

Explanatory Statement

TRANSPORT LEGISLATION AMENDMENT BILL 2020

SERIAL NO. 120 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

GENERAL OUTLINE

This Bill amends the:

- *Motor Vehicles Act 1949*;
- *Traffic Act 1987*;
- *Motor Vehicles Regulations 1977*;
- *Motor Vehicles (Fees and Charges) Regulations 2008*;
- *Motor Vehicles (Standards) Regulations 2003*;
- *Australian Vehicle Standards Rules (Schedule 6 to the Motor Vehicles Standards Regulations 2003)*;
- *Traffic Regulations 1999*;
- *Australian Road Rules (Schedule 3 to the Traffic Regulations 1999)*;
- *National Environment Protection Council (Northern Territory) Act 1994*;
- *Dangerous Goods Regulations 1985*; and
- *Motor Accidents (Compensation) Regulations 1984*.

This legislation contributes towards a safe, efficient and sustainable transport system that meets community needs. To ensure the legislation achieves the intended outcome, amendments are required, from time to time, to update and clarify provisions as vehicle technology evolves, and as the national and Commonwealth laws it refers to change.

The purpose of this Bill is to make amendments primarily as a consequence of the repeal of the *Motor Vehicle Standards Act 1989* (Cth) and its replacement by the *Road Vehicle Standards Act 2018* (Cth) (the New Cth Law), which will regulate the first provision of road vehicles to the Australian market. These amendments will ensure that current, nationally consistent arrangements relating to registering vehicles, driver licence classes, regulating vehicle standards, and providing motor accident compensation can continue upon commencement of the New Cth Law.

The Bill will also make technical consequential, maintenance and drafting style amendments to related provisions, to ensure they are clear, effective and remain aligned with local objectives and national approaches.

NOTES ON CLAUSES

Part 1 - Preliminary matters

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Transport Legislation Amendment Act 2020*.

Clause 2. Commencement

This clause sets out how the amendment Act will be commenced. In this case, the commencement date will be the day fixed by the Administrator by Gazette notice in the Northern Territory Government Gazette.

This method of commencement is required, given that the provisions of the Bill rely on the commencement of the New Cth Law, and that the commencement date of the New Cth Law is not yet fixed (being a day to be fixed by Proclamation, or 1 July 2021 if not commenced before that date).

Part 2 - Amendment of *Motor Vehicles Act 1949*

Clause 3. Act Amended

Part 2 of the Bill amends the *Motor Vehicles Act 1949*.

Clause 4. Section 5 amended (Interpretation)

This clause amends the interpretation provisions within section 5 of the *Motor Vehicles Act 1949*.

Subclauses (1) and (2) omit and replace existing definitions, and introduce new definitions. Subclause (3) amends the definition of "Owner". The definitions as replaced or newly inserted or amended by this clause are as follows (in alphabetical order):

Australian Design Rule – Subclause (1) omits this definition and subclause (2) inserts a new definition for the same term, so that it refers to the way an Australian Design Rule will be determined under the New Cth Law.

Transitional provisions for the New Cth Law mean that Australian Design Rules made as national standards under the *Motor Vehicle Standards Act 1989 (Cth)* (the Old Cth Act), continue in force as if they were national road vehicle standards under the New Cth Act.

Australian Motor Vehicle Certification Board – Subclause (1) omits the definition for this term and does not replace it, given that this board no longer has an active role in the approval of road vehicles. This board is referred to in amendments within Clause 18 of this Bill, but a specific definition is no longer required for any other purposes of the *Motor Vehicles Act 1949*.

Australian Vehicle Standards Rules – Subclause (2) inserts a new definition for this term because it was previously undefined. As a matter of drafting convention, terms used throughout the Act and regulations that have a specific meaning will be defined in the interpretation section.

Certification plate - Subclause (1) omits the definition for this term. The term "certification plate" was used to define a particular type of plate affixed to a vehicle under one particular circumstance. This is no longer suitable given that the *Motor Vehicles Act 1949* is now required to provide for multiple circumstances as a result of the updated Commonwealth certification

and identification requirements. Subclause (2) inserts a new term – “identification device” which serves a similar purpose in the new, broader context.

Former owner – Subclause (1) omits this definition and subclause (2) inserts a new definition for the same term. The new definition specifically refers to both motor vehicle and trailer.

Refer to Clause 5 for a more detailed explanation of the reasons for amendments to specifically refer to a trailer as well as a motor vehicle.

GCM or Gross Combination Mass – Subclause (2) inserts a new definition for this term, so that it accurately provides for the way a vehicle’s GCM is determined upon commencement of the New Cth Law, as well as to more clearly provide for current circumstances, including when vehicles are modified, or re-rated by manufacturers. This new definition refers to a new section 60B of the *Motor Vehicles Act 1949* which is established by Clause 16 of this Bill.

GCM is currently defined in the *Motor Vehicle (Standards) Regulation 2003*. This current definition is omitted by Clause 45 of this Bill, given that the term is more appropriately defined in the Act so it applies consistently across the Act and all its regulations.

GVM or Gross Vehicle Mass – Subclause (1) omits this definition and subclause (2) inserts a new definition for the same term, so that it accurately provides for the way a vehicle’s GVM is determined upon commencement of the New Cth Law, as well as to more clearly provide for current circumstances, including when vehicles are modified, or re-rated by manufacturers. This new definition refers to a new section 60A of the *Motor Vehicles Act 1949* which is established by Clause 16 of this Bill.

Identification device – Subclause (2) inserts this new term to describe the range of plates and labels required to be affixed to a vehicle under the various Commonwealth requirements, including upon commencement of the New Cth Law.

These requirements are prescribed for individual vehicles by the amendments to section 101 and new section 101AA of the *Motor Vehicles Act 1949* within Clause 18 of this Bill.

Multi-purpose passenger car – subclause (1) omits the definition for this term and does not replace it. This term is defined solely for the purposes of Schedule 6 of the *Motor Vehicles Act 1949*, which this Bill repeals.

New owner - Subclause (1) omits this definition and subclause (2) inserts a new definition for the same term. The new definition is equivalent to the current definition, but specifically refers to both motor vehicle and trailer.

Refer to the explanatory notes in this document for Clause 5 of this Bill for a more detailed explanation of the reasons for amendments to specifically refer to a trailer as well as a motor vehicle.

Owner - Subclause (3) amends this definition to specifically refer to both motor vehicle and trailer.

Refer to the explanatory notes in this document for Clause 5 of this Bill for a more detailed explanation of the reasons for amendments to specifically refer to a trailer as well as a motor vehicle.

Passenger Car – Subclause (1) omits the definition for this term and does not replace it. This term is defined solely for the purposes of Schedule 6 of the *Motor Vehicles Act 1949*, which this Bill repeals.

Passenger car derivative – Subclause (1) omits the definition for this term and does not replace it. This term is defined solely for the purposes of Schedule 6 of the *Motor Vehicles Act 1949*, which this Bill repeals.

RAV or Register of Approved Vehicles – Subclause (2) inserts a new definition for this term which refers to the new method of (electronically) recording the details of vehicles approved for road use under the provisions of the New Cth Law.

Multiple clauses of this Bill refer to the RAV.

Second edition ADR – Subclause (2) inserts a definition for this term so that the *Motor Vehicles Act 1949* and regulations accurately refer to the ADRs applicable to older vehicles, under previous Commonwealth certification arrangements.

The term “Second edition ADR” is currently defined in the *Australian Vehicle Standards Rules* (Schedule 6 to the *Motor Vehicle (Standards) Regulation 2003*) dictionary. This current definition is omitted by Clause 63 of this Bill, given that the term is more appropriately defined in the Act so it applies consistently across the Act and all its regulations.

Territory Motor Vehicle – Subclause (1) omits the definition for this term and does not replace it, given it is not referred to in the *Motor Vehicles Act 1949*, its regulations, or another law of the Territory.

Third edition ADR – Subclause (2) inserts a definition for this term so that the *Motor Vehicles Act 1949* and regulations accurately refer to the ADRs applicable to vehicles under both the current Commonwealth certification arrangements, and those that will be in place upon the commencement of the New Cth Law.

Third edition ADR is currently defined in the *Australian Vehicle Standards Rules* (Schedule 6 to the *Motor Vehicle (Standards) Regulation 2003*) dictionary. This current definition is omitted by Clause 63 of this Bill, given that the term is more appropriately defined in the Act so it applies consistently across the Act and all its regulations.

Vehicle identification number – Subclause (1) omits this definition and subclause (2) inserts a new definition for the same term, so that it accurately refers collectively to the various identification numbers that are required to be permanently marked on a vehicle, by either the manufacturer or under the direction of the Registrar, consistent with the amendments within Clause 18 of this Bill.

Vehicle identifier – Subclause (2) inserts a definition for this term to describe the two different types of numbers required to be permanently marked on a vehicle by the manufacturer, consistent with the amendments within Clause 18 of this Bill.

Visiting vehicle – Subclause (1) omits this definition and subclause (2) inserts a new definition for the same term with the effect of amending the definition of “visiting motor vehicle” so it includes all vehicles, not just motor vehicles (which may or may not include trailers). It also amends the requirement for a visiting vehicle to have affixed to it number plates or a registration label, so it only applies if it is required by the law of the State, Territory or Country where it is registered.

Refer to the explanatory notes in this document for Clause 5 of this Bill for a more detailed explanation of the reasons for amendments to specifically refer to a trailer as well as a motor vehicle.

Subclause (4) updates the interpretation provisions in subsection 5(3) of the *Motor Vehicles Act 1949* by omitting this subsection, and inserting an expanded provision as subsections 5(2) to (7). The inserted subsections 5(2) to (5) provide clarity for how references to Australian Design Rules are to be interpreted, and the inserted subsection 5(7) provides that any

reference to a number includes a reference to a letter of the alphabet – this avoids doubt when interpreting provisions relating to issues such as numbers on number plates and numbers within vehicle identification numbers.

Subclause (4) also inserts a new interpretation provision (subsection 5(7)), so that a word or expression defined in the *Australian Vehicle Standards Rules* (Schedule 6 to the *Motor Vehicle (Standards) Regulation 2003*) applies to those rules, even if there is an inconsistent definition in the Act. This is required given that these rules are a reproduction of national model law which defines terms for its own purposes – such as “motor vehicle”.

Clause 5. Section 5A inserted

This clause inserts a new section 5A in the *Motor Vehicles Act 1949* to clearly identify each instance where a reference to the term “motor vehicle” applies to a trailer in the same way that it applies to a motor vehicle (whether or not the trailer is attached to a motor vehicle). This addresses differences in drafting style between existing and amended provisions, as well as existing inconsistencies in the Act.

This issue is dealt with in the Bill, by one of three ways:

- Where a section in the Act mentioning the term motor vehicle is being amended for another reason in the Bill, the drafting style of the section is updated in a manner that clearly refers to a trailer separately if it is intended to apply to a trailer whether or not it is attached to a motor vehicle;
- Where a regulation or definition (in the Act or regulations) refers to a motor vehicle, the drafting style of the regulation or definition is updated in a manner that clearly refers to a trailer separately if it is intended to apply to a trailer whether or not it is attached to a motor vehicle. This is because there are relatively few of these provisions and they can be dealt with efficiently; and
- Where a section in the Act mentions the term motor vehicle, but is not being amended for another reason in the Bill, the section is dealt with via the application of the new section 5A. This is because it is outside of the scope of this Bill to do a substantial rewrite of a large proportion of the Act, but it is not desirable to leave un-amended provisions referring to the term motor vehicle in an inconsistent way to the amended provisions.

Clause 6. Section 8 amended (Registration of motor vehicles)

This clause amends section 8 of the *Motor Vehicles Act 1949* to clarify that it applies to a trailer (whether or not it is attached to a motor vehicle) and to replace the reference to Part VIA, with a reference to the Standards (being the *Motor Vehicles (Standards) Regulations 2003*).

The effect of this amendment is that the Registrar of Motor Vehicles’ power to register a vehicle (with or without conditions), is based on the consideration of whether the vehicle complies with Schedule 4 of the *Motor Vehicles Act 1949* and the Standards.

Prior to the implementation of the Standards, Part VIA prescribed the seating and seatbelt related requirements for certain vehicles. However, since the implementation of the Standards, all of the requirements of Part VIA are now prescribed by the Standards, and Clause 21 of this Bill repeals Part VIA.

The amendments in this clause removes the current inconsistency in the *Motor Vehicles Act 1949* where in usual circumstances, a vehicle does not have to comply with the Standards to be registered, but it is an offence for a person to drive a vehicle that does not comply with the requirements of the Standards.

The amendments in this clause requiring the Registrar to consider compliance with the Standards (rather than Part VIA) removes redundancy and inconsistency, and provides clarity

and certainty about the standards that a vehicle must comply with both prior, and subsequent, to being registered.

Clause 7. Section 8A amended (Registrar may grant exemption)

This clause has the effect of amending (by omitting and inserting) subsection 8A(1) of the *Motor Vehicles Act 1949* as a consequence of Clause 4 of this Bill replacing the term “visiting motor vehicle” with the term “visiting vehicle”.

This clause also applies an updated drafting style to subsection 8A(1) consistent with Parliamentary Counsel’s policies.

Clause 8. Section 16 amended (Affixing of number plates)

This clause has the effect of amending (by omitting and inserting) section 16 of the *Motor Vehicles Act 1949*, so that the drafting of the provision aligns with the context of the requirement in Schedule 4 it refers to.

Section 16 is currently drafted in a manner that requires a person to affix number plates to a vehicle in accordance with the requirements of Schedule 4, but such requirements for a person do not exist in Schedule 4. The requirement that section 16 intends to refer to in Schedule 4, is for a vehicle to have certain mounting provisions for a number plate. The amendment in this clause provides that a number plate must be attached to these mounting provisions.

Clarification of the number plate mounting provisions required by Schedule 4 are dealt with in Clause 25 of this Bill.

This clause also applies an updated drafting style to section 16 consistent with Parliamentary Counsel’s policies, and clarifies the provision’s application to trailers.

Clause 9. Sections 17 and 18 replaced

This clause has the effect of amending (by repealing and inserting) sections 17 and 18 of the *Motor Vehicles Act 1949*, equivalent to the amendments to section 16 as explained in the comments regarding Clause 8 of this Bill (above).

This clause also applies an updated drafting style to sections 17 and 18 consistent with Parliamentary Counsel’s policies, and clarifies the provision’s application to trailers.

Clause 10. Section 23 amended (Sales of motor vehicles on behalf of other persons)

This clause has the effect of amending section 23 of the *Motor Vehicles Act 1949*, primarily to update the reference to chassis number (an undefined term) to a reference to “vehicle identification number”. This amendment makes it clear what information is required in a notice for the purposes of the provision.

This clause also applies an updated drafting style to section 23 consistent with Parliamentary Counsel’s policies, clarifies the provision’s application to trailers, and updates the period of time that a person is required to submit the relevant notice, from immediately, to within 14 days (consistent with equivalent provisions applying to other parties – for example section 20).

Clause 11. Section 42 replaced

This clause repeals and inserts a new section 42 of the *Motor Vehicles Act 1949* to create a new fit-for-purpose provision that prescribes the requirements for affixing a trader’s plate. The new requirements provide that a trader’s plate must be affixed securely to a vehicle and must meet clear performance requirements for visibility and legibility.

The current subsection 42(a) requires a trader's plate to be affixed to a vehicle in the same manner as a number plate. Given the temporary nature of a trader's plate, they are affixed to a vehicle in a temporary manner, and not routinely via the mounting provided for the purpose of affixing a number plate.

This clause also omits, and does not replace, subsection 42(b).

The current subsection 42(b) provides that a person shall not drive a vehicle with a trader's plate unless all provisions of this Act relating to trader's plates are complied with. This provision places the consequences of non-compliance on a party (for instance, a prospective purchaser of a vehicle from a dealership on a test drive) who is unlikely to have control over, or even reasonable knowledge of, the trader's compliance with the other provisions.

Clause 12. Section 45 amended (Compensation contributions to be paid)

This clause omits subsection 45(3) of the *Motor Vehicles Act 1949*, as it is now redundant following the repeal of the *Interstate Road Transport Act 1985* (Cth).

This clause also has the effect of amending (by omitting and inserting) subsection 45(1) to apply an updated drafting style consistent with Parliamentary Counsel's policies, and to clarify the provision's application to trailers.

Clause 13. Section 46 amended (Moneys received)

This clause amends subsection 46(1) of the *Motor Vehicles Act 1949* so the provision is no longer subject to the redundant transitional arrangements provided by section 48, which is repealed by Clause 15 of this Bill.

Clause 14. Section 47 amended (Declaration of compensation contributions)

This clause amends section 47 of the *Motor Vehicles Act 1949* primarily by omitting subsection 47(1)(f) as it is now redundant following the repeal of the *Interstate Road Transport Act 1985* (Cth).

This clause also clarifies the provision's application to trailers.

Clause 15. Sections 48 and 49 repealed

This clause repeals sections 48 and 49 of the *Motor Vehicles Act 1949* which are redundant transitional provisions relating to the payment of compensation contributions prior to 1 July 1984.

Clause 16. Part VC, Division 1 and Division 2 heading inserted

This clause divides Part VC of the *Motor Vehicles Act 1949* into two divisions, inserting a new Division 1 for prescribing how the Gross Vehicle Mass (GVM) and Gross Combination Mass (GCM) of a vehicle is to be determined.

Currently, the definition for GVM (gross vehicle mass) is limited to a mass recorded by the Registrar of Motor Vehicles, when in fact the Registrar does not record a GVM for all vehicles. A new section 60A is inserted. Subsection 60A(1) provides for a vehicle's GVM to be determined by a variety of means, including the vehicle's GVM recorded in the Register of Approved Vehicles (RAV) which will be established upon the commencement of the New Cth Law, or if the vehicle's GVM is not recorded in the RAV, the GVM stated by the manufacturer on the identification device attached to the vehicle, or if there is no identification device, or if the manufacturer has amended the GVM, the GVM certified by the manufacturer.

Subsections 60A(2) and (3) also allow for a GVM to be whatever the Registrar or another registration authority has accepted as the GVM where there is no GVM recorded in the RAV

or it is not stated on an identification device or certified by the manufacturer, or where the recorded GVM is no longer appropriate for the vehicle because the vehicle has been legally modified.

While not as restrictive as the current definition of GVM, the current definition of GCM (gross combination mass) also does not provide for all of the current and future circumstances that a GCM is, and will, need to be determined under upon the commencement of the New Cth Law.

The new section 60B inserted by this clause provides the determination of a vehicle's GCM by the same means that its GVM is determined - by reference to what is recorded in the RAV, stated on the manufacturer's identification plate, or certified by the manufacturer, or where a vehicle has been modified or there is no GCM recorded in the RAV or an identification device or certified by the manufacturer, the GCM accepted by the relevant registration authority.

Clause 17. Section 95 replaced

This clause has the effect of amending (by repealing and inserting) section 95 of the *Motor Vehicles Act 1949* to allow a person to provide a notice of a change of address to the Registrar by telephone, and to remove the requirement for them to have to produce their certificate of registration, licence or permit to the Registrar.

The new subsection 95(1) inserted by this clause still requires a person to whom a certificate of registration, a licence or a permit has been granted, to give notice of any change of the person's address to the Registrar, but they no longer have to do it in writing, and no longer have bring or forward their certificate of registration, licence or permit, as the case may be, to the Registrar.

The new subsection 95(2) inserted by this clause requires that the notice under subsection (1) must be given within 14 days of the change of address.

This clause also removes the requirement for the Registrar to endorse the person's new address on the certificate, licence, or permit.

Clause 18. Section 101 replaced

This clause has the effect of replacing (by repealing and inserting) section 101 of the *Motor Vehicles Act 1949* with new provisions that accurately prescribes the various certification and identification requirements for vehicles, for various periods before and up to the commencement of the New Cth Law, and for after the commencement of the New Cth Law. These requirements differ depending on when the vehicle was manufactured and whether it is a motor vehicle or a trailer.

New subsection 101(1)(a) provides that a motor vehicle manufactured on or before 1 January 1971 is to have only a vehicle identification number.

New subsection 101(1)(b) provides that a motor vehicle that was manufactured during the period from 2 January 1971 to 1 August 1989, is to have both a vehicle identification number and a compliance plate that was placed on the motor vehicle in accordance with an approval by the body known as the Australian Motor Vehicle Certification Board.

New subsection 101(1)(c) provides that a motor vehicle that was manufactured during the period from 2 August 1989 to the date that the New Cth Law commences, is to have a vehicle identification number and a plate that was placed on the motor vehicle in accordance with an approval given under the *Motor Vehicle Standards Act 1989* (Cth).

New subsection 101(1)(d) provides for the two possible certification and identification requirements for a motor vehicle that was manufactured after the date that the New Commonwealth Law commences. These are:

- As per new subsection 101(1)(d)(i) – the motor vehicle is to have been entered on the Register of Approved Vehicles, have a vehicle identification number, and have a plate or label identifying the motor vehicle that was placed on it in accordance with the requirements under the New Cth Act; or
- As per new subsection 101(1)(d)(ii) – the motor vehicle is to have a vehicle identification number, and have a plate or label that was placed on the motor vehicle in accordance with an approval mentioned in Schedule 3, Part 3, Division 1 of the *Road Vehicle Standard (Consequential and Transitional Provisions) Act 2018* (Cth).

New subsection 101(2)(a) provides that a trailer that was manufactured on or before 1 August 1989 is to have only a vehicle identification number.

New subsection 101(2)(b) provides that a trailer that was manufactured during the period from 2 August 1989 to the date that the New Cth Law commences, is to have a vehicle identification number and a plate or label that was placed on the trailer in accordance with an approval given under the *Motor Vehicle Standards Act 1989* (Cth).

New subsection 101(2)(c) provides for the two possible certification and identification requirements for a trailer that was manufactured after the date that the New Commonwealth Law commences. These are:

- As per subsection 101(2)(c)(i) – the trailer is to have been entered on the Register of Approved Vehicles, have a vehicle identification number, and have a plate or label identifying the motor vehicle that was placed on it in accordance with the requirements under the New Cth Act; or
- As per subsection 101(2)(c)(ii) – the trailer is to have a vehicle identification number, and have a plate or label that was placed on the motor vehicle in accordance with an approval mentioned in Schedule 3, Part 3, Division 1 of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cth).

New subsection 101(3) provides that a vehicle that is not a road vehicle as defined in section 6 of the New Cth Act (a special vehicle), needs to have only a vehicle identification number, regardless of when it was manufactured. This new subsection provides for vehicles such as lawnmowers and tractors that the Registrar may register with conditions for limited use.

New subsection 101(4) provides definitions for the terms “repealed Act”, “RVSA commencement date”, “special vehicle”, and “transitional Act provisions”, for the purposes of section 101.

This clause also inserts a new section 101AA. New subsection 101AA(1) allows the Registrar to allot an identification number to a motor vehicle or trailer if it does not have one. New subsection 101AA(2) provides that the owner of the motor vehicle or trailer must permanently mark the number allotted by the Registrar on the motor vehicle or trailer in accordance with any directions of the Registrar.

New subsection 101AA(3) provides that a person must not tamper with a vehicle’s identification number or identification device (“identification device” is defined by this Bill in section 5(1) of the *Motor Vehicles Act 1949*) by removing from the vehicle, or by altering or interfering with it.

New subsection 101AA(4) provides that a person must not mark a vehicle identification number on a motor vehicle other than in accordance with a direction of the Registrar given under subsection (2), or in accordance with the requirements under the New Cth Act.

The amendments in this clause work in conjunction with amendments in Clause 19, so that the Registrar may refuse to register a vehicle where it cannot be demonstrated that it has been certified for road use by the Commonwealth (where applicable), and where it does not have adequate and legitimate means of uniquely identifying the vehicle. This does not prevent the Registrar making a discretionary decision to register a vehicle that does not meet the requirements.”

Clause 19. Section 102 amended (Refusal, cancellation or suspension of authorities)

This clause omits subsection 102(2)(ac) of the *Motor Vehicles Act 1949* and replaces it with a new version that reflects current drafting style consistent with Parliamentary Counsel’s policies, and clarifies the provision’s application to trailers.

It amends subsections 102(2)(ba) and (f), 102(5)(a) and 102(5B)(b) to make it clear that the registrar’s powers in relation to the cancellation or suspension of registration or permits or licences issued in respect of motor vehicles, can also be exercised in relation to a trailer registration, or permits or licences issued in respect of trailers.

Subclause 19(6) amends (by omitting and inserting) subsection 102(2)(c) of the *Motor Vehicles Act 1949* to:

- allow the Registrar to refuse to register, or cancel or suspend the registration of a vehicle if it does not comply with Schedule 4 or the Standards;
- remove reference to Part VIA which is repealed by Clause 21 of this Bill;
- expressly provide that the Registrar’s power to register, or cancel or suspend the registration of a motor vehicle (or trailer) is exercisable if the vehicle does not comply with the identification requirements specified in section 101; and
- clarify that the power is also exercisable whenever the vehicle is a danger to any person (currently the danger must be to “the public” which may not include the driver of the vehicle or passengers in a privately owned vehicle).

Subclause 19(10) amends (by omitting and inserting) subsection 102(5)(b) to clarify that the Registrar’s power to take such action as he thinks fit for preventing the driving upon public streets of a motor vehicle, is exercisable whenever the vehicle is a danger to any person (currently the danger must be shown to be to “the public”).

Subclause 19(10) also omits, and does not replace, the existing application of subsection 102(5)(b) to a commercial passenger vehicle, given that the Director of Commercial Passenger (Road) Transport under the *Commercial Passenger (Road) Transport Act 1991* now has sufficient powers to prevent the use of a commercial passenger vehicle if it is not fit to be used as such.

Clause 20. Section 102AA amended (Applications made by certain offenders)

This clause amends the definition of heavy vehicle for the purposes of section 102AA by removing reference to the *Motor Vehicle (Standards) Regulations 2003* as the location of the definition of the term “gross vehicle mass” (the meaning of the term “gross vehicle mass” will now be exclusively defined by section 5).

Clause 21. Part VIA and section 108A repealed

This clause repeals Part VIA and section 108A of the *Motor Vehicles Act 1949*.

Part VIA became redundant upon the commencement of the *Motor Vehicle (Standards) Regulations 2003* and needs to be repealed to avoid duplication and confusion.

Section 108A is repealed because the braking requirement for trailers in item 7(4) of Schedule 4 is inconsistent with the Standards, and the offence for hauling a trailer without the required

braking system is effectively dealt with in the Standards. Clause 25 of the Bill repeals and replaces Schedule 4, and item 7(4) does not appear in the replacement Schedule 4.

Clause 22. Section 111 replaced

This clause amends (by repealing and inserting) section 111 to apply an updated drafting style consistent with Parliamentary Counsel's policies, and to clarify the provision's application to both motor vehicles and trailers. There is no change to the intent or effect of the provision.

Clause 23. Section 128A amended (Defective motor vehicles)

This clause has the effect of amending (by omitting subsection 128A(1) and inserting a new subsection 128A(17)) the definition of the term "defective" for the purposes of section 128A of the *Motor Vehicles Act 1949* so that in relation to a motor vehicle, "defective" means (among other things) a vehicle that does not comply with Schedule 4 or the Standards. It removes reference to Part VIA which is repealed by Clause 21 of this Bill.

The amended definition also makes it clear that a vehicle is defective if it cannot be reasonably relied upon to operate without being a source of danger or annoyance to a person (currently the danger must be shown to relate to "the public", which may not include the driver of the vehicle or a passenger if the vehicle is not a commercial passenger vehicle or used for public transport).

Clause 24. Section 138 amended (Regulations)

This clause amends the regulation making powers in subsections 138(1)(s), (u), (v), (w), (ad) and (af) of the *Motor Vehicles Act 1949* by removing "motor" to clarify the provisions' application to vehicles generally, including trailers, and to update a reference to Part 3 of the Act by the Roman numeral "III", as a consequence to the Schedule to this Bill amending it to "3".

Clause 25. Schedules 4 and 6 replaced

This clause repeals Schedule 4 of the *Motor Vehicles Act 1949*, and replaces it with a new updated and simplified Schedule 4.

Schedule 4 is a set of conditions that a vehicle must comply with before it is registered. Prior to requiring vehicles to be certified to safety standards under commonwealth arrangements in 1971, and subsequently the implementation of the Standards in 2003, Schedule 4 was the only set of vehicle safety design requirements that a vehicle was required to comply with.

Now that the Commonwealth arrangements and the Standards are in place, the majority of the items in Schedule 4 are redundant.

This clause removes any requirement from Schedule 4 that is duplicated by the Standards, and updates and clarifies the remaining items that remain relevant.

This clause also removes the requirement within the current Schedule for the particulars required on the application form to be inserted by the applicant. Apart from being inconsistent with the rest of the Schedule (vehicle standards requirements), this particular item is redundant. The application form to register a vehicle does not require the applicant to insert the particulars, rather it requires the applicant to make declarations in the relevant parts – for instance, that they are the owner and that the information in the form is correct. Additionally, the *Motor Vehicles Act 1949* already deals appropriately with obtaining a registration certificate by any false statement or misrepresentation, and there are criminal offences in other legislation related to making a false declaration.

This clause also corrects the technical references within Schedule 4 that give effect to the Schedule.

This clause also repeals (and does not replace) Schedule 6 of the *Motor Vehicles Act 1949*. Schedule 6 is only referred to for the purposes of Part VIA, which Clause 21 of this Bill repeals.

Clause 26. Act further amended

This is a technical clause that gives effect to the Schedule to this Bill. Refer to comments at the end of these explanatory notes under the heading “Schedule – *Motor Vehicles Act 1949* further amended”.

Part 3 - Amendment of *Traffic Act 1987*

Clause 27. Act amended

Part 3 of the Bill amends the *Traffic Act 1987*.

Clause 28. Section 19 amended (Interpretation)

This clause has the effect of amending (by omitting and inserting) the definition of the term “GVM” within the interpretation provisions of section 19 of the *Traffic Act 1987* so that it refers to the definition of GVM in the *Motor Vehicles Act 1949*, as amended by Clause 4 of this Bill.

Clause 29. Section 33 amended (Driving unregistered vehicle)

This clause amends section 33 of the *Traffic Act 1987* primarily to omit subsection 33(3)(f) as it is now redundant following the repeal of the *Interstate Road Transport Act 1985* (Cth).

This clause also applies an updated drafting style to section 33 consistent with Parliamentary Counsel’s policies.

Clause 30. Section 33A amended (Driving unregistered heavy vehicle)

This clause amends section 33A of the *Traffic Act 1987* primarily to omit subsection 33A(6)(f) as it is now redundant following the repeal of the *Interstate Road Transport Act 1985* (Cth).

This clause also applies an updated drafting style to section 33A consistent with Parliamentary Counsel’s policies.

Clause 31. Section 33B amended (Person may be cautioned)

This clause amends subsection 33B(1)(b) of the *Traffic Act 1987* to update a reference to Part 3 of the *Motor Vehicles Act 1949* by the Roman numeral “III”, as a consequence to the Schedule to this Bill amending it to “3”.

Clause 32. Section 34 amended (Driving uninsured or properly insured vehicle)

This clause amends subsections 34(1) and (2) of the *Traffic Act 1987* to update a reference to Part 5 of the *Motor Vehicles Act 1949* by the Roman numeral “V”, as a consequence to the Schedule to this Bill amending it to “5”.

Part 4 - Amendment of *Motor Vehicles Regulations 1977*

Clause 33. Regulations amended

Part 4 of the Bill amends the *Motor Vehicles Regulations 1977*.

Clause 34. Regulation 4A amended (Definitions)

Subclause (1) omits the term “unless the contrary intention appears” from sub-regulation 4A(1) of the *Motor Vehicles Regulations 1977* in accordance with Parliamentary Counsel’s drafting style policies.

Subclause (2) amends (by omitting and inserting) the definition of the term “moped” in the interpretation provisions within sub-regulation 4A(1) of the *Motor Vehicles Regulations 1977*, so it includes a motor vehicle categorised as a moped under the current Commonwealth arrangements for certifying vehicles for road use, as well as under the New Cth Law when it commences.

Subclause (3) omits the term “motor bike” in the definition of statutory write-off, and inserts the term “motor cycle” in its place, consistent with other provisions of the *Motor Vehicles Act 1949* and regulations.

Clause 35. Regulation 4BA inserted

Subsection 5A(1) of the *Motor Vehicles Act 1949* (inserted by Clause 5 of this Bill) provides that a reference to a motor vehicle in a provision of the Act, applies to a trailer in the same way that it applies to a motor vehicle, unless it is an excluded provision. Subsection 5A(2) lists various excluded provisions and provides a power to make further exclusions in regulations.

This clause inserts a new regulation 4BA of the *Motor Vehicles Regulations 1977*, which provides that for the purposes of the new section 5A of the *Motor Vehicles Act 1949*, all provisions of the *Motor Vehicles Regulations 1977* are excluded provisions.

This is because this Bill updates any provision in the *Motor Vehicles Regulations 1977* which refer to “motor vehicle”, to clearly refer to a trailer separately if it is intended that the relevant provision applies to a trailer - whether or not is attached to a motor vehicle.

Clause 36. Regulation 4C amended (Classification of licences)

This clause amends the description of the type of vehicle that may be driven by a person holding a class MC licence within the table in sub-regulation 4C(1) of the *Motor Vehicles Regulations 1977*. It does not change the class of vehicles that a person holding such a licence may drive, but clarifies that the class includes a combination of any vehicles, rather than only a combination of motor vehicles.

Clause 37. Regulation 17 amended (Notices of destruction)

This clause amends sub-regulation 17(1)(a) of the *Motor Vehicles Regulations 1977* so that the information required on a notice of destruction is clear, and provides for the appropriate source of information upon the commencement of the New Cth Law.

Subclause (2) amends sub-regulation 17(1)(a)(v) to remove reference to “chassis” number. Chassis number is an undefined and outdated term, and this Bill’s amendments to the *Motor Vehicles Act 1949* ensures that reference to “vehicle identification number” alone, clearly provides for all vehicles.

Subclause (3) omits sub-regulation 17(1)(a)(vi) and inserts a new sub-regulation which in addition to updating the term “certification plate” to the new term “identification device”,

provides for obtaining a date of manufacture for a vehicle from the Register of Approved Vehicles (RAV) upon the commencement of the New Cth Law.

Clause 38. Regulation 18 amended (Register of Written-off Vehicles)

This clause amends sub-regulation 18(3) of the *Motor Vehicles Regulations 1977* so that the date of manufacture of a vehicle that determines whether it is to be recorded on the Register of Written-off Vehicles, is to be obtained from either the identification device on the vehicle, or the Register of Approved Vehicles upon the commencement of the New Cth Law.

Part 5- Amendment of *Motor Vehicles (Fees and Charges) Regulations 2008*

Clause 39. Regulations amended

Part 5 of the Bill amends the *Motor Vehicles (Fees and Charges) Regulations 2008*.

Clause 40. Regulation 1A inserted

Subsection 5A(1) of the *Motor Vehicles Act 1949* (inserted by Clause 5 of this Bill) provides that a reference to a motor vehicle in a provision of the Act, applies to a trailer in the same way that it applies to a motor vehicle, unless it is an excluded provision. Subsection 5A(2) lists various excluded provisions and provides a power to make further exclusions in regulations.

This clause inserts a new regulation 1A of the *Motor Vehicles (Fees and Charges) Regulations 2008*, which provides that, for the purposes of the new section 5A of the *Motor Vehicles Act 1949*, all provisions of the *Motor Vehicles (Fees and Charges) Regulations 2008* are excluded provisions.

This is because this Bill updates any provision in the *Motor Vehicles (Fees and Charges) Regulations 2008* that refers to motor vehicle to clearly refer to a trailer separately if it is intended to apply to a trailer - whether or not is attached to a motor vehicle.

Clause 41. Schedule 1 amended (Certain fees prescribed for Act)

This clause amends (by omitting and inserting) the note following the definition of “production vehicle” in Clause 1 of Part 1 of Schedule 1 of the *Motor Vehicles (Fees and Charges) Regulations 2008*, so that it removes an inaccurate reference to “personal import plate”, and updates the term “compliance plate” to the term “identification device” as introduced to the *Motor Vehicles Act 1949* by this Bill.

This clause also amends any reference in the table in Part 2 of Schedule 1 of the *Motor Vehicles (Fees and Charges) Regulations 2008* to update any provision referring to motor vehicle to clearly refer to a trailer separately, if it is intended to apply to a trailer - whether or not is attached to a motor vehicle.

Clause 42. Schedule 2 amended (Heavy vehicle registration charges)

This clause has the effect of amending (by omitting and inserting) the definition of the term “MRC” or “Mass Rating for Charging” in Schedule 2, Part 1, Clause 1 of the *Motor Vehicles (Fees and Charges) Regulations 2008*, to clarify how the mass of a heavy vehicle is determined for the purposes of calculating its registration charge.

This definition of MRC is currently derived from model law published by the Parliamentary Counsel’s Committee that determines nationally agreed registration charges for heavy vehicles. The current definition does not clearly provide for the circumstances under which a vehicle’s Gross Vehicle Mass is determined and recorded by the Registrar of Motor Vehicles.

This clause amends the definition of MRC so that it can only be determined from the Gross Vehicle Mass that has been recorded by the Registrar. This makes the definition of the term “operating mass” redundant, so the clause omits this definition.

This clause also amends paragraph (d) of the definition of “road related area” in the same clause of the same Schedule, so that it includes an area that is not a road and that is open to or used by the public for driving, riding or parking any vehicle (including a trailer), rather than just a motor vehicle.

Part 6 - Amendment of *Motor Vehicles (Standards) Regulations 2003*

Division 1 - *Motor Vehicles (Standards) Regulations 2003*

Clause 43. Regulations amended

Part 6, Division 1 of the Bill amends the *Motor Vehicles (Standards) Regulations 2003*.

Clause 44. Regulation 3 amended (Application)

This clause changes the reference to Part VA of the *Motor Vehicles Act 1949* in regulation 3 of the *Motor Vehicles (Standards) Regulations 2003* to Part 5A, to reflect the change made to the numbering of the Part in the parent Act in the Schedule to this Bill.

Clause 45. Regulation 4 amended (Interpretation)

This clause amends the interpretation provisions within regulation 4 of the *Motor Vehicles (Standards) Regulations 2003*.

Subclause (1) omits the term “unless the contrary intention appears” for sub-regulation 4(1) in line with Parliamentary Counsel’s drafting policy.

Subclause (2) omits the definition of “GCM or gross combination mass”, given that this Bill provides for a new definition of this term in the *Motor Vehicles Act 1949*.

Subclause (3) amends the definition of the term “specification” by replacing the term “compliance plate” with the term “identification device”. The term “compliance plate” is undefined, and this Bill amends section 5(1) of the *Motor Vehicles Act 1949* to add a definition of identification device”.

Subclause (4) inserts a new interpretation provision to clarify that subsection 4(2) does not apply to a term that is defined in the Act or regulations.

Clause 46. Regulation 4A inserted

Subsection 5A(1) of the *Motor Vehicles Act 1949* (inserted by Clause 5 of this Bill) provides that a reference to a motor vehicle in a provision of the Act, applies to a trailer in the same way that it applies to a motor vehicle, unless it is an excluded provision. Subsection 5A(2) lists various excluded provisions and provides a power to make further exclusions in regulations.

Clause 46 inserts a new regulation 4A of the *Motor Vehicles (Standards) Regulations 2003*, which provides that for the purposes of the new section 5A of the *Motor Vehicles Act 1949*, all provisions of the *Motor Vehicles (Standards) Regulations 2003* are excluded provisions.

This is because this Bill updates any provision in the *Motor Vehicles (Standards) Regulations 2003* that refers to motor vehicle to clearly refer to a trailer separately if it is intended to apply to a trailer - whether or not is attached to a motor vehicle.

Clause 47. Regulation 10 amended (Bus with road friendly suspension)

This clause amends regulation 10 of the *Motor Vehicles (Standards) Regulations 2003* to correct the incomplete reference to a third edition ADR, by inserting “third edition” before the reference to the ADR.

Clause 48. Regulation 12A amended (Concessional mass limits for certain vehicles)

This clause amends the definition of the term “interstate owner or operator” in regulation 12A of the *Motor Vehicles (Standards) Regulations 2003*, so it refers to a law dealing with the registration of trailers as well as motor vehicles.

Clause 49. Regulation 25 amended (Identification of hauling unit of road train)

This clause amends regulation 25 of the *Motor Vehicles (Standards) Regulations 2003* by omitting the term “compliance plate” and inserting the term “identification device” in its place. The term “compliance plate” is undefined, and this Bill provides the new defined term “identification device” which provides for the intended source of information for regulation 25.

Clause 50. Regulation 26 amended (Identification of trailers used in road train)

This clause amends regulation 26 of the *Motor Vehicles (Standards) Regulations 2003* by omitting the term “compliance plate” and inserting the term “identification device” in its place. The term “compliance plate” is undefined, and this Bill amends section 5(1) of the *Motor Vehicles Act 1949* to add a definition of “identification device”.

Clause 51. Regulation 28 replaced

This clause repeals regulation 28 of the *Motor Vehicles (Standards) Regulations 2003*, which currently deals with exempting certain vehicles from requirements to have a right-hand drive. The current regulation 28 is unclear in its application of the intended exemption, and is inconsistent with both Commonwealth requirements, and nationally agreed vehicle standards requirements.

This clause inserts a new regulation 28, so that in conjunction with the amendments made in Clause 62 of this Bill to rule 27 of the *Australian Vehicle Standards Rules*, the regulation clearly prescribes which vehicles must be right-hand drive, and which ones are exempt from this requirement.

The new regulation 28 sets out which vehicles are exempt from the rule 27 requirement, removes inconsistencies between current and previous Commonwealth, national, and local arrangements, and provides for equivalent, transitional, and new arrangements as a result of the implementation and commencement of the New Cth Law (most notably, the new type of vehicle that meets the “Specialist and Enthusiast Vehicle” “rarity” criteria).

These amendments do not introduce any new requirements or restrictions for existing left-hand drive vehicles in the Northern Territory.

Clause 52. Regulation 32 amended (Exemption for speed-limiting requirement for road train)

This clause amends sub-regulation 32(a) of the *Motor Vehicles (Standards) Regulations 2003*, by omitting the reference to “Australian Design Rule 65/00”, and replacing it with “third edition ADR 65”.

The current reference includes a version number (00) which incorrectly limits the application of the rule to vehicles covered by that particular version, and does not refer correctly to the edition of the rule (third edition).

Division 2 - Amendment of schedule 6 to *Motor Vehicles (Standards) Regulations 2003 - Australian Vehicle Standards Rules*

Clause 53. Rules amended

Part 6 of the Bill amends Schedule 6 to the *Motor Vehicles (Standards) Regulations 2003 – the Australian Vehicle Standards Rules*.

Clause 54. Rule 3A inserted

This clause inserts a new interpretation provision to clarify that where a provision of the *Australian Vehicles Standards Rules* refers to another law of this jurisdiction, that reference includes a provision of the *Motor Vehicles (Standards) Regulations 2003* (apart from a provision of the *Australian Vehicle Standards Rules*). This overcomes the uncertainty created by the *Australian Vehicle Standards Rules* being part of the *Motor Vehicles (Standards) Regulations 2003*.

Clause 55. Rule 10 amended (Vehicles to which the Vehicle Standards do not apply)

This clause inserts new sub-rules 10(g) and (h) to add power-assisted pedal cycles to the various classes of vehicle to which the requirements of the *Australian Vehicle Standards Rules* do not apply.

Power-assisted pedal cycles are already exempted from complying with the *Australian Vehicle Standards Rules* in the Northern Territory through an exemption granted by the Registrar, and equivalent rules do not apply to them in all other jurisdictions through the application of the national model light vehicle standards rules.

Clause 56. Rule 13 amended (Non-application of Vehicle Standards – Motor Vehicle Standards Act approvals)

This clause amends sub-rules 13(c) and (d) of the *Australian Vehicle Standards Rules* so that upon the commencement of the New Cth Law, rule 13 will continue to provide for the disapplication of the requirement for a vehicle to comply with an in-service rule, if that vehicle was approved under the Commonwealth legislation despite it not complying with an Australian Design Rule, and if the requirements of the Australian Design Rule correspond with the requirements of the in-service rule.

This clause also updates the rule heading, and inserts new interpretation notes for the purposes of rule 13.

Clause 57. Rule 14 amended (What is an ADR)

This clause amends rule 14 of the *Australian Vehicle Standards Rules*, so that the meaning of “ADR” is consistent with the definition of the term Australian Design Rule in section 5 of the *Motor Vehicles Act 1949* (amended by Clause 4 of this Bill).

Clause 58. Rules 15 to 18 repealed

This clause repeals rules 15 to 18 of the *Australian Vehicle Standards Rules*, which define terms associated with Australian Design Rules. These provisions are no longer necessary following the insertion of a definition of “Australian Design Rule” in section 5 of the *Motor Vehicles Act 1949* by Clause 4 of this Bill.

Clause 59. Rule 21 amended (Exception to compliance with ADRs – vehicles that are not road vehicles)

This clause amends rule 21 of the *Australian Vehicle Standards Rules* so that upon the commencement of the New Cth Law, the rule continues to provide for the disapplication of the

requirement for a vehicle to comply with the Australian Design Rules, if the vehicle has been determined not to be a road vehicle under the Commonwealth requirements.

Clause 60. Rule 22 amended (Exception to compliance with ADRs – Motor Vehicle Standards Act)

This clause amends rule 22 of the *Australian Vehicle Standards Rules*, so that upon the commencement of the New Cth Law, the rule will continue to provide for the dis-application of the requirement for a vehicle to comply with the requirements of an Australian Design Rule, if the vehicle was approved to be provided for use in Australia under various circumstances provided under Commonwealth law, despite the vehicle not complying with the requirements of the Australian Design Rule.

This clause also updates the rule heading.

Clause 61. Rule 23 amended (Partial exception to compliance with ADRs – personally imported vehicles)

This clause has the effect of amending (by omitting and inserting) the definition of the term “personally imported vehicle” for the purposes of rule 23 of the *Australian Vehicle Standards Rules*, so that upon the commencement of the New Cth Law, the rule will continue to provide that (apart from select Australian Design Rules concerned with seating, seat belts and child restraint anchorages), a personally imported vehicle approved under the Commonwealth requirements, is not required to comply with the Australian Design Rules in-service.

Clause 62. Rule 27 amended (Steering)

This clause amends rule 27 of the *Australian Vehicle Standards Rules* so that all vehicles 4.5 tonnes or under have to have a right-hand drive. Regulation 28 of the *Motor Vehicles (Standards) Regulations 2003*, amended by Clause 51 of this Bill, sets out the various classes of vehicle that do not have to comply with this rule.

Clause 63. Dictionary amended

This clause amends the dictionary of the *Australian Vehicle Standards Rules*.

Subclause (1) omits the definitions of “GVM”, “national standard”, “second edition ADR” and “third edition ADR”.

Subclause (2) replaces them with definitions that refer to the definitions in section 5 of the *Motor Vehicles Act 1949*, as amended in Clause 4 of this Bill, and inserts a definition of “Australian Design Rule” that refers to the definition in section 5 of the *Motor Vehicles Act 1949*.

Part 7 – Amendment of *Traffic Regulations 1999*

Division 1 - *Traffic Regulations 1999*

Clause 64. Regulations amended

Part 7, Division 1 of the Bill amends the *Traffic Regulations 1999*.

Clause 65. Regulation 82 replaced

This clause amends (by repealing and inserting) regulation 82 of the *Traffic Regulations 1999* to remove reference to the Australian Design Rules.

The current drafting refers to lights required by both the Australian Design Rules and the *Motor Vehicles (Standards) Regulations 2003*, but Australian Design Rules are applied to vehicles by the *Motor Vehicles (Standards) Regulations 2003*.

Clause 66. Regulation 87A inserted

This clause inserts a new regulation 87A in the *Traffic Regulations 1999* which modifies the definition of the term “GVM” in the dictionary in the *Australian Road Rules* by adopting (by reference) the definition of GVM in the *Motor Vehicles Act 1949*, as amended by Clause 4 of this Bill. The current definition in the *Australian Road Rules* does not cover how a vehicle’s GVM is determined under the new section 60A of the *Motor Vehicles Act 1949* added by Clause 16 of this Bill.

The *Australian Road Rules* as adopted in Schedule 3 of the *Traffic Regulations 1999* reflect the terms of the national model law as at the time of their adoption. Departures from the substantive terms of the model law are recorded in Part 6 of the *Traffic Regulations 1999* rather than in Schedule 3.

Division 2 - Amendment of Schedule 3 to *Traffic Regulations 1999* – *Australian Road Rules*

Clause 67. Regulations amended

Part 7, Division 2 of the Bill amends Schedule 3 to the *Traffic Regulations 1999* – the *Australian Road Rules*.

Clause 68. Rule 21 amended (Speed-limit where a speed-limit sign applies)

This clause omits an interpretation note following rule 21(2) of the *Australian Road Rules* that refers to the mass of a bus and a particular definition under the Australian Design Rules. The note would be incorrect upon the commencement of the New Cth Law, and is not useful for interpreting the provision.

Clause 69. Rule 25 amended (Speed-limit elsewhere)

This clause omits an interpretation note following rule 25(3) of the *Australian Road Rules* that refers to the mass of a bus and a particular definition under the Australian Design Rules. The note would be incorrect upon the commencement of the New Ct Law, and is not useful for interpreting the provision.

Clause 70. Dictionary amended

This clause amends (by omitting and inserting) the note following the definition of the term “GVM” in the dictionary in the *Australian Road Rules*. The new note alerts the reader that the definition is modified by regulation 87A of the *Traffic Regulations 1999*, as inserted by Clause 66 of this Bill.

Part 8 Consequential amendments

Division 1 - National Environment Protection Council (Northern Territory) Act 1994

Clause 71. Act amended

Part 8, Division 1 of the Bill amends the *National Environment Protection Council (Northern Territory) Act 1994*.

Clause 72. Section 14 amended (Council may make national environment protection measures)

This clause makes amendments consequential to the commencement of both the New Cth Law and the *National Transport Commission Act 2003* (Cth), to subsection 14(2)(a) of the *National Environment Protection Council (Northern Territory) Act 1994* by updating references to:

- the National Road Transport Commission, to the National Transport Commission;
- the *National Road Transport Commission Act 1991* (Cth) (repealed), to the *National Transport Commission Act 2003* (Cth); and
- the *Motor Vehicle Standards Act 1989* (Cth) to the *Road Vehicle Standards Act 2018* (Cth).

Division 2 – Dangerous Goods Regulations 1985

Clause 73. Regulations amended

Part 8, Division 2 of the Bill amends the *Dangerous Goods Regulations 1985*.

Clause 74. Regulation 207 amended (Autogas system installed by a vehicle manufacturer)

This clause amends sub-regulation 207(1) of the *Dangerous Goods Regulations 1985* so that the circumstances under which an autogas system installed by the manufacturer of a vehicle can continue to be approved via the Commonwealth arrangements intended by the regulation, upon the commencement of the New Cth Law.

Division 3 – Motor Accidents (Compensation) Regulations 1984

Clause 75. Regulations amended

Part 8, Division 3 of the Bill amends namely the *Motor Accidents (Compensation) Regulations 1984*.

Clause 76. Regulation 4B replaced

This clause repeals and inserts a new regulation 4B of the *Motor Accidents (Compensation) Regulations 1984*, prescribing kinds of motor vehicle for the purposes of subsections 9D(1)(d)(i) and 9E(1)(d)(i) of the Act (which excludes the payment of benefits in limited circumstances, to the drivers of those vehicles, or the owners if they are injured while travelling as a passenger in the vehicle when it is involved in a motor accident, and the vehicle is unregistered.

The new kind of prescribed vehicle not only provides for the new Commonwealth arrangements upon the commencement of the New Cth Law, but also clarifies the provision

in relation to the arrangements under the *Motor Vehicle Standards Act 1989* (Cth), and prior to the commencement of that Act.

The effect is that the intent of the existing provision is preserved, being that a prescribed vehicle is one that has not been approved under the Commonwealth arrangements for approving a vehicle to be provided to the Australian market, and if it was manufactured before those arrangements were in force, then one that doesn't comply with the State or Territory safety requirements for registering such a vehicle.

Part 9 – Repeal of Transport Legislation Amendment Act 2019

Clause 77. *Transport Legislation Amendment Act 2019* repealed

This is a statute book maintenance clause that repeals the *Transport Legislation Amendment Act 2019*.

Part 10 - Repeal of Act

Clause 78. Repeal of Act

This is a standard clause that ensures that this Bill will not remain on the statute book once it has completed its task of amending other legislation.

Schedule – *Motor Vehicles Act 1949* further amended

The schedule to the Bill makes numerous minor drafting style amendments, consistent with Parliamentary Counsel's policies, to various provisions of the *Motor Vehicles Act 1949*.

These amendments include:

- updating the use of roman numerals in Part headings to conventional numerals (i.e. "Part IV" becomes "Part 4") and associated references;
- Updating "a letter or figure" on a number plate to "the number" on a number plate, and "distinctly" to "clearly" when referring to the legibility of the number on a number plate; and
- updating defence provisions in sections 33Z and 113 in line with OPC's current drafting practice.