



New South Wales

Road Transport Amendment (Vehicle Registration) Regulation 2021

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 2017 (the Regulation)* as follows—

- (a) to apply recent amendments to the national uniform legislation relating to light vehicles to New South Wales by amending the *Light Vehicle Standards Rules* set out in the Regulation, Schedule 2,
- (b) to make amendments consequent on the repeal of the *Motor Vehicle Standards Act 1989* of the Commonwealth and the commencement of the *Road Vehicle Standards Act 2018* of the Commonwealth,
- (c) to enable Transport for NSW to refuse, cancel or suspend the registration of a registrable vehicle if satisfied that the vehicle is subject to a recall notice under the *Road Vehicle Standards Act 2018* of the Commonwealth.

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1 Name of Regulation

This Regulation is the *Road Transport Amendment (Vehicle Registration) Regulation 2021*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1[1]–[9], [12], [13], [17], [19], [20], [22]–[24], [27], [33], [34] and [37]–[39] commence on the day on which the *Road Vehicle Standards Act 2018* of the Commonwealth, section 15 commences.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2017

[1] Clause 6 Registrable vehicles eligible to be registered

Omit clause 6(3). Insert instead—

- (3) Transport for NSW may also refuse to register a registrable vehicle if Transport for NSW is satisfied that the vehicle, or a part of the vehicle, is subject to a recall notice under—
- (a) the Australian Consumer Law, section 122, or
 - (b) the *Road Vehicle Standards Rules 2019* of the Commonwealth, section 206.

[2] Clause 13 Conditional registration

Insert after clause 13(2)(a)—

- (a1) the vehicle has not been entered on the RAV, or

[3] Clause 45 Suspension or cancellation of registration by TfNSW

Omit clause 45(1)(o). Insert instead—

- (o) the vehicle, or a part of the vehicle, is subject to a recall notice under—
 - (i) the Australian Consumer Law, section 122, or
 - (ii) the *Road Vehicle Standards Rules 2019* of the Commonwealth, section 206.

[4] Clause 61 Compliance with vehicle standards

Insert after clause 61(1)(b)—

- (b1) the fact that the vehicle has been entered on the RAV, or

[5] Clause 62 Non-complying and non-standard vehicles

Insert after clause 62(c)—

- , or
- (d) been entered on the RAV.

[6] Schedule 1 Application of Chapter 4 of Act and Regulation

Omit clause 10.

[7] Schedule 1, clause 15

Omit “section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth” wherever occurring.

Insert instead “the Road Vehicle Standards Act, section 12”.

[8] Schedule 2 Light Vehicle Standards Rules

Omit “a national standard” from rule 3(1), definition of *adopted standard*.

Insert instead “an ADR”.

[9] Schedule 2, rule 3(1), definition of “ADR”

Omit the definition. Insert instead—

ADR (Australian Design Rule) means—

- (a) a third edition ADR, or
- (b) a second edition ADR.

[10] Schedule 2, rule 3(1)

Insert in alphabetical order—

air storage tank, of a vehicle, means a tank fitted to the vehicle for storing compressed air.

ATM (aggregate trailer mass), of a trailer, means the total maximum mass of the trailer, as stated by the manufacturer, together with the trailer's load and the mass imposed on the towing vehicle by the trailer when the towing vehicle and trailer are on a horizontal surface.

centre line, of an axle, means—

- (a) for an axle consisting of 1 shaft—a line parallel to the length of the axle and passing through the centre of the axle, or
- (b) for an axle consisting of 2 shafts—a line in the vertical plane passing through—
 - (i) the centre of both shafts, and
 - (ii) the centres of the wheels on the shafts.

nearer side of the vehicle, in relation to a light or reflector fitted to a vehicle, means the side of the vehicle that is closest to where the light or reflector is fitted.

parking brake, of a vehicle, means the brake usually used to keep the vehicle stationary while the vehicle is parked.

towing vehicle, for a trailer, means the vehicle towing the trailer.

vacuum storage tank, of a vehicle, means a tank fitted to the vehicle for storing air at low pressure.

[11] Schedule 2, rule 3(1), definition of “Motor Vehicle Standards Act”

Omit the definition. Insert instead—

Motor Vehicle Standards Act means the repealed *Motor Vehicle Standards Act 1989* of the Commonwealth as in force before its repeal.

[12] Schedule 2, rule 3(1), definitions of “national standard”, “second edition ADR” and “third edition ADR”

Omit the definitions.

[13] Schedule 2, rule 3(1)

Insert in alphabetical order—

GVM (gross vehicle mass), for a vehicle, means the maximum loaded mass of the vehicle—

- (a) as stated on the RAV for that vehicle, or
- (b) if it is not stated on the RAV—as stated by the vehicle's manufacturer on an identification plate on the vehicle (that is, the plate of the kind referred to in section 10A of the Motor Vehicle Standards Act affixed or taken to be affixed to the vehicle), or
- (c) if it is not stated on the RAV or on the vehicle's identification plate, or if there is a specification on an identification plate on the vehicle but the specification is not appropriate because the vehicle has been modified—as certified by the vehicle registration authority.

second edition ADR means an Australian Design Rule incorporated in the document described as the *Australian Design Rules for Motor Vehicle Safety, Second Edition* originally published by the then Commonwealth Department of Transport.

third edition ADR means—

- (a) a national standard under the Motor Vehicle Standards Act as in force from time to time before the repeal of that Act, or
- (b) a national road vehicle standard under section 12 of the Road Vehicle Standards Act as in force from time to time.

[14] Schedule 2, rule 3(5)

Omit the subrule.

[15] Schedule 2, rule 4

Omit the rule. Insert instead—

4 Meaning of “vehicle”

- (1) For these rules, a reference to a **vehicle** is taken to be a reference to a light vehicle.
- (2) To remove any doubt—
 - (a) a trailer is a **vehicle**, and
 - (b) a reference in these rules to a **vehicle** includes a reference to the equipment fitted to, or forming part of, the vehicle, and
 - (c) a reference in these rules to a **vehicle** is taken to be a reference to a single vehicle.

[16] Schedule 2, rule 6A

Omit the rule.

[17] Schedule 2, rule 13

Omit the rule. Insert instead—

13 Vehicles to which the Light Vehicle Standards do not apply

- (1) In this rule—

heavy vehicle means—

 - (a) if the vehicle is a trailer—with an ATM of more than 4.5t, or
 - (b) otherwise—with a GVM of more than 4.5t.
- (2) These rules do not apply to—
 - (a) a vehicle used only on a railway or tramway, or
 - (b) a vehicle designed to be controlled by a person walking next to it, or
 - (c) a vehicle propelled by a motor with a maximum power output of not over 200 watts, or
 - (d) a power-assisted pedal cycle within the meaning of a national road vehicle standard under section 12 of the Road Vehicle Standards Act as amended from time to time, or
 - (e) any cycle that was previously a power-assisted pedal cycle within the meaning of a third edition ADR, but that is no longer a power-assisted pedal cycle because of a change to the way that concept is defined, or

- (f) a motorised wheelchair that cannot travel at over 10 kilometres an hour, or
- (g) a vehicle or combination that is being repaired, or is being tested in the course of being repaired, so it will comply with these standards, or
- (h) a vehicle or combination being driven or towed directly to a place where it is to be repaired so it will comply with these rules, or
- (i) a heavy vehicle.

Note— With respect to paragraphs (d) and (e), power-assisted pedal cycle is defined in ADR (Definitions and Vehicle Categories). The definition includes vehicles referred to as pedalecs.

[18] Schedule 2, rule 15

Omit the rule. Insert instead—

15 Application of these rules to vehicle or coupling complying with inconsistent ADR requirement

- (1) A requirement of Parts 4–10 or 11A of these rules does not apply to a vehicle if—
 - (a) the vehicle complies with—
 - (i) a requirement of an ADR that applies to the vehicle, or
 - (ii) a requirement of an ADR that applies to vehicles of the same class or type, but that have been manufactured at a later date than the vehicle, and
 - (b) the ADR requirement that the vehicle complies with corresponds to a requirement in Parts 4–10 or 11A of these rules.

Example— As the second and third edition ADR do not apply to a vehicle built in 1968, the vehicle must comply with rule 123 (What braking system a motor vehicle must have). If the owner of that type of vehicle modified the brakes so the vehicle did comply with the second edition ADR, a requirement in rule 123 about the vehicle's brakes that is inconsistent with the second edition ADR no longer applies to the vehicle.
- (2) A requirement of Part 11 of these rules does not apply to a coupling if—
 - (a) the coupling complies with—
 - (i) a requirement of an ADR that applies to the coupling, or
 - (ii) a requirement of an ADR that applies to couplings of the same class or type, but that have been manufactured at a later date than the coupling, and
 - (b) the ADR requirement that the coupling complies with corresponds to a requirement in Part 11 of the Light Vehicle Standards.
- (3) Despite subrule (1), a requirement of the following provisions of these rules applies to a vehicle instead of the corresponding ADR requirement—
 - (a) rule 44(6) and (7) (Window tinting),
 - (b) rule 50 (Tyres—manufacturer's rating),
 - (c) rule 111 (Fitting of warning lights and signs),
 - (d) rule 114(5) (Other lights and reflectors).
- (4) In this rule—

vehicle includes a vehicle that has been modified to comply with the ADR requirement.

[19] Schedule 2, rule 16, heading

Omit “**Motor Vehicle Standards Act**”. Insert instead “**particular**”.

[20] Schedule 2, rule 16(c)

Omit the paragraph. Insert instead—

- (c) despite the non-compliance—
 - (i) before the repeal of the Motor Vehicle Standards Act an approval was given under section 10A(2) or (3) to place an identification plate on the vehicle, or
 - (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth, or
 - (iii) the vehicle satisfied an entry pathway under section 15(2)(a) of the Road Vehicle Standards Act and the vehicle is entered on the RAV, and

[21] Schedule 2, rule 21(3)

Omit the subrule. Insert instead—

- (3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a recommendation or requirement of a second edition ADR if—
 - (a) the recommendation or requirement is replaced by, or is inconsistent with, a requirement of either of the following (each a **newer ADR**),
 - (i) a later version of the second edition ADR applying to the vehicle or equipment,
 - (ii) a third edition ADR applying to the vehicle or equipment, and
 - (b) the vehicle or equipment complies with the requirement of the newer ADR.

[22] Schedule 2, rule 23

Omit the rule. Insert instead—

23 Vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by rule 21(1) or 22(1) if—

- (a) before the repeal of the Motor Vehicle Standards Act, a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for the purposes of that Act, or
- (b) a determination under section 6(5)(b) or (6)(b) of the Road Vehicle Standards Act provides that the vehicle is not a road vehicle for the purposes of that Act.

[23] Schedule 2, clauses 24 and 24A

Omit rule 24. Insert instead—

24 Vehicles subject to particular approvals

- (1) A vehicle need not comply with an ADR applied by rule 21(1) or 22(1) if—
 - (a) despite non-compliance with the ADR—
 - (i) before the repeal of the Motor Vehicle Standards Act an approval was given under section 10A(2) or (3) to place an identification plate on the vehicle, or

- (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth, and
 - (b) the vehicle complies with the approval conditions, if any.
- (2) A vehicle need not comply with an ADR applied by rule 21(1) or 22(1) if—
- (a) either—
 - (i) before the repeal of the Motor Vehicle Standards Act the vehicle was permitted to be supplied to the market under section 14A(1) of that Act, or
 - (ii) an approval is given under item 11(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth, and
 - (b) the vehicle complies with the approval conditions, if any.
- (3) A vehicle need not comply with an ADR applied by rule 21(1) or 22(1) if—
- (a) before the repeal of the Motor Vehicle Standards Act the vehicle was permitted to be used in transport in Australia under section 15(2) of that Act, and
 - (b) the vehicle complies with the approval conditions, if any.

24A NSW rule: vehicles subject to particular approvals etc under Road Vehicle Standards Act

A vehicle need not comply with an ADR applied by rule 21(1) or 22(1) if the vehicle satisfied an entry pathway under—

- (a) section 15(2)(a) of the Road Vehicle Standards Act and despite non-compliance with the ADR, the vehicle is entered on the RAV, or
- (b) section 15(2)(b) or (c) of the Road Vehicle Standards Act and despite non-compliance with the ADR, the vehicle is entered on the RAV by way of a concessional pathway under rule 32(1)(c) or (d) of the *Road Vehicle Standards Rules 2018* of the Commonwealth.

[24] Schedule 2, rule 25(1)

Omit the subrule. Insert instead—

- (1) For this rule, *personally imported vehicle* means a vehicle built after 1968 imported into Australia by a person who—
 - (a) before the vehicle was imported into Australia, owned and used it for a continuous period of at least—
 - (i) for a vehicle owned by the person before 9 May 2000—3 months, or
 - (ii) in any other case—12 months, and
 - (b) has—
 - (i) if the vehicle was imported immediately before the repeal of the Motor Vehicle Standards Act—undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* of the Commonwealth, or
 - (ii) otherwise—complied with the rules made under the Road Vehicle Standards Act.

[25] Schedule 2, rules 25A and 25B

Omit the rules.

[26] Schedule 2, Part 4

Insert after the heading to the Part—

Note— For a vehicle to be operated safely, the vehicle needs to be properly designed to minimise the potential for accidents and harm to other road users.

This Part sets out various requirements covering the driver's view from a vehicle, the driver's control of a vehicle, protection of vehicle occupants and other road users, and other general safety features.

[27] Schedule 2, rule 26(1)(a)

Omit "30". Insert instead "25".

[28] Schedule 2, rule 40(3)

Omit the subrule. Insert instead—

- (3) The electrical connectors between motor vehicles and trailers, for operation of the vehicle lights required by these rules, must comply with at least one of the following standards—
 - (i) Australian Standard AS 2513–1982, *Electrical Connections for Trailer Vehicles*,
 - (ii) International Standards Organisation ISO 1185–1997,
 - (iii) Society of Automotive Engineers SAE J 560–1998.

[29] Schedule 2, rule 46

Omit the rule. Insert instead—

46 Wheels and tyres—size and capacity

- (1) In this rule—

radial ply tyre means a radial ply tyre within the meaning of ADR (Definitions and Vehicle Categories).
- (2) The wheels and tyres fitted to an axle of a vehicle must be of sufficient size and capacity to carry the part of the vehicle's gross mass transmitted to the ground through the axle.
- (3) For the purposes of subrule (1), the size and capacity of a pneumatic tyre to be fitted to a vehicle must be decided using a cold inflation pressure that is not more than the lesser of—
 - (a) the pressure recommended by the tyre manufacturer, and
 - (b) a pressure of—
 - (i) for a radial ply tyre—825 kilopascals, or
 - (ii) for another tyre—700 kilopascals.

[30] Schedule 2, rule 48A

Omit the rule.

[31] Schedule 2, rule 50(4)

Omit "Despite rule 25B, this". Insert instead "This".

[32] Schedule 2, rule 53(3)

Omit the subrule. Insert instead—

- (3) The lowest part of the hand grip on the handlebars must not be higher than—
 - (a) for a motor bike built before 1 July 1988—380 millimetres above the attachment point of the handlebars to the motor bike, or
 - (b) for a motor bike built on or after 1 July 1988—380 millimetres above the lowest part of the upper surface of the driver’s seat.

[33] Schedule 2, rule 56A, heading

Omit “**compliance**”. Insert instead “**vehicle identification**”.

[34] Schedule 2, rule 56A(1)

Omit the subrule. Insert instead—

- (1) Any motor vehicle, other than a tractor or an implement, registered for the first time on or after 1 August 1972 and before the repeal of the Motor Vehicle Standards Act must have securely and prominently affixed within the engine compartment or other position approved by Transport for NSW a vehicle identification plate, unless entered on the RAV.
- (1A) The vehicle identification plate must be approved by the Australian Motor Vehicle Certification Board or the Administrator of Vehicle Standards that—
 - (a) identifies the specific vehicle, and
 - (b) indicates that it meets the standards and procedures administered by the Australian Motor Vehicle Certification Board for that class of vehicle.

[35] Schedule 2, rules 73(6) and 114(3) and (4)

Omit “rule 25B” wherever occurring. Insert instead “rule 15”.

[36] Schedule 2, rule 121

Omit the rule. Insert instead—

121 Supply of air or vacuum to brakes

- (1) In this rule—

air brake compressor, of a vehicle, means a compressor for supplying air to the vehicle’s air brakes.

compressed air reserve, for a vehicle, means compressed air stored on the vehicle for supplying the vehicle’s braking system.

condensate drain valve means a device used to remove water from the compressed air reserve for a vehicle fitted with air brakes.

governor cut-out pressure, of a vehicle, means the air pressure at which the vehicle’s air brake compressor stops supplying air to the vehicle’s air brake reservoir.

spring brake means a brake using 1 or more springs to store the energy needed to operate the brake.

vacuum reserve, in relation to a vehicle, means air at a low pressure stored on the vehicle for supplying the vehicle’s braking system.

- (2) If air brakes are fitted to a vehicle—

- (a) the vehicle's air brake compressor must be able to build up air pressure to at least 80% of the vehicle's governor cut-out pressure, in not more than 5 minutes after the compressed air reserve is fully used up, and
 - (b) there must be an automatic or manual condensate drain valve at the lowest point of each air brake reservoir in the vehicle's braking system, and
 - (c) any spring brake fitted to the vehicle must not operate before the warning mentioned in rule 128 (3)(a) has been given.
- (3) If vacuum brakes are fitted to a vehicle, the vacuum supply must be able to build up vacuum—
- (a) to the level when the warning signal mentioned in rule 128(3)(a) no longer operates within 30 seconds after the vacuum reserve is fully used up, and
 - (b) to the normal working level within 60 seconds after the vacuum reserve is fully used up.

[37] Schedule 2, rule 136

Omit the rule. Insert instead—

136 Meaning of “certified to ADR 83/00”

For the purposes of this Division, a vehicle is *certified to ADR 83/00* if—

- (a) immediately before the repeal of the Motor Vehicle Standards Act, approval has been given under section 10A of that Act to place an identification plate showing compliance with ADR 83/00 on the vehicle, or
- (b) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth, or
- (c) the vehicle has satisfied an entry pathway under section 15(2) of the Road Vehicle Standards Act, including compliance with ADR 83/00, and the vehicle is entered on the RAV.

[38] Dictionary

Insert in alphabetical order—

RAV means the Register of Approved Vehicles kept under the Road Vehicle Standards Act, section 14(1).

Road Vehicle Standards Act means the *Road Vehicle Standards Act 2018* of the Commonwealth.

[39] Dictionary, definition of “identification plate”

Insert “as in force immediately before its repeal” after “of the Commonwealth”.