



Motor Vehicle Standards Regulations 1989

Statutory Rules No. 202, 1989

made under the

Motor Vehicle Standards Act 1989

Compilation No. 12

Compilation date:	1 July 2015
Includes amendments up to:	SLI No. 90, 2015
Registered:	26 August 2015

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Motor Vehicle Standards Regulations 1989* that shows the text of the law as amended and in force on 1 July 2015 (the **compilation date**).

This compilation was prepared on 20 August 2015.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1 Name of Regulations	1
2 Commencement	1
3 Interpretation	1
Part 2—National standards	5
4 Approval of certain vehicles, components etc as complying with particular national standards	5
Part 3—Certification and approval	7
5 Applications for approval to place a used import plate	7
6 Number limits on placement of used import plates	7
Part 4—Supply and importation of vehicles	9
Division 4.1—General	9
7A Definition of <i>manufacture</i> for Division 4.1	9
7 Supply of used imported vehicles—vehicles with import approval	9
8A Supply of used imported trailer to market—prescribed circumstances	9
8 Supply of used imported vehicles—application for approval	10
9 Approval to import vehicles without identification plates	10
10 Applications for approval to import vehicles without identification plates	10
11 Minister’s approval to import vehicles without identification plates	10
12 Approval to import complying vehicle without an identification plate	11
13 Approval to import vehicle without an identification plate if owned and used by applicant overseas	11
14 Approval to import vehicles of a type for which limited approval for identification plates is given	13
15 Approval for registered automotive workshop to import certain used vehicles	13
16 Approval for registered automotive workshop to import certain used two-wheeled and three-wheeled vehicles	14
17 Approval to import vehicles of a certain age without identification plates	14

18	Approval to import vehicles without identification plates for evaluation etc.....	14
19	Revocation of approval to import	16
20	Nonstandard road vehicles—prescribed circumstance relating to design	16
21	Road trailers not exceeding 4.5 tonnes aggregate trailer mass—prescribed circumstances	16
21A	Nonstandard road vehicles—prescribed circumstance relating to intergovernmental agreements.....	17
Division 4.2—Register of Specialist and Enthusiast Vehicles		18
22	Register of Specialist and Enthusiast Vehicles	18
23	Application for vehicle to be entered on Register.....	18
24	Eligibility of vehicles to be entered on Register	18
25	Minister may determine make, model or vehicle category of vehicle	21
26	Amendment of Register.....	21
28	Notice of decisions	22
29	Review of decisions.....	22
30	Review Panel.....	23
31	Membership of the Review Panel.....	23
32	Term of office of Panel members	23
33	Cessation of office	24
34	Alternate members.....	24
35	Quorum.....	25
36	Meetings	25
37	Effect of vacancy.....	25
38	Disclosure of interest	25
Part 5—Registered Automotive Workshops		27
Division 5.1—Definitions for Part 5		27
39	Definitions for Part 5	27
Division 5.2—Applications for approval and renewal of approval		29
40	Application for approval as a registered automotive workshop	29
41	Application signatory	30
42	Additional criteria for approval—general.....	30
43	Association with registered automotive workshop	31
44	Application for registration for RVCS.....	32
45	Registration for RVCS	33

46	Nominated delegate	33
47	Modification facility	33
48	Quality management system	34
49	Vehicle inspection signatories	35
50	Sponsor for overseas applicants	35
51	Additional criteria for approval—import time limits and inspection	36
52	Approval a matter of public record	38
52A	Schedule of approved vehicles	38
53	Disposal of vehicles where approval refused	39
54	Application to renew approval	40
Division 5.3—Conditions of approval		41
55	Purpose of Division 5.3	41
57	Conditions of a RAW approval	41
58	Consumer information notice	43
Division 5.4—Variation of an approval		44
59	Variation of a RAW approval	44
Part 6—Miscellaneous		45
60	Fees	45
61	Payment of certain fees by instalments	45
62	Delegation by Minister	46
Schedule 1—Contents of consumer information notice		47
Schedule 2—Fees		50
Endnotes		53
Endnote 1—About the endnotes		53
Endnote 2—Abbreviation key		54
Endnote 3—Legislation history		55
Endnote 4—Amendment history		56
Endnote 5—Miscellaneous		61

Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Motor Vehicle Standards Regulations 1989*.

2 Commencement

These Regulations commence on 1 August 1989.

3 Interpretation

In these Regulations, unless the contrary intention appears:

aggregate trailer mass has the same meaning as in the Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005 made under section 7 of the Act.

approved form means a form approved by the Minister for the purposes of the provision in which the expression is used.

Australian citizen has the same meaning as in the *Australian Citizenship Act 2007*.

Australian Design Rules means the national standards under the Act.

full volume, in relation to the supply of a vehicle, means the supply of a vehicle of a type in respect of which identification plates can be placed on vehicles of that type, in accordance with an approval under section 10A of the Act, in unlimited numbers.

inspector means an inspector appointed under section 25 of the Act.

JAS-ANZ means the Joint Accreditation System of Australia and New Zealand.

Regulation 3

make, of a road vehicle, means the marque or name by which a range of vehicles that includes the road vehicle is popularly known.

model, of a road vehicle, means a class or family of road vehicles:

- (a) of the same make; and
 - (b) of the same general type or appearance;
- that includes the road vehicle.

MVS Amendment Act means the *Motor Vehicle Standards Amendment Act 2001*.

old approval has the meaning given by section 4 of the MVS Amendment Act.

permanent resident has the same meaning as in the *Australian Citizenship Act 2007*.

Procedure Number 24 means the document known as *Procedure Number 24—Requirements for Bodies Undertaking Assessment and Certification of Automotive Workshops* published by JAS-ANZ.

RAW means registered automotive workshop.

RAW approval means an approval as a registered automotive workshop under section 21B of the Act.

Register of Specialist and Enthusiast Vehicles, or **Register**, means the register of that name established by regulation 22.

restricted volume two-wheeled or three-wheeled vehicle means a two-wheeled or three-wheeled vehicle of a make and model in respect of which used import plates can be placed on vehicles of that make and model, in accordance with an approval under section 13D of the Act, in limited numbers.

schedule of approved vehicles, for a registered automotive workshop, means a schedule setting out the make and model of vehicles that the Minister has approved for the workshop.

Regulation 3

Stage 1 audit means the audit (stage 1) of an automotive workshop mentioned in *Section 3: Requirements for Certification* in Procedure Number 24.

Stage 2 audit means the audit (stage 2) of an automotive workshop mentioned in *Section 3: Requirements for Certification* in Procedure Number 24.

the Act means the *Motor Vehicle Standards Act 1989*.

three-wheeled vehicle means a three-wheeled vehicle in a vehicle category in the group of two-wheeled and three-wheeled vehicle categories in *Subpart 2—Vehicle Categories* in the Australian Design Rules.

transitional approval has the meaning given by section 4 of the MVS Amendment Act.

two-wheeled vehicle means a two-wheeled vehicle in a vehicle category in the group of two-wheeled and three-wheeled vehicles categories in *Subpart 2—Vehicle Categories* in the Australian Design Rules.

unrestricted volume two-wheeled or three-wheeled vehicle means a two-wheeled or three-wheeled vehicle of a make and model in respect of which used import plates can be placed on vehicles of that make and model, in accordance with an approval under section 13D of the Act, in unlimited numbers.

vehicle category means a category of vehicle defined in *Subpart 2—Vehicle Categories* in the Australian Design Rules, but does not include a subcategory defined in the *Details of Subcategories of Vehicle Categories* in those Rules.

vehicle inspection certificate means a report of a kind mentioned in subsection 13D(1) of the Act in relation to a used imported vehicle.

Vehicle Standards Bulletin 1 means the publication published by the Department and known as *Vehicle Standards Bulletin 1*

Part 1 Preliminary

Regulation 3

(Revision 5, June 2009)—National Code of Practice—Building Small Trailers.

visa has the same meaning as in the *Migration Act 1958*.

Part 2—National standards

4 Approval of certain vehicles, components etc as complying with particular national standards

- (1) Application may be made to the Minister for approval of:
 - (a) a vehicle component, being a component that is, or is to be, supplied to the market for the manufacture of a new vehicle;
or
 - (b) a road vehicle; or
 - (c) a partly assembled road vehicle;being an approval that states that the component, road vehicle or partly assembled road vehicle, as the case requires, complies with particular national standards or relevant parts of particular national standards.
- (2) The Minister may, by signed instrument, approve:
 - (a) a vehicle component that is, or is to be, supplied to the market for the manufacture of a new vehicle; or
 - (b) a road vehicle; or
 - (c) a partly assembled road vehicle;being an approval that states that the component, road vehicle or partly assembled road vehicle, as the case requires, complies with the particular national standards specified in the approval or with relevant parts of particular national standards.
- (3) An approval under subregulation (2) may be used to support an application for authority to place an identification plate on a road vehicle, or on road vehicles of a particular type.
- (4) Application may be made to vary an application made under subregulation (1) or an approval under subregulation (2).
- (5) An application under subregulation (1) or (4) must be in accordance with an approved form and is to be accompanied by material sufficient to establish compliance with the national

Part 2 National standards

Regulation 4

standards or relevant parts of national standards in relation to which the application is made.

Part 3—Certification and approval

5 Applications for approval to place a used import plate

For subsection 13C(2) of the Act, an application by a registered automotive workshop for an approval to place a used import plate on a used imported vehicle must be in the approved form.

Note: Under subsection 13D(3) of the Act, the Minister must determine guidelines that apply to the making of decisions by the Minister about whether to grant a registered automotive workshop an approval to place a used import plate on a used imported vehicle. The guidelines may provide that the Minister must not grant a registered automotive workshop an approval to place a plate on a used imported vehicle unless the vehicle meets certain requirements.

6 Number limits on placement of used import plates

- (1) This regulation is made for section 13E of the Act.
- (2) The number of used import plates that a registered automotive workshop may be approved, under subsection 13D(1) of the Act, to place on used imported vehicles listed in the workshop's schedule of approved vehicles, during the period of 12 consecutive months immediately preceding the application for approval, is:
 - (a) for road vehicles other than two-wheeled or three-wheeled vehicles—100 for each vehicle category; and
 - (b) for restricted volume two-wheeled or three-wheeled vehicles—100 for each vehicle category.
- (3) For subregulation (2):
 - (a) the first period in respect of vehicles in a particular vehicle category commences on the day that the Minister grants the first approval for the workshop to place a used import plate on vehicles in that vehicle category; and
 - (b) any used imported vehicle used as a test vehicle is to be included in the number mentioned in paragraph (2)(a) or (b), as appropriate.

Part 3 Certification and approval

Regulation 6

Note: No number limit is imposed on the placement by a registered automotive workshop of used import plates on unrestricted volume two-wheeled or three-wheeled vehicles.

Part 4—Supply and importation of vehicles

Division 4.1—General

7A Definition of *manufacture* for Division 4.1

In this Division:

manufacture does not include modify.

7 Supply of used imported vehicles—vehicles with import approval

If a used imported vehicle supplied to the market is imported:

- (a) in accordance with an import approval granted under regulation 11, 12, 13 or 17; and
- (b) the conditions (if any) of the import approval have been complied with;

that is a prescribed circumstance for paragraph 16(1)(d) of the Act.

8A Supply of used imported trailer to market—prescribed circumstances

- (1) For paragraph 16(1)(d) of the Act, a person may supply to the market a used imported vehicle in the circumstances prescribed in subregulation (2).
- (2) The prescribed circumstances are that:
 - (a) the used imported vehicle is a road trailer that has an aggregate trailer mass that does not exceed 4.5 tonnes; and
 - (b) the person provides to the Minister a written statement from the original manufacturer of the trailer stating that, at the time of manufacture, the aggregate trailer mass of the trailer did not exceed 4.5 tonnes; and
 - (c) the road trailer complies with the requirements for trailers set out in Vehicle Standards Bulletin 1.

Regulation 8

8 Supply of used imported vehicles—application for approval

For subsection 16(3) of the Act, an application must be in the approved form.

9 Approval to import vehicles without identification plates

For the purposes of section 20(1)(b) of the Act, a person may import a nonstandard road vehicle or a road vehicle that does not have an identification plate if the Minister has approved an application by the person to import the vehicle.

10 Applications for approval to import vehicles without identification plates

A person may apply to the Minister for approval to import a nonstandard road vehicle or a road vehicle that does not have an identification plate.

11 Minister's approval to import vehicles without identification plates

- (1) The Minister may approve an application to import a nonstandard road vehicle or a road vehicle that does not have an identification plate.
- (2) An approval may be given subject to conditions specified in the instrument of approval.
- (3) Without limiting the generality of subregulation (2), the Minister may require that a plate in such form and containing such information as the Minister determines be placed on the vehicle.
- (4) An approval must be given by signed instrument.

Regulation 12

12 Approval to import complying vehicle without an identification plate

- (1) The Minister may approve an application to import a road vehicle that complies with the national standards but does not have an identification plate if:
- (aa) the vehicle was manufactured by a person (the **manufacturer**) holding a valid approval under subsection 10A(1) or (2) of the Act at the time the vehicle was manufactured, being an approval covering vehicles of the type specified in the application; and
 - (a) the application is accompanied by a written statement from the manufacturer, or from the manufacturer's authorised representative in Australia, stating that the vehicle complied with the national standards in force for the vehicle when the vehicle was first manufactured and delivered for use in transport; and
 - (b) the applicant is of an age that entitles him or her to hold a licence or a permit to drive a road vehicle of that type; and
 - (c) the applicant has not been granted an approval to import a vehicle under this regulation in the 12 months immediately before the day the application is received by the Minister.
- (2) An approval under subregulation (1) is subject to any written conditions determined by the Minister.

13 Approval to import vehicle without an identification plate if owned and used by applicant overseas

- (1) The Minister may approve an application to import a nonstandard road vehicle or a road vehicle that does not have an identification plate if the Minister is satisfied that:
- (aa) the applicant owns the vehicle at the time the application is made; and
 - (ab) the applicant acquired ownership of the vehicle overseas; and
 - (ac) the applicant owned the vehicle while overseas and owned it for a continuous period of at least 12 months immediately

Regulation 13

- before arriving in Australia for the purpose of remaining in Australia indefinitely as mentioned in paragraph (b); and
- (ad) during that period of ownership the vehicle was available to the applicant for use in transport; and
- (a) the application is made not later than 6 months after the applicant arrived in Australia for the purpose of remaining in Australia indefinitely as mentioned in paragraph (b); and
- (b) at the time the application is received by the Minister, the applicant is:
- (i) an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely; or
 - (ii) a person who has applied to become an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely if granted Australian citizenship or permanent residency; or
 - (iii) a person who is entitled to remain in Australia indefinitely and provides evidence that he or she intends to do so; or
 - (iv) the holder of a visa that entitles him or her to apply to become a permanent resident (whether or not after a specified period or in specified circumstances) and provides evidence that he or she intends to remain in Australia indefinitely; and
- (c) the applicant is of an age that entitles him or her to hold a licence or a permit to drive a road vehicle of that type; and
- (d) the applicant undertakes to comply with any requirements as to road safety that are imposed in respect of the vehicle by the Minister; and
- (e) the applicant has not been granted an approval under this regulation within the period of 5 years ending on the day on which the vehicle in respect of which the application is made is landed in Australia.
- (2) An approval under subregulation (1) is subject to any written conditions determined by the Minister.
-

14 Approval to import vehicles of a type for which limited approval for identification plates is given

Without limiting the generality of subregulation 11(1), the Minister may approve an application to import a new vehicle that does not have an identification plate if:

- (a) an approval to place identification plates on vehicles of that type has been given under section 10A of the Act; and
- (b) the importer of the vehicle is the person to whom the approval has been given.

15 Approval for registered automotive workshop to import certain used vehicles

- (1) The Minister may approve an application to import a road vehicle other than a new vehicle if:
 - (a) the applicant is a registered automotive workshop; and
 - (b) the vehicle was first manufactured after 31 December 1988; and
 - (c) the make and model of the vehicle is included in the schedule of approved vehicles for the applicant; and
 - (d) the application to import is accompanied by an application for approval to place a used import plate on the vehicle; and
 - (e) for a vehicle other than a two-wheeled or three-wheeled vehicle—approval has not been granted to the applicant to import more than a total of 130 vehicles in the vehicle category to which the vehicle belongs in the period of 12 consecutive months immediately preceding the application; and
 - (f) for a restricted volume two-wheeled or three-wheeled vehicle—approval has not been granted to the applicant to import more than a total of 130 vehicles in the vehicle category to which the vehicle belongs in the period of 12 consecutive months immediately preceding the application.

Regulation 16

- (2) This regulation does not apply to an unrestricted volume two-wheeled or three-wheeled vehicle.

16 Approval for registered automotive workshop to import certain used two-wheeled and three-wheeled vehicles

The Minister may approve an application to import a road vehicle other than a new vehicle if:

- (a) the applicant is a registered automotive workshop; and
- (b) the vehicle is an unrestricted volume two-wheeled or three-wheeled vehicle of a make and model included in the applicant's schedule of approved vehicles; and
- (c) the vehicle was first manufactured after 31 December 1988.

17 Approval to import vehicles of a certain age without identification plates

The Minister must approve an application to import a nonstandard road vehicle, or a vehicle that does not have an identification plate, if the vehicle was manufactured before 1 January 1989.

18 Approval to import vehicles without identification plates for evaluation etc

- (1) Without limiting the generality of subregulation 11(1), the Minister may approve an application to import a nonstandard road vehicle or a road vehicle that does not have an identification plate if he is satisfied that the vehicle:
- (a) is a new vehicle to be used:
 - (i) for market evaluation and research; or
 - (ii) for tests to establish whether vehicles of a particular type comply with national standards for the purpose of an approval under section 10A of the Act for an identification plate to be placed on a vehicle or vehicles of that type; or
 - (b) is a vehicle (other than a new vehicle):

Regulation 18

- (i) to be used for market evaluation and research, and the applicant has an approval under section 10A of the Act to place identification plates; or
 - (ii) to be used for tests to establish whether a vehicle of that make and model can be made to comply with the requirements for approval, under section 13D of the Act, for the placement of a used import plate, and in respect of which the requirements of subregulation (2) are complied with; or
 - (c) is to be used in road vehicle racing or rally competition; or
 - (d) is to be used in providing support to a road vehicle in road vehicle racing or rally competition and has been built, modified or adapted for that purpose; or
 - (e) is of a type not generally available in Australia and is to be imported primarily for exhibition.
- (2) For subparagraph (1)(b)(ii), the requirements are as follows:
- (a) the vehicle, if it is not a two-wheeled or a three-wheeled vehicle, must be of a make and model entered on the Register of Specialist and Enthusiast Vehicles;
 - (b) the applicant must be a registered automotive workshop, or be an applicant for RAW approval that has met Stage 1 audit requirements;
 - (c) for an applicant that is a registered automotive workshop, the vehicle must be the first vehicle of that make and model to be approved for the applicant for the purposes of that subparagraph, unless otherwise approved by the Minister;
 - (d) for an applicant that is an applicant for RAW approval:
 - (i) the vehicle must be the first vehicle to be approved for the applicant for the purposes of that subparagraph; and
 - (ii) the application to import must be accompanied by an application, under section 21A of the Act, for RAW approval.

Regulation 19

19 Revocation of approval to import

The Minister may revoke an approval to import a vehicle given to a person under regulation 11, 12, 13, 14, 15, 16, 17 or 18 if the approval was given subject to a condition and the person fails to comply with the condition.

20 Nonstandard road vehicles—prescribed circumstance relating to design

- (1) Where:
- (a) a road vehicle does not comply with the national standards applicable to it; and
 - (b) the road vehicle would, if it did comply with those standards, be unable to operate as a road vehicle in the manner or for the purpose in respect of which it was designed; and
 - (c) the Minister approves, in writing, of the vehicle being supplied to the market, used by a corporation in transport in Australia or imported, as the case may be;
- that is a prescribed circumstance for the purpose of paragraph 14A(1)(a), 15(2)(a) or 20(1)(b) of the Act, as the case requires.
- (2) An approval under paragraph (1)(b) may be subject to written conditions determined by the Minister, being conditions relating to safety or emissions or to the placing of an identification plate on the vehicle.

21 Road trailers not exceeding 4.5 tonnes aggregate trailer mass—prescribed circumstances

- (1) For paragraph 20(1)(b) of the Act, a person may import a nonstandard road vehicle or a road vehicle that does not have an identification plate, in the circumstances prescribed in subregulation (2).
- (2) The prescribed circumstances are that:

Regulation 21A

- (a) the Minister has approved the importation under subregulation (3); and
 - (b) the person complies with any conditions determined by the Minister; and
 - (c) the road vehicle is a road trailer that has an aggregate trailer mass that does not exceed 4.5 tonnes; and
 - (d) the person provides to the Minister a written statement from the original manufacturer of the trailer stating that, at the time of manufacture, the trailer did not exceed 4.5 tonnes; and
 - (e) the Minister is satisfied that the trailer is capable of being modified to comply with the requirements set out in Vehicle Standards Bulletin 1.
- (3) The Minister may grant a written approval for the purposes of paragraph (2)(a).
- (4) An approval is subject to any written conditions determined by the Minister.

21A Nonstandard road vehicles—prescribed circumstance relating to intergovernmental agreements

- (1) For paragraph 20(1)(b) of the Act, it is a prescribed circumstance that the road vehicle:
- (a) is a vehicle to which an intergovernmental agreement applies; and
 - (b) is imported in accordance with the requirements of the intergovernmental agreement.
- (2) In this regulation:

intergovernmental agreement means an agreement, being an agreement to which the Commonwealth and the government of a country, or the governments of countries, other than Australia are parties, that provides for the importation of vehicles specified in the agreement into Australia on a temporary basis without payment of duties of customs.

Division 4.2—Register of Specialist and Enthusiast Vehicles

22 Register of Specialist and Enthusiast Vehicles

- (1) This regulation is made for paragraphs 21(2)(a) and (d) of the Act.
- (2) The Minister must keep a register to be known as the Register of Specialist and Enthusiast Vehicles.
- (3) The Register must be kept in electronic form.
- (4) The Register must be made available on the Internet at the Department's web site.
- (5) The Minister must make a paper copy of an entry on the Register available on request by any person.

23 Application for vehicle to be entered on Register

- (1) This regulation is made for paragraph 21(2)(b) of the Act.
- (2) A person may apply to the Minister, in the approved form, for a road vehicle to be entered on the Register.
- (3) The Minister, on receipt of an application in accordance with subregulation (1) for a vehicle, must consider the application and must:
 - (a) if the vehicle is eligible under regulation 24—enter the vehicle on the Register; or
 - (b) if the vehicle is not so eligible—refuse to enter the vehicle on the Register.
- (4) The Minister may, on the Minister's initiative and without an application, enter a road vehicle on the Register if the vehicle is eligible under regulation 24.

24 Eligibility of vehicles to be entered on Register

- (1) This regulation is made for paragraph 21(2)(c) of the Act.
-

Regulation 24

- (2) Subject to subregulation (7), a road vehicle is eligible to be entered on the Register if it is of a make of vehicle in a vehicle category in respect of which vehicles are not supplied to the market in full volume in Australia.
- (3) Also, subject to subregulation (7), a road vehicle is eligible to be entered on the register if it:
 - (a) is of a make of vehicle in a vehicle category in respect of which vehicles are supplied to the market in full volume in Australia; and
 - (b) satisfies each of the criteria set out in subregulation (4) that apply to the vehicle.
- (4) For paragraph (3)(b), the criteria are as follows:
 - (a) if the road vehicle is not a new vehicle, it must be of a vehicle model for which vehicles were first supplied to the market, in Australia or elsewhere, at least 18 months before the date of the application;
 - (b) whether or not the road vehicle is a new vehicle, it must:
 - (i) be intended for first supply to the market in Australia as a campervan under the provisions of Administrator's Circular 0-4-12 and:
 - (A) be of a model that is not supplied to the market in full volume in Australia; or
 - (B) be a variant not supplied in Australia of a model that is supplied to the market in full volume in Australia; or
 - (ii) if it is not a road vehicle of a kind mentioned in subparagraph (i):
 - (A) be of a model that has not been supplied to the market in full volume in Australia; or
 - (B) being a model that has been supplied to the market in full volume in Australia, have a build date at least 1 year later than the build date of the last vehicle of the model supplied to the market in full volume in Australia;

Regulation 24

- (c) if the road vehicle is in the MA, MB, MC, MD1, MD2 or NA vehicle category, it must:
 - (i) be a single cab, four-wheel drive vehicle with an open work tray; or
 - (ii) meet at least 2 of the following criteria:
 - (A) *appearance*—be significantly different in appearance to the popular class of vehicles in that category;
 - (B) *unusual design features*—be significantly different in sub-assemblies to the popular class of vehicle in that category;
 - (C) *performance*—be significantly different in the level of performance to the popular class of vehicle in that category;
 - (D) *specialist publications*—be featured in at least 1 specialist motoring magazine in ‘as manufactured’ condition.
- (5) Paragraph (4)(a) does not apply to a vehicle in respect of which the original manufacturer of the vehicle has told the Minister, in writing, that it does not intend to supply to the market vehicles of that model as new vehicles under an approval for supply in full volume in Australia.
- (6) Sub-subparagraph (4)(b)(ii)(B) does not apply to a vehicle if the person to whom approval has been granted under section 10A of the Act to place identification plates on vehicles of that model has told the Minister, in writing, that the person agrees to the waiver of the 1 year period mentioned in that sub-subparagraph in respect of the vehicle.
- (7) A vehicle is not eligible to be entered on the register if:
 - (a) it is in the TA, TB, TC or TD vehicle category; or
 - (b) it was manufactured before 1 January 1989.
- (8) In this regulation:

Administrator's Circular 0-4-12 means the circular of that name issued by the Administrator, as in force at the commencement of this regulation.

single cab, in relation to a vehicle, means having one row of seats in the cab of the vehicle.

Note for paragraph (7)(a): T group vehicle categories are for trailers.

25 Minister may determine make, model or vehicle category of vehicle

- (1) For the purposes of regulation 24, the Minister may determine that a road vehicle is of a particular make or model, or is in a particular vehicle category.
- (2) The Minister may determine that vehicles of the same design are of the same make or model whether or not they are identified or marketed as different makes or models.
- (3) The Minister, in making a determination about the model of a road vehicle, must use as a basis the vehicle's originally manufactured specification.

26 Amendment of Register

The Minister may amend the Register:

- (a) to correct an error on the Register; or
- (b) to include an additional variant of a model of vehicle included on the Register; or
- (c) to restrict the year range of eligibility to road vehicles that were first manufactured after 31 December 1988; or
- (d) to extend the year range of eligibility to road vehicles that were first manufactured after 31 December 1988; or
- (e) for any other reasonable cause in connection with the administration of the Register.

Regulation 28

28 Notice of decisions

- (1) This regulation is made for paragraph 21(2)(g) of the Act.
- (2) The Minister must give notice in writing to an applicant of the Minister's decision on an application to enter a road vehicle on the Register.
- (3) If the Minister's decision is to refuse to enter a road vehicle on the Register, the Minister must give reasons for the refusal.

29 Review of decisions

- (1) This regulation and regulations 30 to 38 are made for paragraph 21(2)(h) of the Act.
- (2) A person who is given notice under regulation 28 of a decision to refuse to enter a road vehicle on the Register may apply, in writing, to the Minister for reconsideration of the decision.
- (3) The Minister must reconsider the decision and must make a decision:
 - (a) confirming the decision; or
 - (b) revoking the decision and entering the road vehicle on the Register.
- (4) Before making a decision under subregulation (3), the Minister may refer the application to the Review Panel established under regulation 30.
- (5) Also, before making a decision the Minister must give to the applicant a reasonable opportunity to make representations about the decision.
- (6) In making a decision under subregulation (3), the Minister must take into account:
 - (a) the recommendations, if any, of the Review Panel; and
 - (b) any representations made by the applicant.

- (7) The Minister must give notice, in writing, to an applicant of the Minister's decision on reconsideration.
- (8) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Minister under paragraph (3)(a).

30 Review Panel

- (1) For the purposes of section 21 of the Act, a panel, to be known as the Review Panel, is established.
- (2) The function of the Panel is to receive and consider applications for reconsideration referred to it by the Minister under regulation 29, and to make recommendations to the Minister about the application.

31 Membership of the Review Panel

The Panel is to have up to 6 members, as follows:

- (a) the Administrator of Vehicle Standards, who is to be chairperson;
- (b) a person nominated by the Department of Industry, Tourism and Resources;
- (c) a person nominated by the Federal Chamber of Automotive Industries;
- (d) a person nominated by the Australian Automobile Association;
- (e) at least one person nominated by an industry association determined by the Minister, being an association whose members are registered automotive workshops.

32 Term of office of Panel members

- (1) A member of the Panel who is nominated holds office for a term of 2 years from the date of nomination.
- (2) A person cannot hold office for more than 3 consecutive terms.

Regulation 33

- (3) This regulation applies subject to regulation 33.

33 Cessation of office

A person ceases to be a member of the Panel if:

- (a) the person resigns as a member by notice in writing to the Panel; or
- (b) the body that nominated the member nominates another person to be a member in place of the person first mentioned; or
- (c) the Panel resolves to remove the member.

34 Alternate members

- (1) The chairperson may appoint a person who is not a member of the panel to be the alternate chairperson of the Panel.
- (2) A body mentioned in paragraph 31(b), (c), (d) or (e) may appoint up to 2 persons who are not members of the Panel to be available to be the alternate of a member nominated by that body.
- (3) If a member (including the chairperson) is absent from a meeting of the Panel, the member's alternate (if any) is entitled to attend the meeting and, when so attending, is taken to be a member of the Panel.
- (4) If a person appointed by a body mentioned in paragraph 31(b), (c), (d) or (e) ceases to hold office as a member:
 - (a) the person who was the person's alternate under subregulation (3) immediately before the person ceased to hold office; or
 - (b) in the absence of an alternate under paragraph (a), a person who was, under subregulation (2), available to be the alternate of the person who ceased to hold office;is entitled to attend meetings of the Panel while the office is vacant and, when so attending, is taken to be a member of the Panel.

- (5) The person described in paragraph (4)(a) or (b) is taken to be the alternate of a person nominated to the vacant office until a new alternate is appointed.

35 Quorum

At a meeting of the Panel, a quorum consists of the chairperson and 2 other members.

36 Meetings

- (1) Meetings of the Panel are to be held at the times and places that the chairperson directs.
- (2) The chairperson is to preside at meetings of the Panel at which he or she is present.
- (3) If the chairperson or chairperson's alternate is absent from a meeting, a member nominated by the chairperson or, if no member is nominated, a member chosen by the members of the Panel present at the meeting, is to preside.
- (4) A question arising at a meeting of the Panel is to be decided by a majority of the votes of the members present and voting, with the person presiding at the meeting having a casting vote.

37 Effect of vacancy

The exercise of a power or performance of a function of the Panel is not affected by any vacancy in the membership of the Panel.

38 Disclosure of interest

- (1) A member of the Panel (including a person taken to be a member under regulation 34) who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Panel must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Panel.

Part 4 Supply and importation of vehicles

Division 4.2 Register of Specialist and Enthusiast Vehicles

Regulation 38

- (2) The disclosure is to be recorded in the minutes of the meeting and the member must not, unless the Panel otherwise determines:
 - (a) be present during any deliberation of the Panel about the matter; or
 - (b) take part in any decision of the Panel about the matter.
- (3) For the purpose of the making of a determination in relation to the member who has made the disclosure, any member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the Panel for the purpose of making the determination; or
 - (b) take part in the making of the determination by the Panel.

Part 5—Registered Automotive Workshops

Division 5.1—Definitions for Part 5

39 Definitions for Part 5

- (1) In this Part:

application signatory, for an applicant, means a person authorised by the applicant under regulation 41.

nominated delegate, for an applicant, means a person nominated by the applicant under regulation 46.

registered RVCS participant means a corporation registered as an RVCS participant under regulation 45.

RVCS, or Road Vehicle Certification System, means the system of that name, administered by the Department, for the processing of applications for approval to place plates on vehicles that are to be first supplied to the market in Australia.

RVCS participant number, for a registered RVCS participant, means the number assigned to the participant under regulation 45.

sponsor, for an applicant, means a sponsor nominated by the applicant under regulation 50.

vehicle inspection signatory, for an applicant, means a person nominated as a vehicle inspection signatory by the applicant under regulation 49.

- (2) For this Part, a person has a ***key personnel function*** in an applicant's, or sponsor's, organisation if the person:
- (a) is a director, manager or executive officer of the organisation; or
 - (b) is a vehicle inspection signatory for the organisation; or

Part 5 Registered Automotive Workshops

Division 5.1 Definitions for Part 5

Regulation 39

- (c) not being a person mentioned in paragraph (a) or (b)—has, taking into account the nature of his or her functions and responsibilities in the organisation, management responsibility for the activities of personnel in the automotive workshop for which registration approval is sought.

Division 5.2—Applications for approval and renewal of approval

40 Application for approval as a registered automotive workshop

- (1) This regulation is made for subsection 21A(2) of the Act.
- (2) An application must be in the approved form.
- (3) An application must include at least the following information:
 - (a) the applicant's name, trading name and address or addresses and, if it is incorporated in Australia, its ACN or the ABN relating to the corporation;
 - (b) the applicant's RVCS participant number;
 - (c) details of the applicant's corporate structure;
 - (d) the names of persons having key personnel functions in the applicant's organisation;
 - (e) the names of other officers or shareholders of the applicant who are in a position to influence the management of the applicant;
 - (f) the name, trading name, address and ACN or ABN (if applicable) of any corporation, partnership or individual having a legal or beneficial interest in the applicant;
 - (g) details of any person mentioned in paragraph (d), (e) or (f) who:
 - (i) for the purposes of paragraph 21B(1)(a) or (b) of the Act, is required to be a fit and proper person; or
 - (ii) for the purposes of the application and approval, must meet the requirements mentioned in regulation 42; being details that are relevant for those purposes;
 - (h) details of any association with another corporation that is a registered automotive workshop;
 - (i) details confirming that the quality management system mentioned in regulation 48 meets Stage 1 audit requirements;

Regulation 41

- (j) details of the sponsor (if any), that are sufficient for the purposes of subregulation 50(2).
- (4) The application must be:
 - (a) fully completed; and
 - (b) signed by the applicant's nominated delegate, application signatory (if any) and sponsor (if any).

41 Application signatory

- (1) The nominated delegate of a RAW applicant may authorise, in writing, a person (the ***application signatory***) to act on behalf of the applicant in making an application and obtaining approval as a registered automotive workshop.
- (2) A person authorised as an application signatory must have a key personnel function in the applicant's organisation.
- (3) An application signatory has, for the purposes mentioned in subregulation (1), all the powers and responsibilities of the nominated delegate under these Regulations.

42 Additional criteria for approval—general

For paragraph 21B(1)(c) of the Act, the following criteria are prescribed:

- (a) the RAW applicant's application must comply with regulation 40;
- (b) the applicant must not already be:
 - (i) approved as a registered automotive workshop; or
 - (ii) an applicant for RAW approval;
- (c) the applicant must not, immediately before the proposed grant of an approval, be associated with a registered automotive workshop, within the meaning of regulation 43;
- (d) the applicant must be a registered RVCS participant;
- (e) the applicant must not be in liquidation or under administration;

Regulation 43

- (f) the applicant must have a nominated delegate as required by regulation 46;
- (g) the applicant must have a modification facility as required by regulation 47;
- (h) the applicant must have a quality management system as required by regulation 48;
- (i) the applicant must have vehicle inspection signatories as required by regulation 49;
- (j) a person who has a key personnel function in the applicant's organisation must not be under the age of 18 years or, in the case of a director, manager, nominated delegate or other officer of the organisation, an undischarged bankrupt;
- (k) a person who has a key personnel function in the applicant's organisation and who is not a person mentioned in paragraph 21B(1)(b) of the Act, must be a fit and proper person;
- (l) a person who has a key personnel function in the applicant's organisation must not have a key personnel function in an automotive workshop that:
 - (i) is not the applicant's automotive workshop; and
 - (ii) is a registered automotive workshop;
- (m) if the applicant is not incorporated in Australia, the applicant must have a sponsor that meets the requirements of regulation 50.

Note: Other criteria are specified in paragraphs 21B(1)(a) and (b) of the Act and in regulation 51, which sets out the requirements for the importation, testing and inspection of a vehicle for the purposes of the application.

43 Association with registered automotive workshop

- (1) For paragraph 42(c), a RAW applicant is *associated with* a registered automotive workshop if, at the relevant time, 1 or more of the following criteria is satisfied:
 - (a) a director, officer or shareholder of the applicant holds more than 5% of the shares in the registered automotive workshop;

Regulation 44

- (b) the applicant is acting, or proposes to act, in concert with the registered automotive workshop in respect of the import, plating and supply of used imported vehicles to the market;
 - (c) the applicant is able to control, or influence materially, the activities or internal affairs of the registered automotive workshop;
 - (d) the applicant has a financial interest in the success or failure of the registered automotive workshop;
 - (e) the applicant acts as an agent for the registered automotive workshop.
- (2) In subregulation (1):

registered automotive workshop includes a corporation in respect of which an approval has been granted under section 21B of the Act but is not yet in force.

44 Application for registration for RVCS

- (1) For paragraph 42(d), a corporation may apply to be registered as a participant in the RVCS.
- (2) An application under subregulation (1) must be in the approved form.
- (3) The application must include:
 - (a) the name, trading name, and address or addresses of the applicant and, if it is incorporated in Australia, its ACN or the ABN relating to the corporation; and
 - (b) the name and other relevant contact details of the applicant's nominated delegate, application signatory (if any) and sponsor (if any).
- (4) The application must be:
 - (a) fully completed; and
 - (b) signed by the applicant's nominated delegate, application signatory (if any) and sponsor (if any).

45 Registration for RVCS

- (1) On receipt of an application under regulation 44, the Minister must:
 - (a) if the application complies with that regulation—register the applicant as an RVCS participant; or
 - (b) if the application does not so comply—refuse to register the applicant.
- (2) The Minister must tell the applicant (or, if the applicant has nominated a sponsor, the applicant's sponsor) in writing, of the Minister's decision under subregulation (1) and, if the decision is to refuse registration, give reasons for the decision.
- (3) The Minister must assign a distinguishing number to a registered RVCS participant.

46 Nominated delegate

- (1) For paragraph 42(f), a RAW applicant must nominate as a delegate a person who has a key personnel function in the applicant's organisation.
- (2) The nominated delegate is responsible for ensuring that the applicant complies with the provisions of the Act, these Regulations and the conditions of the applicant's RAW approval.
- (3) Subregulation (2) does not apply if the applicant has a sponsor.

Note: An applicant not incorporated in Australia must have a sponsor who is to be responsible for ensuring that the applicant complies with the RAW approval—see regulation 50.

47 Modification facility

- (1) For paragraph 42(g), a RAW applicant must have a modification facility as part of the automotive workshop for which registration approval is sought.
- (2) The modification facility must have such equipment and trained personnel as are necessary to ensure that used imported vehicles

Regulation 48

meet the requirements set out in guidelines determined under subsection 13D(3) of the Act.

- (3) If the RAW applicant has, in its schedule of approved vehicles, road vehicles other than two-wheeled and three-wheeled vehicles only, the equipment at the automotive workshop address must include a vehicle hoist that:
 - (a) is adequate for the inspection of vehicles for damage, corrosion and damage repair; and
 - (b) has sufficient capacity to lift the heaviest vehicle variant on the applicant's schedule of approved vehicles.
- (4) However, for road vehicles in the NB, NC, MD3, MD4 and ME vehicle categories, the equipment may include, instead of a hoist, pits or ramps that are adequate for the inspection mentioned in paragraph (3)(a).
- (5) The equipment at the automotive workshop address must include lighting that is adequate for an inspection mentioned in paragraph (3)(a).

48 Quality management system

- (1) For paragraph 42(h), a RAW applicant must have a quality management system that meets standard ISO 9001:2000 (taking into account any transitional arrangements mentioned in that standard).
- (2) The quality management system must have a certification issued by a certification body accredited for the purpose by JAS-ANZ.
- (3) The scope of the certification must be in accordance with the requirements set out in Procedure Number 24.
- (4) In this regulation:

ISO 9001:2000 means the international standard known as *ISO 9001:2000 Quality Management Systems-Requirements* published by the International Organisation for Standardisation, as in force at the commencement of this regulation.

49 Vehicle inspection signatories

- (1) For paragraph 42(i), a RAW applicant must nominate at least one person to be a vehicle inspection signatory for the workshop in respect of which registration approval is sought.
- (2) A vehicle inspection signatory must:
 - (a) be an officer or employee of the applicant, or engaged on contract; and
 - (b) have the knowledge and qualifications mentioned in subregulation (3).
- (3) For paragraph (2)(b), a vehicle inspection signatory:
 - (a) must have a thorough understanding of the Act, these Regulations, determinations made under the Act and administrative guidelines issued by the Department in connection with the operation of registered automotive workshops; and
 - (b) must have an appropriate knowledge of the Australian Design Rules; and
 - (c) must:
 - (i) have a certificate III in Automotive, a certificate IV in Automotive or a diploma in Automotive as developed by Automotive Training Australia Limited and endorsed by the Australian National Training Authority, or an equivalent qualification; or
 - (ii) be a member of the Institution of Engineers Australia in either the Professional Engineer or Engineering Technologist category; or
 - (iii) be a member of the Society of Automotive Engineers Australasia at the Technician, Advanced Technician, Associate Member, Member or Fellow grade.

50 Sponsor for overseas applicants

- (1) For paragraph 42(k), an applicant that is not incorporated in Australia must nominate a corporation incorporated in Australia as the applicant's sponsor.

Regulation 51

- (2) The sponsor:
 - (a) must not be in liquidation or under administration; and
 - (b) must satisfy the requirements of paragraphs 21B(1)(a) and (b) of the Act as if it were the applicant.
- (3) The sponsor must not be the sponsor of another:
 - (a) registered automotive workshop; or
 - (b) applicant for RAW approval.
- (4) A person having a key personnel function in the sponsor's organisation must not be under the age of 18 years or, in the case of a director, manager or other officer of the organisation, an undischarged bankrupt.
- (5) The sponsor is responsible for ensuring that the applicant complies with the provisions of the Act, these Regulations and the conditions of the applicant's RAW approval.

51 Additional criteria for approval—import time limits and inspection

- (1) For paragraph 21B(1)(c) of the Act, the criteria set out in subregulations (4), (5), (8) and (10) are prescribed.
- (2) If the Minister is satisfied that the applicant meets the criteria in paragraphs 21B(1)(a) and (b) of the Act, and in regulation 42, the Minister must, in writing:
 - (a) notify the applicant of that fact; and
 - (b) request the applicant to make an application in accordance with subregulation (4).
- (3) Subject to subsections 21A(3) and (4) of the Act, a notice must be given within 21 days after receipt by the Minister of the application for RAW approval.
- (4) The applicant must, within 3 months from the date of a notice given under subregulation (2), apply to the Minister for an approval to import:

Regulation 51

- (a) if the applicant's application for approval is solely in respect of used imported vehicles that are two-wheeled or three-wheeled vehicles—a two-wheeled or three-wheeled vehicle that is not a new vehicle; or
 - (b) in any other case—a road vehicle of a make and model that is entered on the Register of Specialist and Enthusiast Vehicles.
- (5) The applicant must, within 12 months from the date of the notice given under subregulation (2), provide to the Minister:
 - (a) a vehicle inspection certificate for the vehicle mentioned in subregulation (4); and
 - (b) confirmation that a Stage 2 audit of the automotive workshop has been completed.
- (6) If the Minister is satisfied that the vehicle inspection certificate has been completed in accordance with any requirements determined under subsection 13D(2) of the Act, the Minister must, within 10 working days, tell the applicant, in writing, that an inspection will be carried out under subregulation (7).
- (7) An inspector must carry out an inspection at the applicant's workshop premises to:
 - (a) inspect the vehicle described in the vehicle inspection certificate for compliance with requirements set out in guidelines determined under subsection 13D(3) of the Act; and
 - (b) examine any supporting evidence held by the applicant that demonstrates that the make and model of vehicle described in the vehicle inspection certificate complies with those requirements; and
 - (c) examine any or all of the applicant's records to be kept in accordance with procedures determined under section 9 of the Act.
- (8) The vehicle as inspected must meet the requirements set out in guidelines determined under subsection 13D(3) of the Act.

Regulation 52

- (9) If the vehicle meets the requirements mentioned in subregulation (8), the Minister must notify the nominated certification body of that fact.
- (10) The applicant must notify the Minister of the ISO certificate number issued by the nominated certification body within 30 days after being informed of the number.
- (11) In this regulation:

nominated certification body means a JAS-ANZ certification body nominated by the applicant for the purposes of the applicant's RAW approval.

Note: The criteria for approval as a registered automotive workshop set out in this regulation are in addition to those set out in paragraphs 21B(1)(a) and (b) of the Act and regulation 42. Notice of approval of registration will be given after all the requirements in this regulation are met by the applicant.

52 Approval a matter of public record

A RAW approval must specify that the approval (including the schedule of approved vehicles) is a matter of public record.

52A Schedule of approved vehicles

- (1) If the Minister approves a corporation as a registered automotive workshop, the schedule of approved vehicles for the workshop, at the date on which the approval is granted, is taken to include:
 - (a) in relation to road vehicles other than unrestricted volume two-wheeled and three-wheeled vehicles—the vehicle make and model of any sample vehicle for the corporation; and
 - (b) in relation to unrestricted volume two-wheeled and three-wheeled vehicles:
 - (i) the make and model of any vehicle for which the registered automotive workshop held a transitional approval on 7 May 2003; and

- (ii) the make and model of any sample vehicle for the corporation that is of a different make or model from a vehicle mentioned in subparagraph (i).

(2) If:

- (a) a corporation is granted an approval as a registered automotive workshop (a ***new RAW approval***); and
- (b) the application for approval was made within the period of 6 months after a previous RAW approval granted to that corporation (the ***previous RAW approval***) ceased to be in force;

the schedule of approved vehicles for the workshop is taken, on the day on which the new RAW approval is granted, to be the schedule of approved vehicles for the workshop as it existed on the day on which the previous RAW approval ceased to have effect.

(3) In this regulation:

sample vehicle, for a corporation, means:

- (a) the first vehicle of a make and model approved by the Minister for importation by the corporation:
 - (i) under subparagraph 18(1)(b)(ii); or
 - (ii) if the approval to import was given before 1 April 2002—under regulation 9B or 9E or paragraph 9G(a) as in force immediately before that date; or
 - (iii) if the approval to import was given on or after 1 April 2002 but before 8 May 2003—under regulation 11 as in force immediately before 8 May 2003; or
- (b) a vehicle approved by the Minister for importation by the corporation under paragraph 18(2)(c).

53 Disposal of vehicles where approval refused

- (1) If the Minister refuses to grant a RAW approval, the Minister may give a written direction to the applicant to dispose of any road vehicle imported for the purpose of the application in the manner, and within the reasonable time, specified in the direction.

Regulation 54

- (2) A person commits an offence if:
- (a) the person is subject to a direction given under subregulation (1); and
 - (b) the person engages in conduct; and
 - (c) the person's conduct contravenes the direction.

Penalty: 10 penalty units.

- (3) In paragraph (2)(a), strict liability applies to the physical element of circumstance, that the direction was given under subregulation (1).

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) In subregulation (2):

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

54 Application to renew approval

- (1) This regulation is made for subsection 21C(3) of the Act.
- (2) An application for renewal of an approval must be in the approved form.

Division 5.3—Conditions of approval

55 Purpose of Division 5.3

The regulations in this Division:

- (a) are made for paragraph 21D(1)(a) of the Act; and
- (b) prescribe conditions of an approval, under section 21B of the Act, as a registered automotive workshop.

Note: The conditions set out in this Division are in addition to any conditions specified in the approval—see paragraph 21D(1)(b) of the Act.

57 Conditions of a RAW approval

The following are conditions of a RAW approval:

- (a) that the registered automotive workshop allows the Minister access to the workshop premises (including its main office) at any reasonable time and on reasonable notice for the purposes of audit, inspection and the testing of vehicles;
- (b) that if the main office is not at the workshop, the registered automotive workshop allows the Minister access to the main office premises at any reasonable time and on reasonable notice for the purposes of an audit relating to the RAW approval;
- (c) that the registered automotive workshop ensures, as far as possible, that persons and organisations that provide goods or services to the workshop for the purposes of vehicle modification allow the Minister to have access to their premises for the purposes of audit, inspection and the testing of vehicles in relation to the activities of the workshop;
- (d) that the registered automotive workshop gives to the Minister, on written request and within the reasonable time specified in the request, any information that the Minister reasonably requires for the purposes of deciding whether the workshop is complying with the Act, these Regulations and the conditions of its RAW approval;

Regulation 57

- (e) that the registered automotive workshop tells the Minister, in writing, of any change in information held by the Minister about it within 30 days of the change, including, in particular:
 - (i) changes in key personnel of the workshop; or
 - (ii) significant changes in the control of the workshop;
- (f) that the registered automotive workshop retains for at least 10 years all information relating to the purchase, import, modification, testing, inspection, and supply to the market (including, in particular, the information produced to demonstrate compliance with the requirements of guidelines determined under subsection 13D(3) of the Act) of a vehicle on which the workshop has placed a used import plate;
- (g) that if the registered automotive workshop ceases to operate as a registered automotive workshop, the workshop tells the Minister in writing as soon as practicable;
- (h) that to every vehicle on which the registered automotive workshop places a used import plate, it attaches a consumer information notice in accordance with regulation 58;
- (i) that the registered automotive workshop must not place a used import plate on a vehicle whose structural integrity has ever been reduced by corrosion or crash damage;
- (j) that before beginning modification of a vehicle the registered automotive workshop inspects it for crash damage, corrosion, and repair of crash damage or corrosion;
- (k) that if a vehicle's structural integrity has been reduced by crash damage or corrosion, the registered automotive workshop exports or destroys the vehicle;
- (l) that vehicle inspections for the purposes of these Regulations (other than inspections carried out on behalf of the Minister) are carried out only by a vehicle inspection signatory of the registered automotive workshop;
- (m) that with the following exceptions all assembly operations on a vehicle on which a used import plate will be placed are carried out by directors or employees of the registered automotive workshop:
 - (i) tyre removal and fitting;

- (ii) exhaust system replacement;
- (iii) replacement of glazing.

58 Consumer information notice

- (1) For paragraph 57(h), a consumer information notice to be attached to a vehicle by a registered automotive workshop must be in the form in Schedule 1.
- (2) The notice must be of a material in a white colour with non-variable information printed in a dark colour and variable information printed or legibly hand-written in a dark colour.
- (3) The notice must be signed by a vehicle inspection signatory for the workshop.
- (4) The notice must be attached to the vehicle in a location where the notice can be seen, and easily read, from outside the vehicle.

Division 5.4—Variation of an approval

59 Variation of a RAW approval

- (1) This regulation is made for subsection 21E(2) of the Act.
- (2) An application by a registered automotive workshop to vary its RAW approval must be made in the approved form.

Examples

The following are examples of variations of a RAW approval:

- adding a make or model of vehicle to a registered automotive workshop's schedule of approved vehicles
- changing the details of a make or model of vehicle on the workshop's schedule of approved vehicles.

Part 6—Miscellaneous

60 Fees

- (1) There is payable to the Commonwealth, in respect of a matter specified in an item in Schedule 2, the fee specified in that item.
- (2) Subject to subregulation 61(1), a fee for an application is payable at the time of making the application.
- (3) A fee for an inspection or for advice is payable at the time of requesting the inspection or advice.
- (4) Subject to subregulation 61(4), a fee for renewal of a RAW approval is payable on or before the day on which the approval ceases to be in force.
- (5) If an application for a RAW approval is refused or withdrawn at any time before, or immediately after, the expiry of the period mentioned in subregulation 51(4), the applicant is entitled to a refund of the fee paid less \$500.

61 Payment of certain fees by instalments

- (1) The fee payable for an application for a RAW approval (motor vehicles) may be paid by 2 instalments (each of half the full amount payable) as follows:
 - (a) 1 instalment on or before making the application;
 - (b) 1 instalment on or before the first anniversary of the approval's being granted.
- (2) If the first instalment of an application fee is paid in accordance with subregulation (1), but the application is not approved, the second instalment is not payable.

Regulation 62

- (3) If the instalment mentioned in paragraph (1)(b) is not paid on or before the day it becomes payable, and the approval has been granted, the approval ceases to be in force on that day.
- (4) The fee payable to renew a RAW approval (motor vehicles) may be paid by 2 instalments (each of half the full amount payable) as follows:
 - (a) 1 instalment on or before the day referred to in subregulation 60(4);
 - (b) 1 instalment on the first anniversary of that day.
- (5) If an instalment mentioned in paragraph (4)(b) is not paid on or before the day it is due, the approval ceases to be in force on that day.
- (6) In this regulation:

RAW approval (motor vehicles) means a RAW approval in respect of which the schedule of approved vehicles includes vehicles other than two-wheeled and three-wheeled vehicles.

62 Delegation by Minister

The Minister may by signed instrument delegate to the Administrator, or to an Associate Administrator, all or any of the Minister's functions or powers under these Regulations.

Schedule 1—Contents of consumer information notice

(regulation 58)

CONSUMER INFORMATION

Document Reference: *[insert a reference unique to the vehicle]*

This vehicle complies with the *Motor Vehicle Standards Act 1989* and is fitted with a used import plate under the Registered Automotive Workshop Scheme (RAWS).

It has been imported from another country as a used vehicle. The vehicle may not comply with the Australian Design Rules (ADRs) that apply to new vehicles.

Service and replacement parts for this vehicle may not be available from a recognised franchised dealer for this make of vehicle.

At the time the used import plate was fitted, this vehicle had the following:

- *[In the case where seat belts are fitted to the vehicle, insert]* Seat belts that are securely fixed, functioning and in good condition
- New tyres, other than any spare tyre
- *[In the case where the registered automotive workshop is required to service this vehicle, insert]* The engine serviced to the manufacturer's specifications including a new air filter and fuel filter
- *[In the case where new brake pads/linings are fitted to the vehicle, insert]* New brake pads/linings
- Brake fluid replaced

Schedule 1 Contents of consumer information notice

- The engine management system serviced and tuned to the manufacturer's specifications
- *[In the case where any applicable Australian Design Rules requires information to be provided in the owners manual, insert all applicable parts of]* An owner's manual (vehicle handbook) giving information on seat belts, child restraints, starting, driving and maintenance of the emission system.

Make	<i>[insert Make as per vehicle schedule]</i>	Used import plate location	<i>[insert location of used import plate]</i>
Model	<i>[insert Model as per vehicle schedule]</i>	Date fitted	<i>[insert date on which plate was fitted]</i>
VIN <i>[insert 17 digit VIN]</i>		RAWS Workshop	<i>[insert name of registered automotive workshop]</i>
Engine number	<i>[insert engine number]</i>	Address <i>[insert address of registered automotive workshop]</i>	
Build month/year:	<i>[insert month/year of original build date]</i>		
Odometer reading (km)	<i>[insert odometer reading]</i>		
Date of importation	<i>[insert date of importation]</i>		
Country of first registration	<i>[insert the country of first registration]</i>	Telephone	<i>[insert telephone number of registered automotive workshop]</i>
ADR Number	Description of modification		Part Number(s) or markings

Additional modifications may be printed on the other side of this page.

Vehicle Inspection Signatory [*insert name and signature of Vehicle Inspection Signatory*]

Date [*insert date the consumer information notice was completed*]

Schedule 2—Fees

(regulation 60)

Item	Matter	Fee (\$)
1	Placing an identification plate on a road motor vehicle of a particular type (other than a two-wheeled or three-wheeled vehicle), except a used imported vehicle for which an approval to place a used import plate is granted under subsection 13D(1) of the Act—for each vehicle	6.00
2	Placing an identification plate on a two-wheeled or three-wheeled vehicle—for each vehicle	3.00
3	Lodging an application to import a road vehicle or vehicles—for each application	50.00
4	Lodging an application for authority to place an identification plate on a road vehicle of a particular type if not more than 100 vehicles or derivatives of that type have identification plates placed on them in a 12 month period	500.00
6	For a road trailer:	
	(a) placing an identification plate on a road trailer of a particular type within the meaning of subsection 10A(1) of the Act	22.50
	(b) lodging an application for an authority to place an identification plate on any other road trailer	95.20
7	Lodging:	
	(a) an application for an authority to place an identification plate on a road trailer of a particular type within the meaning of subsection 10A(1) of the Act	99.00
	(b) an application for the variation of an authority of a type referred to in paragraph (a)	33.00
8	Lodging:	
	(a) an application under subregulation 4(1) for an approval under subregulation 4(2) in relation to the subassembly of a road trailer	258.00
	(b) an application under subregulation 4(4) for the variation of an approval under subregulation 4(2) in relation to the subassembly of a road trailer	133.00

Item	Matter	Fee (\$)
9	Application for approval to place a used import plate:	
	(a) on a road vehicle other than a two-wheeled or three-wheeled vehicle	115.00
	(b) on a two-wheeled or three-wheeled vehicle	3.75
10	Application for RAW approval:	
	(a) for road vehicles including two-wheeled or three-wheeled vehicles	4 000.00
	(b) for two-wheeled or three-wheeled vehicles only	1 000.00
11	Renewal of RAW approval:	
	(a) for road vehicles including two-wheeled or three-wheeled vehicles	4 000.00
	(b) for two-wheeled or three-wheeled vehicles only	1 000.00
12	Application to vary the model or models specified in a schedule of approved vehicles:	
	(a) for a model of road vehicle other than a two-wheeled or three-wheeled vehicle	1 500.00
	(b) for a model of a two-wheeled or three-wheeled vehicle	1 300.00
13	Provision of advice in relation to a registered automotive workshop:	
	(a) at premises of the workshop:	
	(i) for the first 4 hours, or any part of the first 4 hours, during which advice is provided on any day	300.00
	(ii) for each subsequent hour, or part of an hour, during which advice is provided on that day	75.00
	(b) at premises of the Department:	
	(i) for the first 4 hours, or any part of the first 4 hours, during which advice is provided on any day	100.00
	(ii) for each subsequent hour, or part of an hour, during which advice is provided on that day	25.00
14	Re-inspection of a registered automotive workshop after an unsatisfactory inspection	500.00
15	Application to upgrade a RAW approval from registered automotive workshop (two-wheeled and three-wheeled vehicles) to registered automotive workshop (motor vehicles):	

Schedule 2 Fees

Item	Matter	Fee (\$)
	(a) for a registered automotive workshop that has paid the fee specified in paragraph (b) of item 10 or 11 at the time of application for, or renewal of, the RAW approval respectively, and if applying for the upgrade on or before the first anniversary of the approval or renewal	3 000
	(b) in any other case	1 500.00

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

A = Act	o = order(s)
ad = added or inserted	Ord = Ordinance
am = amended	orig = original
amdt = amendment	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous
Ch = Chapter(s)	(prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	Reg = Regulation/Regulations
Div = Division(s)	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislative Instruments	rep = repealed
gaz = gazette	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)/subsection(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
mod = modified/modification	SR = Statutory Rules
No. = Number(s)	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
202, 1989	31 July 1989	1 Aug 1989 (r 2)	
66, 1991	17 Apr 1991	17 Apr 1991	—
330, 1991	29 Oct 1991	1 Nov 1991 (r 1)	—
222, 1992	30 June 1992	1 July 1992 (r 1)	—
23, 1994	18 Feb 1994	1 Mar 1994 (r 1)	—
194, 2000	25 July 2000	25 July 2000 (r 2)	r 4
350, 2001	21 Dec 2001	1 Apr 2002 (r 2)	—
84, 2003	8 May 2003	8 May 2003 (r 2)	—
35, 2004	18 Mar 2004	18 Mar 2004 (r 2)	—
78, 2005	12 May 2005 (F2005L01125)	13 May 2005 (r 2)	r 4
as amended by			
159, 2005	8 July 2005 (F2005L01918)	9 July 2005 (r 2)	—
138, 2005	20 June 2005 (F2005L01413)	1 July 2005 (r 2)	—
308, 2009	17 Nov 2009 (F2009L04162)	Sch 2: 17 May 2010 (r 2(b)) Remainder: 18 Nov 2009 (r 2(a))	r 4
305, 2012	10 Dec 2012 (F2012L02377)	11 Dec 2012 (s 2)	—
90, 2015	19 June 2015 (F2015L00854)	Sch 2 (item 139): 1 July 2015 (s 2(1) item 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part 1 heading	ad No 350, 2001
r 1.....	rs No 194, 2000
r 3.....	am No 350, 2001; No 84, 2003; No 308, 2009
Part 2	
Part 2 heading	ad No 350, 2001
r 4.....	am No 350, 2001; No 78, 2005
Part 3	
Part 3 heading	ad No 350, 2001
r 5.....	am No 66, 1991; No 222, 1992
	rs No 350, 2001; No 84, 2003
r 6.....	rs No 350, 2001
Part 4	
Part 4 heading	ad No 350, 2001
Division 4.1	
Division 4.1 heading	ad No 350, 2001
r 7A.....	ad No 78, 2005
r 7.....	rs No 350, 2001
r 8A.....	ad No 308, 2009
r 8.....	rs No 350, 2001
r 9.....	am No 66, 1991
	rs No 222, 1992
	am No 350, 2001
r 10.....	ad No 222, 1992
	am No 350, 2001
r 11.....	ad No 222, 1992
	am No 350, 2001
r 12.....	ad No 222, 1992

Endnote 4—Amendment history

Provision affected	How affected
	am No 350, 2001; No 308, 2009
r 13.....	ad No 222, 1992
	am No 194, 2000; No 350, 2001; No 78, 2005; No 308, 2009
r 14.....	ad No 222, 1992
	rs No 350, 2001
r 15.....	ad No 350, 2001
	am No 78, 2005
r 16.....	ad No 350, 2001
	am No 78, 2005
r 17.....	ad No 222, 1992
	am No 350, 2001
	rs No 78, 2005
r 18.....	ad No 222, 1992
	am No 350, 2001
r 19.....	ad No 222, 1992
	am No 194, 2000; No 350, 2001
r 20.....	am No 350, 2001
r 21.....	am No 350, 2001; No 78, 2005
	rs No 209, 2009
r 21A.....	ad No 35, 2004
Division 4.2	
Division 4.2 heading.....	ad No 350, 2001
r 22.....	rs No 350, 2001
r 23.....	ad No 350, 2001
r 24.....	ad No 350, 2001
	am No 78, 2005
r 25.....	ad No 350, 2001
r 26.....	ad No 350, 2001
	am No 78, 2005
r 27.....	ad No 350, 2001
	rep No 78, 2005

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 28.....	ad No 350, 2001
r 29.....	ad No 350, 2001
r 30.....	ad No 350, 2001
r 31.....	ad No 350, 2001
r 32.....	ad No 350, 2001
r 33.....	ad No 350, 2001
r 34.....	ad No 350, 2001
r 35.....	ad No 350, 2001
r 36.....	ad No 350, 2001
r 37.....	ad No 350, 2001
r 38.....	ad No 350, 2001
Part 5	
Part 5.....	ad No 350, 2001
Division 5.1	
r 39.....	ad No 350, 2001
Division 5.2	
r 40.....	ad No 350, 2001
r 41.....	ad No 350, 2001
r 42.....	ad No 350, 2001
r 43.....	ad No 350, 2001
r 44.....	ad No 350, 2001
r 45.....	ad No 350, 2001
r 46.....	ad No 350, 2001
r 47.....	ad No 350, 2001
r 48.....	ad No 350, 2001
r 49.....	ad No 350, 2001
r 50.....	ad No 350, 2001
r 51.....	ad No 350, 2001
r 52.....	ad No 350, 2001
r 52A.....	ad No 84, 2003
	am No 35, 2004

Endnote 4—Amendment history

Provision affected	How affected
r 53.....	ad No 350, 2001
r 54.....	ad No 350, 2001
Division 5.3	
r 55.....	ad No 350, 2001
r 56.....	ad No 350, 2001
	rep No 84, 2003
r 57.....	ad No 350, 2001
	am No 84, 2003
r 58.....	ad No 350, 2001
Part 6	
Part 6 heading	ad No 350, 2001
r 60.....	rs No 350, 2001
r 61.....	ad No 350, 2001
r 62.....	am No 350, 2001; No 305, 2012
r 63.....	am No 66, 1991
	rep No 84, 2003
r 64.....	ad No 350, 2001
	rep No 84, 2003
r 65.....	ad No 350, 2001
	rep No 84, 2003
Schedule 1	
Schedule	rs No 66, 1991
	am No 350, 1991; No 23, 1994
	renum and rs No 350, 2001
Schedule 1 (prev Schedule).....	am No 84, 2003
	rs No 308, 2009
	am No 90, 2015
Schedule 2	
Schedule 2.....	ad No 350, 2001
	am No 35, 2004; No 138, 2005

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Schedule 3.....	ad No 350, 2001
	rep No 84, 2003

Endnote 5—Miscellaneous

Endnote 5—Miscellaneous**Repeal table**

The amendment history of the repealed provisions of the *Motor Vehicle Standards Regulations 1989* up to and including the *Motor Vehicle Standards Amendment Regulations 2001 (No. 1)* (No. 350, 2001) appears in the table below.

Provision affected	How affected
r 4.....	rep No 66, 1991
r 9H.....	ad No 222, 1992
	rep No 194, 2000

Renumbering table

The renumbering of provisions of the *Motor Vehicle Standards Regulations 1989*, made by the *Motor Vehicle Standards Amendment Regulations 2001 (No. 1)* (No. 350, 2001) appears in the table below.

Old Number	New Number	Old Number	New Number
	Part 1	8	8
Regulation	Regulation	9	9
1	1	9A	10
2	2	9B	11
3	3	9C	12
	Part 2	9D	13
4(12)	4	9E	14
	Part 3	9EA	15
5	5	9EB	16
6	6	9F	17
	Part 4	9G	18
	Division 4.1	9I	19
7	7	10	20

Endnotes

Endnote 5—Miscellaneous

Old Number	New Number	Old Number	New Number
11	21	13T	44
	Division 4.2	13U	45
13	22	13V	46
13A	23	13W	47
13B	24	13X	48
13C	25	13Y	49
13D	26	13Z	50
13E	27	13ZA	51
13F	28	13ZAA	52
13G	29	13ZB	53
13H	30	13ZC	54
13I	31		Division 5.3
13J	32	13ZD	55
13K	33	13ZE	56
13L	34	13ZF	57
13M	35	13ZG	58
13N	36		Division 5.4
13O	37	13ZH	59
13P	38		Part 6
	Part 5	14	60
	Division 5.1	14A	61
13Q	39	15	62
	Division 5.2	16	63
13R	40	17	64
13RA	41	18	65
13S	42		
13SA	43		