



# **Motor Vehicle Standards (Road Vehicles) Determination 2017**

made under the

*Motor Vehicle Standards Act 1989*

## **Compilation No. 1**

**Compilation date:** 22 January 2021

**Includes amendments up to:** F2021L00060

Prepared by the Department of Infrastructure, Transport, Regional Development and Communications, Canberra

## About this compilation

### This compilation

This is a compilation of the *Motor Vehicle Standards (Road Vehicles) Determination 2017* that shows the text of the law as amended and in force on 22 January 2021 (the **compilation date**).

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 the Legislation Register ([www.legislation.gov.au](http://www.legislation.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 the Legislation Register 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 the Legislation Register 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

## 1 Name

This is the *Motor Vehicle Standards (Road Vehicles) Determination 2017*.

## 3 Authority

This instrument is made under section 5B of the *Motor Vehicle Standards Act 1989*.

## 5 Definitions

In this instrument:

***agricultural machine*** means a vehicle with its own automotive power, built to perform agricultural tasks such as cultivating land, growing and harvesting crops or rearing livestock.

***approach angle*** means the smallest angle, in a side view, between level ground and a straight line tangent to the front tyre and touching the front of the vehicle (see Figure 1).

***breakover angle*** means the supplement of the largest angle, in a side view, that can be formed by two lines tangent to the front and rear tyres and intersecting at a point on the underside of the vehicle (see Figure 1).

***departure angle*** means the smallest angle, in a side view, between level ground and a straight line tangent to the rear tyre and touching the rear of the vehicle (see Figure 1).

***electrically power-assisted cycle*** means an electrically-powered pedal cycle with a maximum continued rated power of 250 watts of which the output is:

- (a) progressively reduced as the cycle's speed increases; and
- (b) cut off, where:
  - (i) the cycle reaches a speed of 25 km/h; or
  - (ii) the cyclist stops pedalling.

***golf cart*** means a motorised vehicle that:

- (a) is designed to transport people and equipment around a golf course;
- (b) is designed to travel on at least four high flotation tyres;
- (c) has side-by-side seating;
- (d) is not capable of exceeding 25 km/h on level ground;
- (e) has an unladen mass of no more than 350 kg; and
- (f) does not have road-going features.

**high flotation tyre** means a tyre with a large sidewall that is designed to be operated at low inflation pressure in order to maximise the contact patch and prevent the vehicle from sinking into soft terrain such as soil or mud.

**light utility vehicle** means a motorised off-road vehicle that:

- (a) is designed to travel on at least four high flotation tyres;
- (b) has side-by-side seating;
- (c) is propelled solely by either:
  - (i) one or more electric motors; or
  - (ii) an internal combustion engine that has a cylinder capacity not exceeding 1,500 cm<sup>3</sup>;
- (d) has a steering wheel;
- (e) has a tray back designed for carrying loads;
- (f) has an unladen mass of no more than 800 kg; and
- (g) does not have road-going features.

**motorised mobility device** means a wheeled chair that:

- (a) is designed to be used by one person only; and
- (b) is designed to assist a person who is unable to walk, or has difficulty walking; and
- (c) is propelled by an electric motor; and
- (d) has a steering control; and
- (e) has a maximum governed speed of 10 km/h; and
- (f) has a minimum of three wheels.

**miniature motorbike** (also known as a mini bike or pocket bike) means a vehicle which resembles a motorcycle but scaled down to about half the size, that:

- (a) is designed to be used by a single person;
- (b) has a seat height no greater than 600 mm; and
- (c) has major dimensions which are scaled down in proportion to the seat height.

**motorised recreational device** means a wheeled device that is built to transport a person and is ordinarily used for recreation or play, is assisted by a motor or motors having a combined maximum power output not exceeding 200 watts, and includes motor-assisted rollerblades, roller skates, skateboards, unicycles and other similar wheeled devices.

**off-road vehicle** means a vehicle that has at least four of the following five characteristics when the vehicle is at unladen mass on level ground, with the front wheels in the straight ahead position and the tyres inflated to the manufacturer's recommended pressure:

- (a) approach angle of not less than 28 degrees;
- (b) breakover angle of not less than 14 degrees;
- (c) departure angle of not less than 20 degrees;
- (d) running clearance of not less than 200 mm;
- (e) distance from the ground to the lowest point of any suspension or drivetrain component of not less than 175 mm.

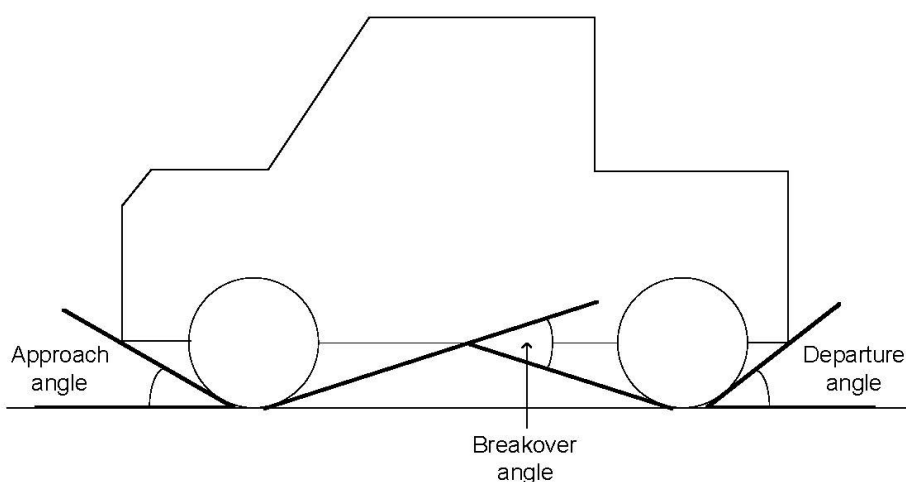


Figure 1: Approach, breakover and departure angles

**personal mobility device** means a device that:

- (a) is designed to carry one person only; and
- (b) has one or more wheels; and
- (c) is propelled by an electric motor; and
- (d) has an effective stopping system, including one or more of the following:
  - (i) brakes;
  - (ii) gears;
  - (iii) motor control; and
- (e) is not capable of exceeding 25 km/h on level ground when propelled by motor; and
- (f) has a footprint of no more than 1250 mm by 700 mm; and
- (g) is not more than 1350 mm in height; and
- (h) has an unladen mass of 60 kg or less; and

- (i) is not equipped with:
  - (i) any object or fitting not technically essential to the device that protrudes from any part of the device in a manner that likely increases the risk of bodily injury to any person; or
  - (ii) any object or fitting that, because it is pointed or has a sharp edge, likely increases the risk of bodily injury to any person.

***power-assisted pedal cycle*** means a vehicle, designed to be propelled through a mechanism primarily using human power, that

- (a) meets the following criteria:
  - (i) is equipped with one or more auxiliary propulsion electric motors;
  - (ii) cannot be propelled exclusively by the motor or motors;
  - (iii) has a combined maximum power output not exceeding 200 watts;
  - (iv) has a tare mass (including batteries) of less than 35 kg;
  - (v) has a height-adjustable seat; or
- (b) is an electrically power-assisted cycle;

but does not include a vehicle that has an internal combustion engine.

***quad bike*** means a motorised off-road vehicle that:

- (a) is designed to travel on at least four high flotation tyres;
- (b) has a saddle-type seat designed to be straddled by the user; and
- (c) is steered by handlebars.

***road-going features*** means any of:

- (a) direction indicators;
- (b) brake lights;
- (c) rear vision mirrors;
- (d) provision for mounting a registration plate;
- (e) seatbelts; or
- (f) a fully enclosed cabin with doors.

***running clearance*** means the distance from the ground to the lowest point on the vehicle excluding unsprung mass.

***seat height*** means the vertical distance between the undeformed upper surface of the driver's seat and the ground on which the vehicle rests, when the vehicle is at unladen mass on level ground.

***tare mass*** has the meaning given by *Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005*, as in force from time to time.

***tracked vehicle*** means a vehicle that travels on continuous tracks rather than tyres and can include bulldozers and excavators.

***unladen mass*** means the mass of the vehicle in running order, unoccupied and unladen, with all fluid reservoirs filled to nominal capacity including fuel, and with all standard equipment.

## **6 Classes of vehicles that are not road vehicles**

Vehicles of the following classes are not road vehicles for the purposes of the Act:

- (a) agricultural machines;
- (b) golf carts;
- (c) light utility vehicles;
- (d) miniature motorbikes;
- (e) motorised mobility devices;
- (f) motorised recreational devices;
- (g) personal mobility devices;
- (h) power-assisted pedal cycles;
- (i) quad bikes;
- (j) tracked vehicles.

## **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

### **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.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed and substituted
LA = <i>Legislation Act 2003</i>	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**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Motor Vehicle Standards (Road Vehicles) Determination 2017	13 September 2017 (F2017L01175)	14 September 2017	—
Motor Vehicle Standards (Road Vehicles) Amendment Determination (No. 1) 2021	21 January 2021 (F2021L00060)	22 January 2021	—

**Endnote 4—Amendment history**

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<b>Provision affected</b>	<b>How affected</b>
s 2	rep s 48D of the <i>Legislation Act 2003</i>
s 4	rep s 48C of the <i>Legislation Act 2003</i>
s 5	am No. F2021L00060
s 6	rs. No. F2021L00060

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