

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2005 No. 159**

Issued by the Authority of the Minister for Local Government, Territories and Roads

*Motor Vehicle Standards Act 1989*

*Motor Vehicle Standards Amendment Regulations 2005 (No. 3)*

The *Motor Vehicle Standards Act 1989* (the Act) provides for uniform national motor vehicle standards for new vehicles when they begin to be used in transport in Australia and regulates the first supply to the market of used imported vehicles.

Section 42 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to amend the *Motor Vehicle Standards Amendment Regulations 2005 (No. 1)* to:

- add the conjunctive ‘and’ in regulation 4 between existing paragraphs (a) to (d) inclusive to provide certainty to the meaning of the transitional arrangements.

The *Motor Vehicle Standards Amendment Regulations 2005 (No. 1)* (the Amendment Regulations) amended the arrangements under regulation 17 for the import of vehicles of a certain age. Included in these amendments were transitional arrangements allowing importers, who made a financial commitment on a vehicle prior to the date of the Minister’s announcement of the proposed changes on 7 February 2005, to import those vehicles under the previous arrangements, provided the application is received before 1 January 2006. The transitional arrangements are restricted to vehicles manufactured prior to 1 January 1991. To provide certainty to the meaning of the transitional arrangements in regulation 4 of the Amendment Regulations, the conjunctive ‘and’ has been inserted between existing paragraphs (a) to (d) inclusive.

Details of the Regulations are set out in the Attachment.

The Act specifies no conditions that must be met before the power to make the proposed Regulations may be exercised.

The Regulations are a legislative instrument for the purpose of the *Legislative Instruments Act 2003*.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.

Authority: Section 42 of the *Motor Vehicle Standards Act 1989*

**Details of the proposed *Motor Vehicle Standards Amendment Regulations 2005 (No. 3)***

**Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Motor Vehicle Standards Amendment Regulations 2005 (No. 3)*.

**Regulation 2 – Commencement**

This regulation provides that the Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

**Regulation 3 – Amendment of the *Motor Vehicle Standards Amendment Regulations 2005 (No. 1)***

This regulation provides that the *Motor Vehicle Standards Amendment Regulations 2005 (No. 1)* are amended as set out in Schedule 1.

**Schedule 1 - Amendments**

**Item [1] Regulation 4**

This amendment inserts the conjunctive ‘and’ between existing paragraphs (a) to (d) inclusive to provide certainty to the meaning of the transitional arrangements.