

TN301

Road Traffic (Vehicles) Act 2012

Road Traffic (Vehicles) Amendment Regulations (No. 3) 2019

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 3) 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Road Traffic (Vehicles) Regulations 2014*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *centre* (each occurrence).
- (2) In regulation 3 insert in alphabetical order:

Airservices Australia means the body established by the *Air Services Act 1995* (Commonwealth) section 7(1);

Airservices Australia vehicle means a vehicle driven by any of the following persons in the course of the person's duty to Airservices Australia —

- (a) the Chief Executive Officer appointed under the *Air Services Act 1995* (Commonwealth) section 34;
- (b) a person appointed to act as the Chief Executive Officer under the *Air Services Act 1995* (Commonwealth) section 41;
- (c) a person employed under the *Air Services Act 1995* (Commonwealth) section 42;
- (d) a person engaged as a consultant under the *Air Services Act 1995* (Commonwealth) section 43;

air storage tank, of a vehicle, means a tank fitted to the vehicle for storing compressed air;

Australian Border Force has the meaning given in the *Australian Border Force Act 2015* (Commonwealth) section 4(1);

Australian Border Force vehicle means a vehicle driven by an Immigration and Border Protection worker in the course of the worker's duty to the Australian Border Force;

centre line, of an axle, means —

- (a) for an axle consisting of 1 shaft — a line parallel to the length of the axle and passing through the centre of the axle; or
- (b) for an axle consisting of 2 shafts — a line in the vertical plane passing through —
 - (i) the centres of both shafts; and
 - (ii) the centres of the wheels on the shafts;

centre line, of an axle group, means —

- (a) if the group consists of 2 axles, one of which is fitted with twice the number of tyres as the other axle — a vertical line located one-third of the way from the centre line of the axle with more tyres towards the centre line of the axle with fewer tyres; and
- (b) in any other case — a line located midway between the centre lines of the outermost axles of the group;

diesel engine means an engine that works on the compression-ignition principle;

Immigration and Border Protection worker has the meaning given in the *Australian Border Force Act 2015* (Commonwealth) section 4(1);

nearer side of the vehicle, in relation to a light or reflector fitted to a vehicle, means the side of the

vehicle that is closest to where the light or reflector is fitted;

parking brake, of a vehicle, means the brake usually used to keep the vehicle stationary while the vehicle is parked;

side marker light means a light fitted to the side of a vehicle indicating the presence and length of the vehicle when viewed on that side;

vacuum storage tank, of a vehicle, means a tank fitted to the vehicle for storing air at low pressure;

5. Regulation 175 amended

In regulation 175(4)(a) after “centre” insert:

line

Note: The heading to amended regulation 175 is to read:

Rear overhang

6. Regulation 176 amended

In regulation 176 after “centre” (each occurrence) insert:

line

7. Regulation 178 amended

Delete regulation 178(2)(b) and insert:

- (b) at the midpoint between adjacent axles — at least one-thirtieth of the distance between the centre lines of the axles; and

8. Regulation 251 amended

Delete regulation 251(3)(d) and insert:

- (d) an Australian Border Force vehicle; or

9. Regulation 255 amended

In regulation 255 delete “A motor vehicle propelled by a compression ignition engine (commonly known as a diesel engine)” and insert:

A motor vehicle propelled by a diesel engine

10. Regulation 257 amended

After regulation 257(1) insert:

- (1A) The electrical components of a vehicle must be securely mounted.

11. Regulation 258A inserted

After regulation 258 insert:

258A. Motor vehicle windscreen to be fitted

A motor vehicle (other than a motor cycle, a motor tricycle or a moped) must be fitted with a windscreen if it is manufactured or designed to have a windscreen.

12. Regulation 259 amended

In regulation 259(1) in the definition of *approved material* delete paragraphs (e) and (f) and insert:

- (e) British Standard BS 5282:1975 *Specification for Road Vehicle Safety Glass*;
(f) British Standard BS AU178:1980 *Specification for Road Vehicle Safety Glass*;

13. Regulation 260 replaced

Delete regulation 260 and insert:

260. Motor vehicle window tinting

- (1) In this regulation —
glazing —

- (a) means material that may be used in a windscreen, window or interior partition of a motor vehicle, through which the vehicle's driver can see the road; but
(b) does not include a coating added after manufacture of the material;

luminous transmittance, for glazing or a coating on glazing, means the amount of light that can pass through the glazing as a percentage of the amount of light that would be transmitted if the glazing or coating were absent;

rear glazing, for a motor vehicle, means glazing used in a window or interior partition of the motor vehicle

- located behind the driver in the normal driving position.
- (2) Glazing used in a windscreen of a motor vehicle must have a luminous transmittance of at least 70%.
 - (3) Glazing used in a windscreen of a motor vehicle must not be coated in a way that reduces its luminous transmittance.
 - (4) Subregulations (2) and (3) do not apply to the greater of the following areas of a windscreen —
 - (a) the area above the highest point of the windscreen that is swept by a windscreen wiper;
 - (b) the upper 10% of the windscreen.
 - (5) Glazing used in a window or interior partition of a motor vehicle must have a luminous transmittance of at least 70%.
 - (6) Glazing used in a window or interior partition of a motor vehicle, other than rear glazing, may be coated to achieve a luminous transmittance of not less than 35%.
 - (7) If a motor vehicle is fitted with at least 1 rear vision mirror to each side of the vehicle, the motor vehicle's rear glazing may be coated to achieve a luminous transmittance of at least 20%.
 - (8) If all of the following apply to a motor vehicle, the motor vehicle's rear glazing may be coated to achieve a luminous transmittance of 0% or more —
 - (a) the vehicle is fitted with at least 1 rear vision mirror to each side of the vehicle;
 - (b) the vehicle is designed primarily for the carriage of goods;
 - (c) the vehicle has —
 - (i) at least 4 wheels; or
 - (ii) at least 3 wheels and a GVM of more than 1 tonne.
 - (9) The requirements about luminous transmittance applying to glazing used in a window of a motor vehicle set out in a second edition ADR or third edition ADR do not apply to a window that has been coated as provided in subregulation (6), (7) or (8).
 - (10) Glazing used in a windscreen, window or interior partition of a motor vehicle that has been coated to reduce its luminous transmittance must not have a reflectance of more than 10%.

14. Regulation 264 amended

In regulation 264(1) delete “A heavy vehicle” and insert:

A vehicle

Note: The heading to amended regulation 264 is to read:

Pneumatic tyres for vehicles

15. Regulation 266 replaced

Delete regulation 266 and insert:

266. Size and capacity of pneumatic tyres of certain vehicles

(1) In this regulation —

radial ply tyre means a radial ply tyre within the meaning of the ADR titled “Vehicle Standard (Australian Design Rule — Definitions and Vehicle Categories) 2005”.

(2) The wheels and tyres fitted to an axle of a vehicle must be of sufficient size and capacity to carry the part of the vehicle’s gross mass transmitted to the ground through the axle.

(3) For the purposes of subregulation (1), the size and capacity of a pneumatic tyre to be fitted to a vehicle must be decided using a cold inflation pressure that is not more than the lesser of —

(a) the pressure recommended by the tyre manufacturer; and

(b) a pressure of —

(i) for a radial ply tyre — 825 kPa; or

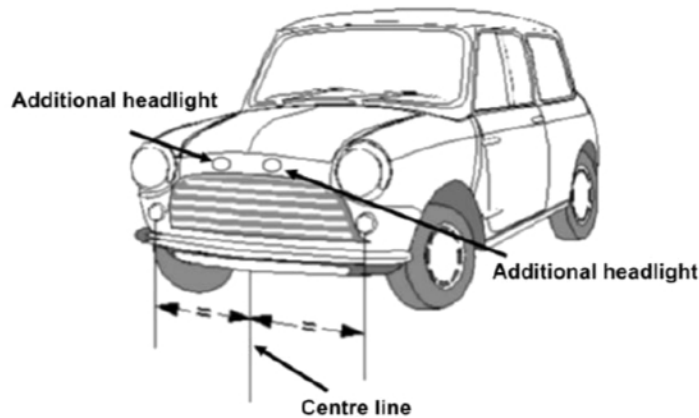
(ii) for another tyre — 700 kPa.

16. Regulation 286 amended

Delete regulation 286(4) and (5) and insert:

(4) Up to 4 additional headlights may be fitted to a motor vehicle with 4 or more wheels, a motor cycle or a motor tricycle.

(5) An additional headlight fitted to a vehicle must be fitted so that it faces forward and is symmetrical in relation to the centre line of the vehicle.



Location of additional headlights on a vehicle

17. Regulation 307 amended

After regulation 307(7) insert:

- (8) For the purposes of this regulation, a light fitted to a vehicle that functions as a brake light and a direction indicator light is taken to be a brake light if the vehicle was built before 1 January 1973.

18. Regulation 315 amended

At the beginning of regulation 315 insert:

- (1A) In this regulation —
rear fog light means a light used on a vehicle to make the vehicle more easily visible from the rear in dense fog.

19. Regulation 326 amended

In regulation 326(3)(c) delete “AS 1906-1990” and insert:

AS 1906

20. Regulation 327 amended

In regulation 327(4) in the definition of *exempt vehicle* delete paragraph (c) and insert:

- (c) an Australian Border Force vehicle;

21. Regulation 328 amended

- (1) Delete regulation 328(1) and insert:

- (1) In this regulation —

rear marking plate means a rear marking plate complying with *Vehicle Standards Bulletin VSB 12*.

- (2) In regulation 328(3) delete “in the ADR.” and insert:

in VSB 12.

22. Regulation 334 amended

- (1) At the beginning of regulation 344 insert:

- (1A) In this regulation —

compressed air reserve, for a vehicle, means compressed air stored on the vehicle for supplying the vehicle’s braking system;

condensate drain valve means a device used to remove water from the compressed air reserve for a vehicle fitted with air brakes;

governor cut-out pressure, of a vehicle, means the air pressure at which the vehicle’s air brake compressor stops supplying air to the vehicle’s air brake reservoir;

spring brake means a brake using one or more springs to store the energy needed to operate the brake;

vacuum reserve, in relation to a vehicle, means air at a low pressure stored on the vehicle for supplying the vehicle’s braking system.

- (2) In regulation 334(1)(c) after “reservoir in the” insert:

vehicle’s braking

- (3) Delete regulation 334(2).

23. Regulation 335 amended

Delete regulation 335(8) and insert:

- (8) The parking brake of a vehicle or combination must be able to hold the vehicle or combination stationary on a 12% gradient —

- (a) when the vehicle or combination is on a dry, smooth road surface, free from loose material; and

- (b) whether or not the vehicle or combination is loaded.

24. Regulation 357 replaced

Delete regulation 357 and insert:

357. Measurement of stationary noise levels

- (1) In this regulation —
Commission means the National Transport Commission established by the *National Transport Commission Act 2003* (Commonwealth).
- (2) For this Subdivision, the stationary noise level of a motor vehicle is to be measured in accordance with the procedure set out for the kind of vehicle in the “National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles” — September 2006 (ISBN 1 921168 50 1) published by the Commission.

25. Regulation 357A inserted

After regulation 357 insert:

357A. Meaning of *certified to ADR 83/00*

For this Subdivision, a vehicle is *certified to ADR 83/00* if approval has been given under the *Motor Vehicle Standards Act 1989* (Commonwealth) section 10A to place identification plates on vehicles of that type showing compliance with that ADR.

26. Regulation 358 replaced

Delete regulation 358 and insert:

358. Silencing device for exhaust systems

- (1) A motor vehicle propelled by an internal combustion engine must be fitted with a silencing device through which all the exhaust from the engine passes.
- (2) For subregulation (1), any silencing device designed to be manipulated by the vehicle’s operator, such as by means of in-vehicle controls, must be designed so that it can be tested with the device fully opened.

27. Regulation 358A inserted

After regulation 358 insert:

358A. Application of regulations 359 to 361

Regulations 359 to 361 apply to a motor vehicle other than a vehicle certified to ADR 83/00.

28. Regulation 361A inserted

At the end of Part 10 Division 10 insert:

361A. Stationary noise levels: vehicles certified to ADR 83/00

The stationary noise level of a motor vehicle that is certified to ADR 83/00 must not exceed, by more than 5 dB(A), the noise level that is established for the motor vehicle when it is certified.

29. Regulation 362 replaced

Delete regulation 362 and insert:

362. LPG-powered vehicles

- (1) An LPG system installed in a motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of AS 1425 *LP Gas fuel systems for vehicle engines* that was current at the time the system was installed in the vehicle.
- (2) A motor vehicle that has an LPG system installed must have fixed conspicuously to its front and rear number plates the labels required by the version of AS 1425 *LP Gas fuel systems for vehicle engines* that was current at the time the system was installed in the vehicle.
- (3) If a motor vehicle had an LPG system installed before AS 1425 *LP Gas fuel systems for vehicle engines* was first published, the vehicle must have fixed conspicuously to its front and rear number plates a label:
 - (a) that is made of durable material; and
 - (b) that is at least 25 mm wide and 25 mm high; and
 - (c) that is of a reflective red that conforms with either AS 1743 *Road Signs - Specifications* or AS 1906.1 *Retroreflective materials and*

*devices for road traffic control purposes
(Part 1: Retroreflective sheeting); and*

- (d) that states “LPGAS” or “LPG”, or similar words or acronyms that have the same meaning, in capital letters at least 6 mm high.

30. Regulation 362A inserted

After regulation 362 insert:

362A. Vehicles powered by natural gas

A natural gas system installed in a motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of AS 2739 *Natural gas (NG) fuel systems for vehicle engines* that was current at the time the system was installed in the vehicle.

R. KENNEDY, Clerk of the Executive Council.
