

## **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) Amendment 1**

**August 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 amends the Motor Vehicle Standards (Approval to Place Used Import Plates) Determination 2006 (No. 1), dated 19 July 2006. 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. Editorial changes were made to clarify the evidence requirements and to correct inconsistencies in the presentation of the material.

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.

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) Amendment 1*.

Clause 2 – Commencement

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

Schedule 1 – Guidelines – Amendments**Part 6 – Explanation of terms and symbols**

'*italicised terms*' was added to provide a link to defined terms used in the Australian Design Rules (National Standards determined under section 7 of the *Motor Vehicle Standards Act 1989*). This link reduces confusion over the meaning of special technical terms.

**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.

## ADR 3/..

Additional requirements and exemptions were amended to correct the arrangements for vehicles that meet all of the Japanese Origin or USA origin requirements, except that the seats were mounted on a hinged cover without a self locking latch.

Item 6 was added to accept vehicles approved to equivalent standards of the European Union.

## ADR 5/..

Item 6 was added to accept vehicles approved to equivalent standards of the European Union.

## ADR 18/..

Item 2 was amended to correct a typographical error.

## ADR 22/..

Item 5 was added to accept vehicles approved to equivalent standards of the European Union.

## ADR 24/..

Item 2 was amended to remove the restriction of tyre sizes to those specified by the original vehicle manufacturer. Restriction of rim sizes was retained. The RAW may select suitable tyre sizes for the vehicle, however, changes from the original specification may make it difficult for the RAW to demonstrate compliance with other requirements, such as vehicle braking.

## ADR 28/..

Item 1 was amended to allow for vehicles fitted with an engine idle speed governor.

ADR 29/..

Item 3 was amended to correct a typographical error.

ADR 35/..

Items 4 and 5 were deleted and requirement 3 was amended to remove the requirement for additional testing on Japanese Origin and USA and Canadian Origin vehicles. This change was based on analysis of both Japanese and USA equivalent standards.

'Each Vehicle' brake warning lamp checks previously specified in items 4 and 5 (now deleted) were retained as 'Each Vehicle' checks under item 3(b) for clarification.

ADR 37/..

Item 8 was corrected to remove the reference to the clauses relating to the fuel filler inlet.

ADR 42/..

Item 2 was amended to remove the restriction of tyre sizes to those specified by the original vehicle manufacturer. Restriction of rim sizes was retained. The RAW may select suitable tyre sizes for the vehicle, however, changes from the original specification may make it difficult for the RAW to demonstrate compliance with other requirements, such as vehicle braking.

ADR 79/..

Item 7 was added to allow for vehicles designed to run on unleaded fuel to be supplied without fuel filler restrictors fitted. In addition, where an emissions test is conducted the facility may use test fuel complying with US EPA specifications, rather than the test fuel specified in ADR 79/... The 'Each Vehicle' requirements have been amended to allow the use of on-board diagnostics for evaporative emissions checks as previously allowed for ADR 37/...

ADR 82/..

Item 1 was amended to allow for all vehicles fitted with immobilisers which are shown to comply with the Canadian National Standard, independent of the vehicle's country of origin..