

## **EXPLANATORY STATEMENT**

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

### ***MOTOR VEHICLE STANDARDS ACT 1989***

#### **Motor Vehicle Standards (Approval to Place Used Import Plates) Guidelines 2006 (No. 1)**

**June 2006**

## **INTRODUCTION**

The Registered Automotive Workshop (RAW) Scheme commenced on 1 April 2002 under the Motor Vehicle Standards Act 1989 (the Act). Under this scheme a RAW is able, with the Minister's approval, to import, modify, and place a used import plate on used vehicles that are listed on the Register of Specialist and Enthusiast Vehicles established by Regulation 22 of the Motor Vehicle Standards Regulations 1989, in addition to all used two-wheeled and three-wheeled vehicles.

Each vehicle model modified by a RAW must be listed on the RAW's Schedule of Approved Vehicles. Vehicle models are added to the RAW's Schedule of Approved Vehicles when the Minister approves the fitting of a Used Import Plate to a sample vehicle (ie, the first of that make/model for that RAW). Other vehicles of the same make/model may then be imported and modified. On receipt of a satisfactory vehicle inspection report the Administrator of Vehicle Standards, as the delegate of the Minister, issues an approval for the vehicle to be fitted with a Used Import Plate.

Subsection 13D(1) of the Act provides that: *The Minister, may by writing, grant a registered automotive workshop an approval to place a plate on a used imported vehicle if, having regard to a report in relation to the vehicle that is given to the Minister by the workshop, the Minister is satisfied that it is appropriate to grant the approval.*

Subsection 13D(3) of the Act provides that: *The Minister must, by writing, determine guidelines that apply to the making of decisions under subsection(1). The Minister must comply with these guidelines in making such decisions.*

This determination revoked the Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2004(2), dated 14 July 2004. The naming of the instrument was changed to the Motor Vehicle Standards (Approval to Place Used Import Plates) Guidelines 2006 (No. 1) to clarify that they are the guidelines specified in subsection 13D(3) of the Act. In this instrument some relaxations to the requirements were included to reduce the burden on participants to produce evidence of compliance where the Minister is aware that vehicles were originally manufactured to meet equivalent requirements. A number of the evidence requirements for certain Australian Design Rules (ADRs) were also updated to bring them in line with the current ADRs, editorial changes were made to clarify the evidence requirements and to correct inconsistencies in the presentation of the material. A change in terminology was made for all ADRs where the term 'Specific Evidence' was replaced with 'Additional Requirements or Exemptions' to avoid confusion about the level of evidence required.

Changes made to this instrument are undertaken with consultation with industry. During formal and informal meetings and discussions with industry participants, together with submissions presented by participants, it was established that where participants can satisfactorily demonstrate that vehicles comply with the intent of the ADR through other methods, these methods were incorporated into the determination. Amendments from the previous determination included in this document are either clarifications, to reduce anomalies in administering the legislation, or relaxations, where alternative methods have been accepted, or , in the case of ADR 83/.., additions to align the instrument requirements with recently introduced ADRs.

Details of the Determination are set out in the Attachment.

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

The Determination is a legislative instrument for the purpose of the *Legislative Instruments Act 2003*.

The Determination commenced on the day after registration on the Federal Register of Legislative Instruments (available at [www.frli.gov.au](http://www.frli.gov.au)).

## **Details of the Motor Vehicle Standards (Approval to Place Used Import Plates) Guidelines 2006 (No. 1)**

### Clause 1 – Name of Instrument

This Determination provides that the name of the Determination is the *Motor Vehicle Standards (Approval to Place Used Import Plates) Guidelines 2006 (No. 1)*.

### Clause 2 – Commencement

This Determination provides that the Determination commenced on the day after registration on the Federal Register of Legislative Instruments.

### Clause 3 – Revocation of the *Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2004 (2)*

This Determination provides that the *Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2004(2)*, which was signed by the Minister for Local Government, Territories and Roads, Senator Ian Campbell, on 14 July 2004, be revoked.

### Clause 4 – Definitions

This Determination provides that some additional definitions be added to provide clarity of interpretation of terms and phrases used in the determination. The additional definitions are: *Each Vehicle*, *Each Vehicle Evidence*, *Sample Vehicle*, *Sample Vehicle Evidence*, *Summary of Evidence Form (SE)*, and *Workshop*.

## Schedule 1 – Guidelines – Amendments

### **Part 1 – General.**

#### Left hand drive vehicles

Subclause (1) was amended to remove the reference to ADR 42 clause 7.1. as a new version of the ADR had been determined with different clause numbering. This change was made to simplify the requirements for used imported vehicles and does not affect the requirement to convert vehicles from left to right hand drive.

Subclause (3) was added to set out the requirements for evidence to be presented showing that the conversion was done in accordance with Vehicle Standards Bulletin No. 4. This was already required under VSB 4 and the change clarified the requirements in relation to the RAW Scheme.

#### Motorhomes and campervans

This clause was added to clarify the requirements relating to a motorhomes or campervan built from a used imported vehicle. These provisions were already in place but this clause serves to clarify that compliance with these requirements is taken into account by the Minister in deciding if it is appropriate to approve the placement of a used import plate.

## Damaged vehicles

This clause was added to clarify and highlight that the structural integrity of a used imported vehicle must not be reduced by crash damage or corrosion, and that there must be evidence that a vehicle inspection has been carried out in accordance with section 6 of the Motor Vehicle Standards (Procedures for Inspecting and Testing Used Imported Vehicles) Determination 2002. These provisions were already in place but this clause serves to clarify that compliance with these requirements is taken into account by the Minister in deciding if it is appropriate to approve the placement of a used import plate.

## Part 2 – Compliance with ADR specifications

### Unrestricted volume two-wheeled and three-wheeled vehicles

Subclause (1) was amended to remove the term “*A registered automotive workshop may place used import plates on used imported vehicles*” as this may not be done until the Minister approves the fitting of the plate in accordance with section 13D(3) of the Act. The changes reinforce that this determination is a guideline for the Minister in deciding if it is appropriate to approve the placement of a used import plate.

Subclause (2) was amended to specify that participants must provide evidence of compliance with the additional requirements or exemptions specified for each ADR under ‘*Each Vehicle*’. This change clarified the requirements for these vehicles.

### Restricted volume two-wheeled and three-wheeled vehicles

A subclause (2) was added to clarify the requirements for provision of evidence to the Minister.

### Certain trucks and buses

Subclause (1)(c) was amended to clarify the requirements for provision of evidence of compliance to the Minister.

Reference to motorhomes including the previous subclause (2) was removed and included under Part 1 – General, Motorhomes and campervans.

### Other Vehicles

Subclause (1)(b) was amended to clarify which requirements in the guidelines are to be met.

Subclause (2) was added to clarify what information is to be provided to the Minister to demonstrate compliance.

## Part 3 – Evidence of compliance with these guidelines

Part 3 was revised to clarify the requirements of evidence necessary for the workshop to retain

## Part 6 – Explanation of terms and symbols

4 “*Japanese Origin*” was amended to clarify that this method is only applicable to vehicles first marketed in Japan on or after the date that the ADR became applicable, unless otherwise specified under particular ADRs.

6 “Analysis” was amended to broaden its definition to include the mixing of other acceptable evidence types with testing or logical technical evaluation.

## **Part 7 – Evidence demonstrating compliance with Guidelines**

This Part describes the acceptable alternative evidence types generally available to demonstrate compliance with each ADR. These are described in individual tables and the following information details the changes made to the requirements.

An additional paragraph was added to the introduction of this Part, explaining that Administrator’s Circular 0-2-1 and the particular Administrator’s Circulars issued for individual ADRs could be used in determining the limiting of vehicle variants for testing purposes. It also explained that where the ADR referenced a United Nations Economic Commission for Europe (ECE) regulation, testing of variants could be limited by the section in that regulation that allows for extension of an approval.

### **ADR 1/..**

An alternative “*Other Specified*” method was specified to allow for manufacturing variation in lamps to be tested.

Additional requirement 1 was relaxed to take into account the tolerance for manufacturing variation.

### **ADR 2/..**

The additional requirements and exemptions were edited to incorporate the previously referenced requirements from the ADR. This change was made to clarify which of the ADR Clauses and subclauses are required.

### **ADR 3/..**

An additional version of ADR 3 was added to clarify the requirements for vehicles with earlier build dates.

The additional requirements and exemptions were edited to incorporate the previously referenced requirements from the ADR. This change was made to clarify which of the ADR Clauses and subclauses are required.

Additional requirement 5 was added to permit a minor modification to vehicles which would otherwise meet the country of origin criteria to demonstrate compliance with the ADR.

The additional requirements and exemptions were renumbered.

### **ADR 4/..**

Additional versions of ADR 4 were added to clarify the requirements for vehicles with earlier build dates.

Additional requirement 2a was amended to remove the need for a seatbelt from a US or Canadian vehicle originally equipped with an “Emergency Locking Retractor”(ELR) and an “Automatic Length Adjusting and Locking Retractor”(ALALR) to be modified such that the ALALR function no longer works in the Drivers Seating Position.

Additional requirement 2h was added to clarify what markings are acceptable evidence to demonstrate that a Japanese Origin Seatbelt is an ELR.

Additional requirement 2i was added to clarify what minimum tests are required to demonstrate that a seatbelt in a US or Canadian Origin Vehicle is an ELR.

#### ADR 5/..

Additional versions of ADR 5 were added to the requirements to clarify the requirements for vehicles with earlier build dates.

Additional options were added to requirement 1 to harmonise this Determination with the ADR.

Additional requirements 4 and 5 were added to clarify the requirements for child restraint anchors where participants wish to comply with an optional later version of ADR 5.

#### ADR 6/..

The E Mark evidence type was extended to allow E Marks for ECE regulation 6/01 in accordance with the ADR.

An additional “Other Specified” evidence type was added to allow for manufacturing tolerances on test lamps.

#### ADR 7/..

Additional requirement 2 was added to clarify the requirements where participants wish to optionally comply with ADR 42/04.

#### ADR 10/..

Additional requirement 3 was added to optionally allow vehicles to demonstrate compliance with ADR 10 through complying with ADR 69 or 73.

#### ADR 13/..

Additional requirement 4 was added to establish a tolerance on lamp locations so that sample evidence does not need to be amended.

#### ADR 14/..

Additional Requirement 3 was amended to clarify that all of the clauses listed are considered to be field of view requirements.

#### ADR 15/..

Additional requirement 4 was added to allow participants to optionally comply with ADR 43/04 rather than ADR 15/01.

#### ADR 17/..

The requirements for this ADR were removed to bring this Determination in line with the ADRs.

#### ADR 18/..

Additional versions of ADR 18 were added to the requirements to clarify the requirements for vehicles with earlier build dates.

ADR 18/03 was added to bring the Determination into line with the ADRs.

#### ADR 21/..

Evidence type “*Other Specified*” was amended to remove the additional requirement 1.

#### ADR 23/..

Additional requirement 1 was amended to include the term “*size and maximum load rating*” to clarify the criteria that should be checked in the tyre standard.

Additional requirement 2 was amended to clarify that new tyres must be fitted.

Additional requirement 3 was added to allow for DOT marked tyres.

#### ADR 24/..

Additional requirement 1 was amended to clarify that new tyres must be fitted.

Additional requirement 3 was added to allow participants to optionally comply with ADR 43/04.

#### ADR 28/..

Additional requirement 1 and 2 were removed and the requirements placed at the beginning of part 7 for all ADRs.

#### ADR 29/..

Additional requirement 1 was amended to allow vehicles of Japanese Origin and others which may be able to demonstrate compliance with ADR 72 to be exempt from ADR 29.

Additional requirement 2b was added to allow an alternative test method for vehicles which because of their shape are unable to be tested in accordance with ADR 29 requirements.

#### ADR 30/..

Additional requirement 3 was removed from evidence types CRN and USA and Canadian Origin to bring this determination into line with ADR 30/01.

Additional requirement 1d was amended to clarify that parts required in servicing must be replaced in spite of the age of the vehicle.

#### ADR 31/..

Requirements were added for the new ADR 31/01 to bring the Determination into line with the ADRs.

#### ADR 34/..

Requirements were added for the new ADR 34/01 to bring the Determination into line with the ADRs.

#### ADR 36/..

Additional requirement 7 was amended to clarify that parts required during the servicing of the vehicle must be replaced in spite of the age of the vehicle.

#### ADR 37/..

Additional requirement 1 was amended to remove the need to modify the fuel filler inlet to prevent the inadvertent use of leaded petrol and to include the requirements of additional requirement 10 to improve the readability of the document.

Additional requirement 6 was amended to allow for vehicle equipped with on-board diagnostics to demonstrate compliance with the evaporative emissions requirement using that system.

Additional requirement 7 was amended to clarify that parts required for servicing must be replaced in spite of the age of the vehicle.

Additional requirement 8 was amended to remove the reference to the clauses relating to the fuel filler inlet.

#### ADR 45/..

Additional requirement 1 was amended to allow for manufacturing tolerances on tested lamps.

#### ADR 46/..

Additional requirement 2 was amended to allow for manufacturing tolerances on tested lamps.

ADR 47/..

Additional requirement 1 was added to allow for manufacturing tolerances on tested lamps.

ADR 48/..

Additional requirement 2 was added to allow for manufacturing tolerances on tested lamps.

ADR 49/..

Additional requirement 2 was added to allow for manufacturing tolerances on tested lamps.

ADR 50/..

Additional requirement 2 was added to allow for manufacturing tolerances on tested lamps.

ADR 52/..

Additional requirement 2 was added to allow for manufacturing tolerances on tested lamps.

ADR 53/..

Additional requirement 2 was added to allow for manufacturing tolerances on tested lamps.

ADR 54/...

Additional requirement 1 was added to allow for manufacturing tolerances on tested lamps.

ADR 55/..

Additional requirement 1 was amended to allow for manufacturing tolerances on tested lamps.

ADR 61/..

Additional requirement 1 was removed from full evidence and placed under “*Other Specified*”.

Additional requirement 1 was amended to allow the fitting of a used import plate after its approval.

Additional requirement 3 was amended to allow the 17 digit VIN to be fitted to the vehicle at the time the used import plate is fitted.

ADR 66/..

An E Mark evidence type was added to allow vehicles with an ECE regulation 80/00 to comply.

ADR 69/..

Additional requirement 4 was amended to clarify that vehicles fitted with dual airbags as original equipment will be accepted as though they were tested with a Hybrid III dummy.

Additional clause 7 was removed and additional clause 8 was added to clarify the requirements for seatbelt warning lamps in accordance with the ADR.

ADR 70/..

Additional requirement 1 was amended to clarify that parts required for servicing must be replaced in spite of the age of the vehicle.



ADR 72/..

Additional requirement 1 was added to allow some vehicles of “*Japanese origin*” built before the applicability date for ADR 72 to demonstrate compliance with the ADR as some Japanese built vehicles complied prior to the ADR’s introduction in Australia.

ADR 74/..

Additional requirement 1 was added to allow for manufacturing tolerances on tested lamps.

ADR 76/..

Additional requirement 1 was added to allow for manufacturing tolerances on tested lamps.

ADR 77/..

Additional requirement 1 was added to allow for manufacturing tolerances on tested lamps.

ADR 79/..

Additional requirement 1 was amended to correct an incorrect reference to an Administrators Circular.

Additional requirement 4 was amended to clarify that parts required for servicing must be replaced in spite of the vehicles age.

ADR 80/..

Additional requirement 5 was amended to clarify that parts required for servicing must be replaced in spite of the vehicles age.

Additional requirement 6 was amended by removing the last half of the requirement and placing it in a new requirement 7.

ADR 82/..

Additional requirement 1 was amended to allow immobilisers which comply with the Canadian National Standard.

ADR 83/..

Requirements were added for ADR 83/00 as it is a new ADR. This will bring the determination into alignment with the ADRs.