- (1) Section 33A(6)(a) to (d), at the end

insert

and

- (2) Section 33A(6)(e)

omit

and

- (3) Section 33A(6)(f)

omit

- (4) Section 33A(6)

omit

shall be deemed

insert

are taken

31 Section 33B amended (Person may be cautioned)

Section 33B(1)(b)

omit

III

insert

3

32 Section 34 amended (Driving uninsured or improperly insured vehicle)

Section 34(1) and (2)

omit

V

insert

5

Part 4 Amendment of Motor Vehicles Regulations 1977

33 Regulations amended

This Part amends the *Motor Vehicles Regulations 1977*.

34 Regulation 4A amended (Definitions)

(1) Regulation 4A(1)

omit

, unless the contrary intention appears

- (2) Regulation 4A(1), definition **moped**
omit, insert
moped means a motor vehicle:
- (a) that is categorised as a moped in the Australian Design Rules;
and
 - (b) in relation to which at least one of the following applies:
 - (i) the identification device attached to the vehicle identifies the vehicle as a moped;
 - (ii) the vehicle is recorded on the RAV as a moped;
 - (iii) the vehicle is approved by the Registrar for use as a moped.
- (3) Regulation 4A(1), definition **statutory write-off**, paragraphs (a), (b), (e) and (f)
omit
bike
insert
cycle

35 Regulation 4BA inserted

After regulation 4B

insert

4BA Excluded provisions

For section 5A(2)(h) of the Act, all provisions of these Regulations are excluded provisions.

36 Regulation 4C amended (Classification of licences)

Regulation 4C(1), Table

omit

combination of motor vehicles

insert

any combination of vehicles

37 Regulation 17 amended (Notices of destruction)

(1) Regulation 17(1)(a)(v)

omit

or chassis

(2) Regulation 17(1)(a)(vi)

omit, insert

(vi) the date of manufacture stated on the RAV for the vehicle or, if that date is not stated on the RAV, the date stated by the vehicle's manufacturer on the identification device attached to the vehicle;

38 Regulation 18 amended (Register of Written-off Vehicles)

Regulation 18(3)

omit

all words from "vehicle" to "plate"

insert

vehicle, other than a trailer, if the date of manufacture mentioned in the notice

Part 5 Amendment of Motor Vehicles (Fees and Charges) Regulations 2008

39 Regulations amended

This Part amends the *Motor Vehicles (Fees and Charges) Regulations 2008*.

40 Regulation 1A inserted

After regulation 1

insert

1A Excluded provisions

For section 5A(2)(h) of the Act, all provisions of these Regulations are excluded provisions.

41 Schedule 1 amended (Certain fees prescribed for Act)

(1) Schedule 1, Part 1, definition ***production vehicle***, note

omit, insert

*Note for definition ***production vehicle****

Production vehicles manufactured for use in Australia will normally have an identification device.

(2) Schedule 1, Part 2, item 10, after "motor vehicle"

insert

or trailer

(3) Schedule 1, Part 2, item 12(1)

omit

motor vehicles other than motor cycles

insert

trailers or motor vehicles other than motor cycles

(4) Schedule 1, Part 2, item 14

omit

VA

insert

5A

(5) Schedule 1, Part 2, item 17

omit, insert

17 Inspection or examination of a motor vehicle or trailer produced in accordance with a direction in a defect notice

- | | | | |
|-----|---|----------|----|
| (a) | for a motor vehicle or trailer not exceeding 4.5 t gross vehicle mass | 128A(16) | 43 |
| (b) | in any other case | 128A(16) | 98 |

(6) Schedule 1, Part 2, item 30

omit

motor vehicles

insert

a motor vehicle or trailer

(7) Schedule 1, Part 2, item 32

omit, insert

32 Inspection or examination of a motor vehicle or trailer other than under item 5 or 17

- | | | | |
|-----|---|------------|----|
| (a) | for a motor vehicle or trailer not exceeding 4.5 t gross vehicle mass | 138(1)(af) | 43 |
| (b) | in any other case | 138(1)(af) | 98 |

42 Schedule 2 amended (Heavy vehicle registration charges)(1) Schedule 2, Part 1, clause 1, definitions ***MRC (Mass Rating for Charging)*** and ***operating mass****omit*

- (2) Schedule 2, Part 1, clause 1

insert

MRC or **Mass Rating for Charging**, in relation to a motor vehicle, means the maximum laden mass of the vehicle recorded by the Registrar.

- (3) Schedule 2, Part 1, clause 1, definition **road related area**, paragraph (d)

omit

motor

Part 6 Amendment of Motor Vehicles (Standards) Regulations 2003

Division 1 Motor Vehicles (Standards) Regulations 2003

43 Regulations amended

This Division amends the *Motor Vehicles (Standards) Regulations 2003*.

44 Regulation 3 amended (Application)

Regulation 3

omit

VA

insert

5A

45 Regulation 4 amended (Interpretation)

- (1) Regulation 4(1)

omit

, unless the contrary intention appears

- (2) Regulation 4(1), definition **GCM** or **gross combination mass**

omit

(3) Regulation 4(1), definition ***specification***

omit

a compliance plate

insert

an identification device

(4) After regulation 4(2)

insert

(2A) However, subregulation (2) does not apply in relation to a word or expression that is defined in this regulation or section 5(1) of the Act.

46 Regulation 4A inserted

After regulation 4, in Part 1

insert

4A Excluded provisions

For section 5A(2)(h) of the Act, all provisions of these Regulations are excluded provisions.

47 Regulation 10 amended (Bus with road friendly suspension)

Regulation 10, before "ADR"

insert

third edition

48 Regulation 12A amended (Concessional mass limits for certain vehicles)

Regulation 12A(4), definition ***interstate owner or operator***, after "vehicles"

insert

or trailers

49 Regulation 25 amended (Identification of hauling unit of road train)

Regulation 25(2)

omit

a compliance plate

insert

an identification device

50 Regulation 26 amended (Identification of trailers used in road train)

Regulation 26(2)

omit

a compliance plate

insert

an identification device

51 Regulation 28 replaced

Regulation 28

repeal, insert

28 Exemption from right-hand drive requirement

- (1) The requirement under rule 27(1) that a motor vehicle must have a right-hand drive does not apply to the following types of motor vehicles:
- (a) a personally imported vehicle as defined in rule 23(1);
 - (b) a vehicle imported under an approval to import given under regulation 9F or 17 of the *Motor Vehicle Standards Regulations 1989* (Cth) before their repeal;
 - (c) a vehicle imported under an approval to import given under regulation 11 of the *Motor Vehicle Standards Regulations 1989* (Cth) before its repeal, on the basis that the vehicle satisfied the eligibility criterion set out in section 36 of the RVS Rules;

- (d) a vehicle imported under an approval to import given under section 19 of the *Motor Vehicle Standards Act 1989* (Cth) and supplied to market under section 14A or 16(2) of that Act, on the basis that the vehicle satisfied the rarity criterion set out in section 135 of the RVS Rules;
- (e) a vehicle that is entered on the RAV because it satisfied the requirements of the concessional RAV entry approval pathway mentioned in section 15(2)(b) of the *Road Vehicle Standards Act 2018* (Cth) by satisfying:
 - (i) the eligibility criterion set out in section 36 of the RVS Rules; or
 - (ii) the eligibility criterion set out in section 37 of the RVS Rules because it is covered by an entry on the SEVs register on the basis that it satisfied the rarity criterion set out in section 135 of the RVS Rules.

(2) In this regulation:

RVS Rules means the *Road Vehicle Standards Rules 2019* (Cth).

52 Regulation 32 amended (Exemption from speed-limiting requirement for road train)

Regulation 32(a)

omit

Australian Design Rule 65/00;

insert

third edition ADR 65; and

Division 2 Amendment of Schedule 6 to Motor Vehicles (Standards) Regulations 2003 – Australian Vehicle Standards Rules

53 Rules amended

This Division amends Schedule 6 to the *Motor Vehicles (Standards) Regulations 2003* – Australian Vehicle Standards Rules.

54 Rule 3A inserted

After rule 3

insert

3A References to another law of this jurisdiction

A reference in the Vehicle Standards to another law of this jurisdiction includes any provision of the *Motor Vehicles (Standards) Regulations 2003* other than the Vehicle Standards.

55 Rule 10 amended (Vehicles to which the Vehicle Standards do not apply)

(1) Rule 10(f)

omit

Standards.

insert

Standards; or

(2) After rule 10(f)

insert

(g) a vehicle that is categorised, in the Australian Design Rules, as a power-assisted pedal cycle; or

(h) a vehicle that was categorised, in a third edition ADR, as a power-assisted pedal cycle, but is no longer categorised as a power-assisted pedal cycle because of a change to the category.

56 Rule 13 amended (Non-application of Vehicle Standards – Motor Vehicle Standards Act approvals)

(1) Rule 13, heading

omit

Motor Vehicle Standards Act approvals

insert

approvals under other laws

(2) Rule 13(c) and (d) and notes

omit, insert

(c) despite the non-compliance:

(i) before the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth), an approval had been given under section 10A (2) or (3) of that Act to place identification plates on vehicles of that type; or

(ii) an approval to place identification plates on vehicles of that type has been given under Schedule 3, item 4 (2) or 6 (2) to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); or

(iii) the vehicle has been entered on the RAV; and

(d) for a vehicle to which paragraph (c)(i) or (ii) applies – the vehicle complies with the approval conditions, if any.

Note 1 Section 10A (2) of the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed) dealt with vehicles that did not comply with an ADR, but the non-compliance was only in minor and inconsequential respects.

Note 2 Section 10A (3) of that Act dealt with vehicles that did not comply with an ADR, and the non-compliance was not minor and inconsequential, but the vehicle would be safe to use if conditions were complied with.

Note 3 Schedule 3, items 4 (2) and 6 (2) of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth) provide for the Minister to decide applications for approval made under section 10A (2) and (3) of the *Motor Vehicle Standards Act 1989* (Cwlth) that were not decided before the repeal of that Act.

57 Rule 14 amended (What is an ADR)

Rule 14

omit

(Australian Design Rule) is a national standard

insert

is an Australian Design Rule

58 Rules 15 to 18 repealed

Rules 15 to 18

repeal

59 Rule 21 amended (Exception to compliance with ADRs – vehicles that are not road vehicles)

Rule 21

omit

all words from "if" to "Act."

insert

if:

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth), a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for that Act; or
- (b) the vehicle is within a class determined in, or is specified in, an instrument under section 6 (5) (b) or (6) (b) of the *Road Vehicle Standards Act 2018* (Cwlth).

60 Rule 22 amended (Exception to compliance with ADRs – Motor Vehicle Standards Act)

- (1) Rule 22, heading

omit

Motor Vehicle Standards Act

insert

particular approvals

- (2) Rule 22(1)(a) and (b)

omit, insert

- (a) despite non-compliance with the ADR:
 - (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth), an approval had been given under section 10A (2) or (3) of that Act to place identification plates on vehicles of that type; or
 - (ii) an approval to place identification plates on vehicles of that type has been given under Schedule 3, item 4 (2) or 6 (2) to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); and
- (b) the vehicle complies with the approval conditions, if any.

(3) Rule 22(2)(a) and (b)

omit, insert

(a) either:

(i) before the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth), the vehicle was permitted to be supplied to the market under section 14A (1) of that Act; or

(ii) an approval for the vehicle to be supplied to market has been given under Schedule 3, item 11 (2) to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); and

(b) for a vehicle for which an approval was given under a provision mentioned in paragraph (a) – the vehicle complies with the approval conditions, if any.

(4) Rule 22(3)(a) and (b)

omit, insert

(a) before the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth), the vehicle was permitted to be used in transport in Australia under section 15 (2) of that Act; and

(b) for a vehicle for which an approval was given under section 15 (2) of the *Motor Vehicle Standards Act 1989* (Cwlth) – the vehicle complies with the approval conditions, if any.

(5) After rule 22(3)

insert

(4) A vehicle need not comply with an ADR applied by rule 19 (1) or 20 (1) if:

(a) despite non-compliance with the ADR, the vehicle has been entered on the RAV; and

(b) if the approval of the vehicle's entry on the RAV is subject to conditions – the vehicle complies with the conditions.

61 Rule 23 amended (Partial exception to compliance with ADRs – personally imported vehicles)

Rule 23(1)

omit, insert

(1) In this rule:

personally imported vehicle means a vehicle built after 1968 that:

(a) has been imported into Australia by a person in accordance with:

(i) an approval to import given under regulation 9D or 13 of the *Motor Vehicle Standards Regulations 1989* (Cwlth) before their repeal; or

(ii) an approval to import under Schedule 3, item 13 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth); or

(b) has been:

(i) imported into Australia by a person in accordance with a concessional RAV entry approval granted on the basis that the vehicle satisfied the eligibility criterion set out in section 39 of the *Australian Vehicle Standards Rules 2019* (Cwlth); and

(ii) entered on the RAV.

62 Rule 27 amended (Steering)

Rule 27(1) and (2)

omit, insert

(1) A motor vehicle must have a right-hand drive.

63 Dictionary amended

(1) Dictionary, definitions ***GVM***, ***national standard***, ***second edition ADR*** and ***third edition ADR***

omit

(2) Dictionary

insert

Australian Design Rule see section 5(1) of the *Motor Vehicles Act 1949*.

GVM see section 5(1) of the *Motor Vehicles Act 1949*.

national standard see section 5(1) of the *Motor Vehicles Act 1949*.

second edition ADR see section 5(1) of the *Motor Vehicles Act 1949*.

third edition ADR see section 5(1) of the *Motor Vehicles Act 1949*.

Part 7 Amendment of Traffic Regulations 1999

Division 1 Traffic Regulations 1999

64 Regulations amended

This Division amends the *Traffic Regulations 1999*.

65 Regulation 82 replaced

Regulation 82

repeal, insert

82 Lights

For rule 215(4), the lights that are to be fitted to a vehicle are the lights required under the *Motor Vehicles (Standards) Regulations 2003*.

66 Regulation 87A inserted

After regulation 87, in Part 6, Division 2

insert

87A Modification of meaning of GVM

In the Territory:

- (a) GVM has the same meaning as in section 5(1) of the *Motor Vehicles Act 1949*; and
- (b) the definition, **GVM**, in the Dictionary to the *Australian Road Rules* does not apply.

Division 2 Amendment of Schedule 3 to Traffic Regulations 1999 – Australian Road Rules

67 Rules amended

This Division amends Schedule 3 to the *Traffic Regulations 1999 – Australian Road Rules*.

68 Rule 21 amended (Speed-limit where a speed-limit sign applies)

Rule 21(2), note 2

omit

69 Rule 25 amended (Speed-limit elsewhere)

Rule 25(3), note 2

omit

70 Dictionary amended

Dictionary, definition **GVM**, note

omit, insert

Note

This definition is modified by regulation 87A of the Traffic Regulations 1999.

Part 8 Consequential amendments

Division 1 National Environment Protection Council (Northern Territory) Act 1994

71 Act amended

This Division amends the *National Environment Protection Council (Northern Territory) Act 1994*.

72 Section 14 amended (Council may make national environment protection measures)

(1) Section 14(2)(a)

omit

Road

(2) Section 14(2)(b)

omit

all words after "with the"

insert

National Transport Commission Act 2003 (Cth) and, if appropriate, the Road Vehicle Standards Act 2018 (Cth).

Division 2 Dangerous Goods Regulations 1985

73 Regulations amended

This Division amends the *Dangerous Goods Regulations 1985*.

74 Regulation 207 amended (Autogas system installed by vehicle manufacturer)

(1) Regulation 207(1)

omit

shall

insert

must

(2) Regulation 207(1)(a), at the end

insert

or

(3) Regulation 207(1)(b)

omit

sale,

insert

sale;

(4) Regulation 207(1)(c)

omit, insert

(c) used;

(5) Regulation 207(1)

omit

approved by

insert

approved

(6) Regulation 207(1)(d) and (e)

omit, insert

(d) by the Competent Authority; or

(e) by the body known as the Australian Motor Vehicle Certification Board; or

(f) under the *Motor Vehicle Standards Act 1989* (Cth) (before its repeal); or

(g) under the *Road Vehicle Standards Act 2018* (Cth);

Division 3 Motor Accidents (Compensation) Regulations 1984

75 Regulations amended

This Division amends the *Motor Accidents (Compensation) Regulations 1984*.

76 Regulation 4B replaced

Regulation 4B

repeal, insert

4B Motor vehicle incapable of being registered

(1) For sections 9D(1)(d)(i) and 9E(1)(d)(i) of the Act, the following kinds of motor vehicles are prescribed:

(a) a vehicle manufactured on or before 1 January 1971 that:

(i) does not comply with the applicable vehicle safety requirements under the *Motor Vehicles Act 1949* or a corresponding law of another jurisdiction; and

(ii) cannot be registered under the *Motor Vehicles Act 1949* or a corresponding law of another jurisdiction;

(b) a vehicle manufactured during the period from 2 January 1971 to 1 August 1989 that has never had a compliance plate placed on it in accordance with an approval by the body known as the Australian Motor Vehicle Certification Board;

- (c) a vehicle manufactured during the period from 2 August 1989 to the RVSA commencement date that has never had a plate or label placed on it in accordance with an approval given under the *Motor Vehicle Standards Act 1989* (Cth) before its repeal;
- (d) a vehicle manufactured after the RVSA commencement date that:
 - (i) has never had a plate or label placed on it in accordance with an approval mentioned in Schedule 3, Part 3, Division 1 of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cth); and
 - (ii) has not been entered on the Register of Approved Vehicles kept under section 14(1) of the *Road Vehicle Standards Act 2018* (Cth).

(2) In this regulation:

RVSA commencement date means the day on which section 15 of the *Road Vehicle Standards Act 2018* (Cth) commences.

Part 9 Repeal of Transport Legislation Amendment Act 2019

77 *Transport Legislation Amendment Act 2019* repealed

The *Transport Legislation Amendment Act 2019* (Act No. 35 of 2019) is repealed.

Part 10 Repeal of Act

78 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Motor Vehicles Act 1949 further amended

section 26

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	II	2
Part III, heading	III	3
section 33Z(3)	establishes that	
section 33Z(3)(a)	it (<i>first reference</i>)	
section 33Z(3)(b)	it	
Part IV, heading	IV	4
Part V, heading	V	5
Part VA, heading	VA	5A
Part VB, heading	VB	5B
sections 57(1) and (2), 59(1) and (2) and 60	VA (<i>all references</i>)	5A
Part VC, heading	VC	5C
sections 61 and 64	VA (<i>all references</i>)	5A
section 64, heading	VA	5A
Part VD, heading	VD	5D
Part VE, heading	VE	5E
section 66(1), (2) and (3)	VA	5A
section 66(1)(b)	VC	5C

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 67(1)	VA	5A
Part VI, heading	VI	6
section 103(4)	V	5
Part VIB, heading	VIB	6B
Part VII, heading	VII	7
section 112(b)	a letter or figure	the number
section 112(b)(i)	distinctly	clearly
section 113(3)	establishes	has
Part VIII, heading	VIII	8
Part IX, heading	IX	9
Part X, heading	X	10
Part XI, heading	XI	11