

---

---

**TRANSPORT**

---

TN301

Road Traffic (Vehicles) Act 2012

**Road Traffic (Vehicles) Amendment Regulations  
(No. 7) 2021**

SL 2021/81

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 7) 2021*.

**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 1 July 2021.

**3. Regulations amended**

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

**4. Regulation 3 amended**

- (1) In regulation 3 delete the definition of *mass rating for charging (MRC)*.
- (2) In regulation 3 insert in alphabetical order:

*mass rating for charging (MRC)*, for a vehicle,  
means —

- (a) the maximum permissible loaded mass of the vehicle as stated on the RAV for that vehicle;  
or
- (b) if the maximum permissible loaded mass of the vehicle is not stated on the RAV — the mass recorded on the compliance plate as —
  - (i) the aggregate trailer mass; or
  - (ii) the gross trailer mass rating; or
  - (iii) the GVM;or
- (c) if the vehicle is not entered on the RAV and does not have a compliance plate — the maximum permissible loaded mass of the vehicle as determined by the CEO;

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

**5. Regulation 137 amended**

In regulation 137(2) delete “chassis or that could be licensed as of Class A under regulation 34 except that it does not have a compliance plate fitted to it” and insert:

chassis, or that cannot be licensed as of Class A under regulation 34 because it does not have a compliance plate fitted to it or it is not entered on the RAV,

**6. Regulation 161 amended**

In regulation 161 in the definition of *complying bus* after paragraph (a) insert:

- (aa) with 2 or 3 axles and a single steer axle that —
  - (i) is entered on the RAV as having been manufactured during or after July 1994;and

- (ii) is equipped with an approved air suspension system;

or

**7. Regulation 162 amended**

In regulation 162(1):

- (a) in paragraph (b) delete “1 July 1994.” and insert:

1 July 1994; or

- (b) after paragraph (b) insert:

- (c) is not entered on the RAV as having been manufactured during or after July 1994.

**8. Regulation 226 amended**

- (1) In regulation 226 delete the definitions of:

***ADR***

***national standard***

***third edition ADR***

- (2) In regulation 226 insert in alphabetical order:

***Australian Design Rules (ADR)*** means —

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

***third edition ADR*** means —

- (a) a national standard under the *Motor Vehicle Standards Act 1989* (Commonwealth) as in force immediately before the repeal of that Act; or
- (b) a national road vehicle standard, as amended from time to time, under the *Road Vehicle Standards Act 2018* (Commonwealth) section 12;

- (3) In regulation 226:

- (a) in the definition of ***adopted standard*** delete “except a national standard,” and insert:

except an ADR,

- (b) in the definition of *second edition ADR* delete “a national standard” and insert:

an Australian Design Rule

**9. Regulation 231 amended**

Delete regulation 231(c) and insert:

- (c) despite the non-compliance —
- (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
  - (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2); or
  - (iii) the vehicle satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2) and the vehicle is entered on the RAV;

and

Note: The heading to amended regulation 231 is to read:

**Non-application of this Part: approvals under Commonwealth legislation**

**10. Regulation 235 amended**

After regulation 235(6) insert:

- (6A) On receiving notification under subregulation (6), the CEO may, for the purposes of section 9(1)(c), direct the responsible person for the vehicle to present the vehicle for inspection within 28 days.

**11. Regulation 239 replaced**

Delete regulation 239 and insert:

**239. Exception to compliance with ADRs: vehicles that are not road vehicles**

A vehicle need not comply with an ADR applied by regulation 236(2) or 238(2) if —

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for the purposes of that Act; or
- (b) a determination under the *Road Vehicle Standards Act 2018* (Commonwealth) section 6(5)(b) or (6)(b) provides that the vehicle is not a road vehicle for the purposes of that Act.

**12. Regulation 240 amended**

(1) Delete regulation 240(1)(a) and insert:

- (a) despite non-compliance with the ADR —
  - (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
  - (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2);

and

(2) In regulation 240(2):

(a) delete paragraph (a) and insert:

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

- (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 11(2);

and

- (b) in paragraph (b) delete “under that section —” and insert:

as described in paragraph (a)(i) or (ii) —

- (3) Delete regulation 240(3)(a) and insert:

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

Note: The heading to amended regulation 240 is to read:

**Exception to compliance with ADRs: approvals under Commonwealth legislation**

### 13. Regulation 240A inserted

After regulation 240 insert:

#### **240A. Vehicles satisfying an entry pathway under *Road Vehicle Standards Act 2018* (Commonwealth)**

A vehicle need not comply with an ADR applied by regulation 236(2) or 238(2) if —

- (a) the vehicle satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2); and
- (b) despite non-compliance with the ADR, the vehicle is entered on the RAV.

### 14. Regulation 241 amended

In regulation 241(1) in the definition of *personally imported vehicle*:

- (a) in paragraph (c) delete “the person.” and insert:

the person; and

(b) after paragraph (c) insert:

(d) has —

- (i) if the vehicle was imported before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) — undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* (Commonwealth); or
- (ii) otherwise — complied with the rules made under the *Road Vehicle Standards Act 2018* (Commonwealth).

**15. Regulation 357A replaced**

Delete regulation 357A and insert:

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

For this Subdivision, a vehicle is *certified to ADR 83/00* if —

- (a) immediately before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth), approval has been given under section 10A of that Act to place an identification plate showing compliance with ADR 83/00 on the vehicle; or
- (b) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2); or
- (c) the vehicle has satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2), including compliance with ADR 83/00, and the vehicle is entered on the RAV.

**16. Regulation 389 amended**

(1) In regulation 389 delete “If” and insert:

(1) If

- (2) At the end of regulation 389 insert:
- (2) Subregulation (1) does not apply if the vehicle has satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2) and the vehicle is entered on the RAV.

N. HAGLEY, Clerk of the Executive Council.

---