

Motor Vehicle Standards Amendment Regulations 2001 (No. 1)

2001 No. 350

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 350

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

Motor Vehicle Standards Act 1989

Motor Vehicle Standards Amendment Regulations 2001 (No. 1)

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

Sections 13C, 16, 20, 20(3A), 21, 21A, 21B, 21C, 21D, 21E and 24 of the Act provide for Regulations for plating and importing used vehicles, maintaining a Register of Specialist and Enthusiast Vehicles and for the operation of Registered Automotive Workshops.

The Regulations have amended the Motor Vehicle Standards Regulations to reflect the changes introduced by the *Motor Vehicle Standards Amendment Act 2001* (the Amendment Act) to introduce new arrangements for imported used vehicles. The Amendment Act commences on a date to be fixed by proclamation or 6 months after the Act received royal assent (1 April 2002) whichever is the sooner. It is intended that the Amendment Act commences on 1 April 2002.

In addition the Regulations also make some minor technical amendments as a consequence of the Transport Legislation Amendment Act 1995 (No 1).

The Regulations result from a review of the *Motor Vehicle Standards Act 1989*, which recommended the introduction of new arrangements for imported used vehicles. The Government believes that type (bulk) approval of compliance with Australian Design Rules is not suitable for used vehicles, and should be replaced with a system of vehicle-by-vehicle inspection and approval through a scheme of registered automotive workshops. The announcement also included a new scheme to restrict used imports to those assessed as Specialist or Enthusiast. An increase in the annual cap from 25 to 100 passenger motor vehicles per approval holder is included in the decision and a two-year transition period to the workshop system was given. This transition period has now been extended to three years for eligible vehicle models. The scheme aims to recover its costs through fees charged.

The amendments to the Regulations specify that:

(Regulations 5 and 6)

- A registered automotive workshop may apply for approval to place a used import plate on a used imported vehicle and receive, under such approval, up to 100 plates per year;

(Regulations 9 - 9I)

- The importation of vehicles without identification plates is allowed upon application and under prescribed circumstances including circumstances governing a registered automotive workshop importing a used vehicle;

(Regulations 13 - 13Q)

- A Register of Specialist and Enthusiast Vehicles will be kept of vehicles assessed as meeting the eligibility criteria;

(Regulations 13R - 13ZF)

- A corporation may be granted approval as a Registered Automotive Workshop if the application is in approved form, criteria concerning the applicant is met and conditions concerning the workshop are met. The conditions are required to be complied with throughout the duration of the approval;

(Regulation 13ZG)

- A Registered Automotive Workshop approval may be varied by the Minister or upon application by the RAW;

(Regulation 14)

- A range of fees will be charged in association with the operation of a registered automotive workshop;

(Regulation 17)

- Transitional approvals will replace Compliance Plate Approvals for used imported vehicles upon commencement of the Regulations.

Transitional approvals for vehicle models listed on List 1, which is a Departmental list of approvals for vehicle models not meeting the Specialist and Enthusiast Vehicle criteria, will expire on 7 May 2002.

Transitional approvals for vehicle models listed on List 2, which is a Departmental list of approvals for vehicle models meeting the specialist and enthusiast vehicle criteria, will expire at the end of 7 May 2003; and

(Regulation 18)

- Transitional approval holders must meet specified conditions as prescribed.

Details of the Regulations are set out in the Attachment.

The Regulations commence on commencement of the Motor Vehicle Standards Amendment Act 2001.

Attachment

NOTES ON CLAUSES

Motor Vehicle Standards Amendment Regulations 2001 (No. 1)

Clause 1 - Name of Regulations

This clause provides for the Regulations to be cited as the Motor Vehicle Standards Amendment Regulations 2001 (No. 1).

Clause 2 - Commencement

This clause provides that the Regulations commence on commencement of the *Motor Vehicle Standards Amendment Act 2001*.

Clause 3 - Amendment of the Motor Vehicle Standards Regulations

This clause provides that the Motor Vehicle Standards Regulations are to be amended as set out in Schedule 1 and 2.

SCHEDULE 1 - AMENDMENTS

Item 1 - Before Regulation 1

This item inserts a new heading, *Part 1, Preliminary*.

Item 2 - Regulation 3, after definition of *approved form*

The terms *Australian Design Rule*, *full volume*, *inspector*, *JAS-ANZ make*, *model*, *MVS Amendment Act*, *Procedure Number 24*, *RAW*, *RAW approval*, *Register of Specialist and Enthusiast Vehicles*, *Restricted volume two-wheeled and three-wheeled vehicle*, *schedule of approved vehicles*, *Stage 1 audit* and *Stage 2 audit* are introduced and defined.

Item 3 - Regulation 3, after definition of *the Act*

The terms *three-wheeled vehicle*, *two-wheeled vehicle*, *unrestricted volume two-wheeled or three-wheeled vehicle*, *vehicle category*, *vehicle inspection certificate* and *transition period* are introduced and defined.

Item 4 - After Regulation 3

This item inserts a new heading *Part 2, National standards*.

Item 5 - Before Regulation 5

This item inserts a new heading *Part 3, Certification and approval*.

Item 6 - Regulations 5 and 6

Two Regulations 5 and 6 are removed due to their being made obsolete by the Transport Legislation Amendment Act 1995 (No 1). They are replaced by the following:

Regulation 5 - Applications for approval to place a used import plate

This Regulation requires that an application for approval to place a used import plate must be in the approved form; that the application is for a used imported vehicle imported by a registered automotive workshop or RAW applicant; and that the vehicle is listed on the Register of Specialist and Enthusiast Vehicles. Two and three-wheeled vehicles (motorcycles and their derivatives) need not be listed on the Register of Specialist and Enthusiast Vehicles.

A RAW may also apply for a plate for a used imported vehicle imported before the commencement of the transition period.

Approval to place a used import plate must not be given to a vehicle already having an identification plate fitted. While vehicles imported under the old, low volume scheme or under transitional approvals can be fitted by a RAW with used import plates they must not be allowed to (also) apply for plates under the transitional scheme, ie, they may not end up with 2 plates.

Regulation 6 - Number limits on placement of used import plates

This Regulation states that for used vehicles (as listed on the workshop's schedule of approved vehicles), other than unrestricted volume two wheeled and three wheeled vehicles, a RAW is permitted to place a used import plate on up to 100 vehicles of each vehicle category (as defined in the ADRs), in the period of 12 consecutive months immediately preceding the application. The first 12 month period for a particular vehicle category commences on the day the Administrator approves placement of a used import plate for the first vehicle in that vehicle category.

For unrestricted volume, two wheeled and three wheeled road vehicles, no limit applies to the number of vehicles a RAW is permitted to plate.

Item 7 - Before Regulation 7

A new heading is inserted, *Part 4, Supply and importation of vehicles.*

A new heading is inserted *Division 4.1, General*

Item 8 - Regulations 7 and 8

Two Regulations 7 and 8 are removed due to their being made obsolete by the Transport Legislation Amendment Act 1995 (No. 1). They are replaced by the following:

Regulation 7 - Supply of used imported vehicles - vehicles with import approval

This item introduces a new Regulation that permits the supply of used imported vehicles without used import plates provided any conditions of the import approval are complied with. This Regulation will apply to import approvals granted under Regulations 9B, 9C, 9D and 9F, which allow for imports of transitional approval vehicles, personal imports, full volume imports covered by a letter of compliance and vehicles 15 years old and over.

Regulation 8 - Supply of used imported vehicles - application for approval

Applications for approval to supply vehicles under Regulation 6 must be in the approved form, which will be a form available from the Department.

Item 9 - Regulation 9, heading

The heading of Regulation 9 is updated to say *identification plate* instead of *compliance plate*.

Items 10, 12, 14, 17, 19, 22 and 25

The term *compliance plate* is replaced with *identification plate* as the term *compliance plate* was substituted with *identification plate* in the Transport Legislation Amendment Act 1995 (No 1). The Act provides for identification plates for new vehicles and used import plates for used imported vehicles.

Items 11, 13, 16 and 18

The headings of Regulations 9A, 9B, 9C and 9D are updated to say *identification plate* instead of *compliance plate*.

Item 15

The term identification plate is replaced with plate as identification plate has now a special meaning to apply to new vehicles only. This Regulation allows plates of a form and content as the Minister determines, ie discretionary plates, to be placed on vehicles imported under this Regulation.

Item 20 - Regulation 9E

This item substitutes Regulation 9E with a new 9E, 9EA and 9EB, which distinguish between new and used imported vehicles.

9E provides for the importation of new low volume vehicles (eg. Aston Martins).

9EA provides for the importation of used vehicles by a registered automotive workshop. The vehicle must be less than 15 years old, the model must be listed on the RAW's Schedule of Approved Vehicles, an application to place a used import plate must accompany the import application, and, for vehicles on the Register, the addition of this import application must not bring the total by that RAW, for the previous 12 months, to more than 130. Unrestricted volume two- and three-wheeled vehicles are exempt from the numbers limit.

This item also adds new Regulation 9EB which provides for the importation of used, unrestricted volume, two and three wheeled vehicles, that are under 15 years old at the date of application, by a registered automotive workshop that has the model on its Schedule of Approved Vehicles. This Regulation will allow blanket import approvals by model type, rather than individual import approvals, for what were previously called full volume used motorcycles.

Item 21 - Regulation 9F, heading

The heading of Regulation 9F is updated to say identification plate instead of compliance plate.

Item 23 - Regulation 9G, heading

The heading of Regulation 9G is updated to say identification plate instead of compliance plate.

Item 24 - Regulation 9G

9G is restructured to have one more subsection. The content has not changed.

Item 26 - Paragraph 9G(a)

This paragraph has been consequentially amended to in line with changes made by the Transport Legislation Amendment Act 1995 (No. 1). A provision for the importation of used vehicles by full volume importers has been introduced as full volume manufacturers do occasionally use them for evaluation purposes. A provision for the importation of test vehicles for RAWs and RAW applicants has been introduced.

Item 27 - Regulation 9G

This addition to 9G specifies the particular requirements for importation of test vehicles under Regulation 9G(aa) in the RAW scheme.

The requirements are:

- 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;
- the applicant must be a registered automotive workshop, or be an applicant for RAW approval, that has met Stage 1 audit requirements; and
- 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 unless otherwise approved by the Minister;

for an applicant that is an applicant for RAW approval:

- the vehicle must be the first vehicle to be approved for the applicant; and
- the application to import must be accompanied by an application for RAW approval.

Item 28 - Regulation 9I

This item makes consequential amendments to reference new Regulations.

Item 29 - Subregulation 10(1)

This item makes consequential amendments to remove a reference to a Regulation made obsolete by the Transport Legislation Amendment Act 1995 (No. 1) and to reference a new Regulation.

Item 30 - Regulation 11

This item makes consequential amendments to remove a reference to a Regulation made obsolete by the Transport Legislation Amendment Act 1995 (No. 1) and to reference new Regulations.

Item 31 - Regulation 12

Regulation 12 is moved, to be Regulation 4.

Item 32 - Before Regulation 13 A new heading is inserted *Division 4.2, Register of Specialist and Enthusiast Vehicles*.

Item 33 - Regulation 13

Regulation 13 - Register of Specialist and Enthusiast Vehicles

This Regulation requires the Minister to keep a Register of Specialist and Enthusiast Vehicles and to specify the conditions for the form of the Register. It will be kept on the Department's internet site.

Regulation 13A - Application for vehicle to be entered on Register

This Regulation specifies the manner in which applications for entry of a make and model of road vehicle on the Register are made and states that the Minister must consider each application and decide whether each vehicle make and model is to be entered on the Register. The Minister may also enter a vehicle make or model on the Register on his/her own initiative if the vehicle is eligible.

Regulation 13B - Eligibility of vehicles to be entered on Register

This Regulation specifies the criteria to establish whether a vehicle make and model is eligible for entry on the Register. A model must not already be supplied in full volume, must not be supplied within 18 months of its release anywhere unless a waiver is granted by the manufacturer, must be less than 15 years of age, and may be a vehicle with an open work tray or must meet two of four criteria: appearance, unusual design features, performance and featured in a specialist publication. A model faces less stringent criteria if it is to be supplied as a campervan or the applicant has obtained a waiver from the manufacturer. The scheme is not applicable to trailers.

Regulation 13C - Minister may determine make, model for vehicle category of vehicle

This Regulation empowers the Minister to determine that a road vehicle is of a particular make or model or is in a particular vehicle category based on the vehicle's originally manufactured specification. The provision ensures that disputes over what make, model or category a vehicle is, will be resolved.

Regulation 13D - Amendment of Register

The Minister has the power to amend the register:

- to correct an error on the Register; or
- include an additional variant of a model of vehicle included on the Register; or
- restrict the year range of eligibility to road vehicles that are of a make and model not more than 15 years old; or
- to extend the year range of eligibility of vehicles not more than 15 years old; or
- for other good reason.

Regulation 13E - Removal of vehicles from Register

This Regulation allows the Minister to remove vehicle models from the Register once they reach 15 years of age. Vehicles 15 years old or older are imported under a separate Regulation that does not require RAW involvement nor does it provide a plate for the vehicle.

Regulation 13F - Notice of decisions

This Regulation specifies that the Minister must provide notice of a decision to an applicant regarding entering a road vehicle on the Register and include reasons with a refusal.

Regulations 13G - 13P

These Regulations provide for an applicant to apply for review of a Minister's decision to refuse to enter a vehicle on the Register. The Minister may refer the application to a review panel comprised of industry and government members and must take account of the panel's recommendations. The applicant must be given reasonable opportunity to make representations about the decision. The Minister must provide notice of a decision on review to an applicant. An appeal of the review decision may be put to the Administrative Appeals Tribunal, by the applicant.

Regulations 13H - 13P describe the terms governing the operation of the panel and its members.

Item 34 - Before Regulation 14

A new heading *Part 5, Registered Automotive Workshops* is introduced.

A new heading, *Division 5.1, Definitions for Part 5* is introduced.

Regulation 13Q - Definitions for Part 5

The terms *application signatory, nominated delegate, registered RVCS participant, RVCS, RVCS participant number, sponsor, vehicle inspection signatory* and *key personnel* are introduced and defined.

A new heading, *Division 5.2, Applications for approval and renewal of approval* is introduced.

Regulation 13R - Application for approval as a registered automotive workshop

This Regulation specifies the requirements of an application for approval as a registered automotive workshop. An application must be in the approved form and 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. Each applicant will be registered on the Road Vehicle Certification system and issued a participant number;
- (c) details of the applicant's corporate structure. The corporate structure will be used to ensure that personnel in one company are not involved with other RAWs;
- (d) the names of persons having key personnel functions in the applicant's organisation. This information will be used to prevent the involvement of key personnel in more than one RAW;
- (e) the names of other officers or shareholders of the applicant who are in a position to influence the management of the applicant. This information will be used to prevent the involvement of other officers or shareholders in more than one RAW;
- (f) the name, trading name, address and ACN (if applicable) of any corporation, partnership or individual having a legal or beneficial interest in the applicant. This information will be used to prevent the

involvement of interested parties in more than one RAW;

(g) details of any person mentioned in paragraph (d), (e) or (f) who: for the purposes of paragraph 2 1 B (1) (a) or (b) of the Act, is required to be a fit and proper person; or, for the purposes of the application and approval, must meet the requirements of being over 18 and not an undischarged bankrupt;

(h) details of any association with another corporation that is a registered automotive workshop;

(i) details confirming that the quality management system meets Stage 1 requirements for ISO 9001; and

(j) sufficient details of the sponsor (if any).

The application must be:

(a) completed; and

(b) signed by the applicant's nominated delegate, application signatory (if any) and sponsor (if any).

Regulation 13RA - Application signatory

This Regulation allows a nominated delegate of a RAW applicant to authorise a person to act on behalf of the applicant in making an application and obtaining approval as a registered automotive workshop. The application signatory must have a key personnel function in the applicant's organisation.

Regulation 13S - Additional criteria for approval - general

This Regulation lists the additional conditions a workshop must meet to be approved as a registered automotive workshop.

(a) the RAW applicant's application must comply with requirements for application;

(b) the applicant must not already be:

(i) approved as a registered automotive workshop; or

(ii) an applicant for RAW approval. This is to ensure that RAW businesses are run by unique companies;

(c) the applicant must not be an associate of another corporation that is approved as a registered automotive workshop immediately before being granted a RAW approval. This provision allows an employee or associate of an operating RAW to apply for their own RAW and maintain their employment or association with the RAW up until their own RAW is about to be granted;

(d) the applicant must be a registered RVCS participant. This ensures that initial information has been gathered by the Department to proceed with approval;

- (e) the applicant must not be in liquidation or under administration;
- (f) the applicant must have a nominated delegate. The delegate is the person ultimately responsible for the RAW;
- (g) the applicant must have a modification facility. This is to ensure each RAW has an appropriate workshop. The history of this provision is that the industry has had operators compliancing vehicles without adequate automotive facilities;
- (h) the applicant must have a quality management system. This is to provide for consumer protection;
- (i) the applicant must have vehicle inspection signatories. This is to ensure that each vehicle is inspected and signed off by a person with appropriate automotive knowledge and qualifications;
- (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 must be a fit and proper person. This provision is for consumer protection.
- (1) 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. Overseas-based RAWs can operate in the system but must have an incorporated Australian representative.

Regulation 13SA - Association with registered automotive workshop

This Regulation defines when a RAW applicant is considered to be associated with a RAW. The conditions that mean association are:

- (a) a director, officer or shareholder of the applicant holds more than 5 per cent of the shares in the registered automotive workshop;
- (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; and
- (e) the applicant acts as an agent for the registered automotive workshop.

This provision exists to prevent the problem of one interest operating several companies to increase the number of vehicles they can import over the government's number limit. This type of multi-company set-up has been endemic in the industry, to date.

Regulation 13T - Application for registration for RVCS

This Regulation specifies the requirements for seeking registration with the Department's Road Vehicle Certification System, a necessary step to being approved as a RAW. An application must be in the approved form and must include:

- the name, trading name, and address or addresses of the applicant and, if it is incorporated in Australia, its ACN. If they do not have, or do not wish to provide an ACN, then we require the ABN linked to their company name. This provision is to ensure that every RAW approved by the Minister has a unique company owner and a unique address. This is to correct the former practice of many companies operating under one owner thereby circumventing the import number limits; and
- the name and other relevant contact details of the applicant's nominated delegate, application signatory (if any) and sponsor (if any).

The application must be:

- complete; and
- signed by the applicant's nominated delegate, application signatory (if any) and sponsor (if any).

Regulation 13U - Registration for RVCS

This Regulation stipulates the responses the Minister may make to an application for registration with RVCS. On receipt of an application for registration with RVCS, 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.

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 and, if the decision is to refuse registration, give reasons for the decision.

The Minister must assign a distinguishing number to a registered RVCS participant. Registration with RVCS allows the Department to regulate the industry effectively.

Regulation 13V - Nominated delegate

Each RAW is to have a delegate, a person with a key personnel function in the RAW corporation, who is responsible for ensuring compliance of the RAW with provisions of the Act, the Regulations and the conditions of approval. Overseas companies need to use a sponsor as a delegate to represent the company and take responsibility for it in Australia.

Regulation 13W - Modification facility

This Regulation stipulates that the RAW must have a modification facility. This facility must have equipment (for most categories of vehicle, a hoist and for large vehicles, pits or ramps) and lighting that allows adequate inspection of a vehicle at the workshop's address. RAWs complying only motorcycles do not need a hoist, ramp or pits.

Regulation 13X - Quality management system

This Regulation requires a RAW applicant to have a quality management system in place in their workshop that meets ISO 9001:2000. The quality management system must have certification issued by a certification body accredited for the purpose by JAS-ANZ, the Joint Accreditation System of Australia and New Zealand. The scope of the certification must be in accordance with the requirements set out in Procedure 24, a procedure specifically made for the RAW scheme. Procedure 24 does not set out Australian Design Rules requirements nor the level of evidence required to demonstrate compliance, it sets out generic requirements. While ISO will state that there must be competent people to perform the tasks, the Regulations state what the specific competencies are. Having ISO certification will establish a sound basis for reducing malpractices in the trade.

The certification is issued in two stages. RAW applicants should have received Stage 1 ISO 9001:2000 certification before putting in an application and they will receive Stage 2 certification upon notification by the Department, to the certification body, of successful complying of a test vehicle. The certification body can then fully certify the RAW applicant and the Department can grant the applicant approval.

Regulation 13Y - Vehicle inspection signatories

This Regulations states that a RAW applicant must nominate at least one person to be a vehicle inspection signatory for the workshop. A vehicle inspection signatory must be an officer or employee of the applicant, or engaged on contract; and have appropriate knowledge of the MVSA, its Regulations, determinations and guidelines, and the Australian Design Rules; and qualifications suitable to complying vehicles (eg a certificate III, IV or diploma in Automotive or recognised engineering qualifications). A vehicle inspection signatory is responsible for approving a vehicle as compliant with the necessary ADRs.

Regulation 13Z - Sponsor for overseas applicants

An applicant that is not incorporated in Australia must nominate a corporation incorporated in Australia as the applicant's sponsor. The sponsor is responsible for ensuring that the applicant complies with the provisions of the Act, the Regulations and the conditions of applicant's RAW approval.

The sponsor must not be in liquidation or under administration and each of the directors and each officer or shareholder in a position of influence in the company must be a fit and proper person. A sponsor may not be the sponsor of another registered automotive workshop or RAW applicant.

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.

Regulation 13ZA - Additional criteria for approval -import time limits and inspection

This Regulations sets out the timeframes and requirements of the steps of the application process. The Department will give written notice of receipt of an application for RAW approval within 21 days. The applicant must apply to import a used vehicle (either a motorcycle or a vehicle listed on the Register of Specialist and Enthusiast Vehicles) within 3 months of the date of the notice of receipt. The applicant must submit a vehicle inspection certificate and confirmation that a Stage 2 audit (for ISO 9001:2000) within 12 months. This is to ensure that all imported vehicles are tracked and that RAW applicants complete the process of becoming RAW's.

The Department will inform an applicant when they will conduct an inspection within 10 working days of receipt of a vehicle inspection certificate.

An inspector from the Department will inspect the vehicle for compliance with the guidelines and examine supporting evidence and records. The Department notifies the certification body when a vehicle meets its requirements and the applicant must notify the Department within 30 days when it then receives an IS 0 certificate number from the certification body.

Regulation 13ZAA - 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.

Regulation 13ZB - Disposal of vehicles where approval refused

This Regulation states that when a RAW applicant fails to get approval, any test vehicle that it had imported for the application must be disposed of as directed by the Minister. The procedure of disposing of vehicles is to ensure that no used imported vehicles are supplied to the market through loopholes.

The new heading, *Division 5.3, Conditions of approval* is inserted.

Regulation 13ZC - Application to renew approval

Applications to renew approval as a RAW must be in the approved form.

Regulation 13ZD - Purpose of Division 5.3

This Regulation states that the Regulations under this division constitute the prescribed conditions a workshop must meet in addition to the conditions specified in its approval.

Regulation 13ZE - Condition of approval - vehicle types

This Regulation sets up a schedule of approved vehicles that will list the vehicle models a RAW is eligible to import. A RAW has to prepare a sample vehicle of any model for Departmental inspection before it can be added to its schedule. A workshop importing motorcycles will only have motorcycles added to its schedule and may add models of transitional approvals that it holds to its schedule. A RAW seeking reapproval in the 6 months after its expiry date may have its previous schedule reapproved without reinspection or fee-paying.

Regulation 13ZF - Further conditions of a RAW approval

A workshop and its goods and services suppliers must allow the Minister access to their premises, including the RAW's main office, at any reasonable time on reasonable notice for the purposes of audit, inspection and testing of vehicles. A workshop must provide information, in

reasonable time, after request, of information proving compliance with the Act and its Regulations and conditions. A RAW must notify the Minister of any change in information that the Minister holds about it, including changes in key personnel or significant changes in the control of workshop within 30 days. A workshop must retain information concerning vehicles complied by them, for 10 years. A workshop must notify the Minister if it ceases to operate as a registered automotive workshop. A consumer information notice has to be attached to each vehicle plated by a workshop. Workshops may not plate vehicles that have ever had compromised structural integrity. Workshops must inspect vehicles for crash damage, corrosion or repair of crash damage or corrosion before beginning compliance work and must destroy or export vehicles with reduced structural integrity. Vehicle inspections, for the purposes of the Regulations, must be carried out by a vehicle inspection signatory. Only tyre removal and fitting, exhaust system replacement and replacement of glazing are excluded from the requirement that assembly work on a vehicle be carried out by directors or employees of a workshop.

Regulation 13ZG - Consumer Information Notice

A consumer information notice must be attached to each vehicle plated by a RAW. This notice is similar to notices already used for new vehicles in car yards. It will provide information about the vehicle including that it is a used import, how it has been complied to the ADRs, and the RAW that carried out the work. The RAW's vehicle inspection signatory must sign the notice.

A new heading *Division 5.4, Variation of an approval* is inserted.

Regulation 13ZH - Variation of a RAW approval

This Regulation allows for application by a RAW to vary its RAW approval. This Regulation allows for variations to be made to the Schedule of Approved Vehicles such as adding a new model or varying the details of a model on the schedule.

Item 35 - Regulation 14 - Fees

A new heading, *Part 6, Miscellaneous*, is inserted.

This Regulation details the fees payable under various provisions of the Act.

Regulation 14A - Payment of certain fees by instalments

This Regulation allows for the payment of the Registered Automotive Workshop approval fee in two parts, at commencement and one year later, over the two years of the approval. This provision exists as a result of consultation with industry who preferred a fee payment option for RAWs that allowed payment to be split over 2 years.

Item 36 - Regulation 15

An older definition of SES officer is replaced with 'an SES employee' in line with the *Acts Interpretation Act 1901*.

Item 37 - After Regulation 16

Regulation 17 - Transitional approvals - MVS Amendment Act

This Regulation sets the lifespans of transitional approvals. Transitional approvals will commence when the Regulation commences. Transitional approvals for non-SEVS-eligible vehicles will terminate on 7 May 2002. This expiry date was set in the government's announcement of 8 May

2000 when a two-year transition period was set. Transitional approvals for SEVS-eligible vehicles and for motorcycles will expire on 7 May 2003. This is an extension that has been granted to CPA holders as the system's introduction has been delayed. A list will be held by the Department of transitional approvals terminating on 7 May 2002. Another list will be held by the Department of transitional approvals terminating on 7 May 2003. These lists will be held by the Department to allow their content to be added to up until the day of commencement of the Regulations.

Regulation 18 - Conditions of transitional approvals

This Regulation allows for the continuation of the conditions of an old approval, ie, a compliance plate approval. This includes applying the same number limit to vehicles that may be plated as would have applied if the system had not changed. Other conditions have been adjusted to bring them into line with the changes to the terminology of the revised Act.

Regulation 19 - Transitional-Register of Specialist and Enthusiast Vehicles

This Regulation allows for all vehicles that have been deemed to be Specialist or Enthusiast prior to the commencement of the Act to be listed on a Schedule and to be entered on the Register of Specialist and Enthusiast Vehicles.

This item contains *Schedule 1 - Contents of consumer information notice* which details the information that needs to be attached to vehicles plated by RAWs.

Schedule 2 - Fees which lists the fees payable under the Regulations.

Schedule 3 - Conditions of transitional approvals which lists the conditions attached to transitional approvals.