



New South Wales

Heavy Vehicle (Adoption of National Law) Amendment Regulation 2022

under the

Heavy Vehicle (Adoption of National Law) Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Heavy Vehicle (Adoption of National Law) Act 2013*.

SAM FARRAWAY, MLC
Minister for Regional Transport and Roads

Explanatory note

The object of this Regulation is to modify the application of the *Heavy Vehicle (Vehicle Standards) National Regulation* (the **National Regulation**) in New South Wales to allow for an exemption from compliance with an Australian Design Rule, applied under the National Regulation. The exemption relates to the width of particular bus seats if the seats meet certain criteria.

This Regulation is made under the *Heavy Vehicle (Adoption of National Law) Act 2013*, including section 28.

Heavy Vehicle (Adoption of National Law) Amendment Regulation 2022

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Heavy Vehicle (Adoption of National Law) Act 2013

1 Name of Regulation

This Regulation is the *Heavy Vehicle (Adoption of National Law) Amendment Regulation 2022*.

2 Commencement

This Regulation commences on 11 June 2022 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Heavy Vehicle (Adoption of National Law) Act 2013 No 42

Schedule 2 Modification of national regulations as applying in New South Wales

Insert at the beginning of Schedule 2.1—

[1A] Schedule 1 Vehicle standards relating to ADRs applying to single heavy vehicles

Insert after section 5—

5A 2 for 3 bus seats in certain heavy vehicles

- (1) This section applies to an MD or ME category vehicle over 4.5 tonne GVM.
- (2) An MD or ME category vehicle is not required to comply with ADR 58, clause 58.13.1, applied by section 1(1) or 2(1) in relation to a 2 for 3 bus seat fitted to the vehicle if—
 - (a) the rear parts of the seat fitted directly in front of a centre seating position of a 2 for 3 bus seat comply with the Energy Dissipation Test under ADR 3, Seats and Seat Anchorages, and
 - (b) the centre seating position of a 2 for 3 bus seat complies with ADR 5, Anchorages for Seatbelts, and
 - (c) the vehicle has a conspicuous label or sign affixed inside of the vehicle warning passengers that a 2 for 3 bus seat can only be used in a 3 seat configuration by children less than 12 years of age.
- (3) In this section—

2 for 3 bus seat means a bus seat—

 - (a) consisting of 2 adult seating positions, and
 - (b) that incorporates an additional centre seating position for occupation of each of the 3 seating positions by a person who is less than 12 years of age.

MD or ME category vehicle means a light omnibus (MD) or heavy omnibus (ME) within the meaning of *ADR (Definitions and Vehicle Categories)*.

Note— This section is inserted for New South Wales.