EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 14

Issued by the Authority of the Minister for Transport and Regional Services

National Transport Commission Act 2003

National Transport Commission (Road Transport Legislation — Vehicle Standards) Amendments Regulations 2007 (No. 1)

Section 52 of the National Transport Commission Act 2003 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all 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 provisions of the Act are supported by the Inter-Governmental Agreement on Regulatory and Operational Reform in Road, Rail and Intermodal Transport (IGA), which serves to formalise the cooperative arrangements between the Commonwealth, States and Territories and define the roles and responsibilities of the National Transport Commission (NTC), the Australian Transport Council and the jurisdictions. Clause 14 of the IGA requires the Commonwealth to submit model legislation for inclusion in schedules to regulations under the Act. The proposed Regulations would implement this commitment.

The purpose of the Regulations is to update the Australian Vehicle Standards Rules 1999 (the Rules) which are set out as model road transport legislation at Schedule 2 of the National Transport Commission (Road Transport Legislation — Vehicle Standards) Regulations 2006.

The Regulations provide for miscellaneous amendments to the Rules approved by the Australian Transport Council on 23 August 2006. These are the result of the NTC’s maintenance process which proposed a number of changes to the Rules that are non-contentious and only clarify certain aspects of the Rules. The changes are mechanical in nature, have no material impact and so did not require a regulation impact statement. Consultation was undertaken with all jurisdictions through an NTC working group.

The amendments make changes to the following areas within the Rules:
- Guidance on vehicle modifications, Part 3;
- Partial exception to compliance with the Australian Design Rules for personally imported vehicles, rule 23;
- Steering, rule 27;
- Horns, alarms etc, rule 34;
- Electrical wiring, connections and installations, rule 41;
- Windscreens and windows, rule 43;
- Other lights and reflectors, rule 118;
- Rear marking plates, rule 119;
- Exhaust systems, rule 148;
- Speed limiting, rule 155;
- Attachment of couplings and drawbar eyes on road trains, rule 169; and
- Dictionary.
Section 7 of the Act provides that the regulations may set out model legislation, being legislation developed by the NTC in accordance with the IGA. Paragraph 7(2)(a) provides that model legislation does not have the force of law. The schedules to the regulations serve only as a repository for nationally agreed reforms, which may then be implemented by jurisdictions.

Item 44 of the table to subsection 44(2) of the Legislative Instruments Act 2003 together with item 7 of Schedule 2 to the Legislative Instruments Regulations 2004 operate to provide that the proposed Regulation would not be subject to disallowance. In addition, item 51 of the table to subsection 54(2) of the Legislative Instruments Act 2003 together with item 4 of Schedule 3 to the Legislative Instruments Regulations 2004 operate to provide that the proposed Regulation would not be subject to sunsetting.