



Consultation Paper on the *Motor Vehicle Standards Act 1989*

Issued: May 2013



Australian Government

Department of Infrastructure and Transport

Executive Summary

The Commonwealth Department of Infrastructure and Transport is seeking stakeholder views on the currency and operation of the *Motor Vehicle Standards Act 1989* (the Act), and its associated Regulations, which are administered by the Department. These views will assist in determining whether the objectives of the legislation continue to meet the aims of government and needs of Australia, and whether the stated *objects* of the Act are appropriate to serve these objectives. It is also necessary to consider whether the present legislative framework reflects 'best practice' in meeting the Act's objectives. The views will also assist in determining the regulatory framework's impact on competition in the supply of vehicles to the automotive sector.

Introduced in May 1989, the objective of the legislation was to give effect to the Australian Government's commitment to road safety and environmental quality on a nationally consistent basis. The Act was intended to underpin national uniformity and prevent the benefits of a uniform system being diminished by requiring manufacturers and importers to comply with a range of local requirements. Standards made under the Act superseded previous State or Territory design requirements even where the State or Territory requirement was more stringent.

However, there is a need to assess whether the current legislation remains suitable to fulfil its purpose. Over time, society's expectations, technology and the global automotive industry have changed. In addition, the Competition Principles Agreement¹ between Governments requires that legislation should be reviewed periodically to assess its impact on competition.

This consultation paper poses a number of questions about areas of the legislative framework to stimulate contributions in a consultation process across a wide range of stakeholders from industry, Government, individuals and relevant organisations. Stakeholders are invited to submit their views on the objectives of the legislation and how it performs in meeting those objectives. The paper will be supported by a short series of open workshops to discuss stakeholder's views. Following completion of the workshops and consideration of submissions to the consultation paper, the views gathered will be collated into a synthesis report.

The report in itself will not constitute a review of the legislation and will not contain recommendations on actions to be taken. The findings of the stakeholder consultation contained in the report will identify key areas that should be considered in any review of the currency, effectiveness and regulatory burden of the Act and its Regulations.

The Terms of Reference for the legislative review including the stakeholder consultation are presented at Appendix A.

¹ The Competition Principles Agreement was signed by all Australian Governments on 11 April 1995 and was amended in April 2007.

Making Submissions

Submissions are invited from any interested parties. Respondents can provide general comment on the objectives, relevancy, effectiveness and impacts of the Act or frame their response in terms of any or all of the questions in the following sections.

Submissions on the consultation paper should be emailed to MVSAreview@infrastructure.gov.au . An acknowledgement email will be sent to the sender's email address to confirm receipt of the submission. All submissions received will be made public through uploading to the review website at http://www.infrastructure.gov.au/vehicles/mv_standards_act/index.aspx

The closing date for submission to be received at the Department of Infrastructure and Transport is close of business Friday 21 June 2013.

Further detail on the dates, times and venues of the consultation workshops can be found on the review website.

Contents

1. Introduction.....	5
2. Objects and Objectives.....	7
3 Object - achieve uniform vehicle standards to apply to new vehicles in Australia	10
3a National Standards, Certification and Approval of Road Vehicles (Parts 2 and 3 of the Act)	11
3b Administration, Court Proceedings and Miscellaneous (Parts 5, 6 and 7 of Act)	12
4 Object – regulate first supply to market of used imported vehicles.....	13
4a Registered Automotive Workshops (Part 4 of the Act).....	14
4b Other Concessional Options (Part 4 of Act and Regulations).....	17
APPENDIX A.....	19
APPENDIX B.....	20

List of Figures

Figure 1 Objects, Outcomes and Objectives of the Act	8
Figure 2 Australian motor vehicle market 2011	10
Figure 3 Motor vehicle imports on-road and off-road	13
Figure 4 RAWs and other concessional on-road imports.....	15
Figure 5 Registered Automotive Workshops 2011-12.....	15
Figure 6 Concessional on-road imports	17

1. Introduction

The *Motor Vehicles Standards Act 1989* and its associated Regulations and instruments provide the regulatory framework to control the importation and first supply of road vehicles in Australia. Road vehicles are defined as: motor vehicles designed solely or principally for the transportation of people, animals or goods on public roads; motor vehicles permitted to be used on public roads; trailers designed to be towed behind road motor vehicles or partially completed road motor vehicles. Under this definition, the Act applies to a diverse range of vehicles which includes cars, vans, utilities, small and large buses, trucks, trailers, motor cycles and three wheeled vehicles. It affects domestic and international vehicle manufacturers; Australian vehicle importers; automotive parts manufacturers, vehicle owner/operators and other road users.

The Act was originally introduced to prevent large scale importation of used vehicles which had been shown to offer lower levels of safety than vehicles which complied with the Australian Design Rules (ADRs). The Act was also intended to ensure that standards applied to road vehicles were uniform across Australia, remove the need for multiple vehicle inspection and approval regimes and generally increase the efficiency of the Australian vehicle certification system. To this end, the Government identified that

‘the principal objective of (the Act) is to enable the Federal Government to establish and apply nationally uniform standards for motor vehicle safety and environmental quality expected by the community.’²

Regarding safety, the overriding purpose for the legislation was clear:

‘each year in Australia some 2,800 people are killed on our roads and 30,000 seriously injured. In addition to the trauma and suffering which results from these crashes, the aftermath of this carnage costs the Australian community some \$5,700m annually.’³

Introduction of the Act and supporting Regulations brought national uniformity to the application of the ADRs. In general the Act provides a guaranteed path through which vehicle manufacturers wanting to supply vehicles which fully meet the ADRs can do so. The large majority of new vehicles entering the Australian market use this path. The Act also explicitly provides for a number of alternative arrangements intended to deal with: innovative or specialist vehicles that can’t comply with the ADRs; to assist individuals in importing their personal possessions when moving to Australia where demonstrating compliance with the ADRs is not practical; for the supply of low volume vehicles where it is

² Second Reading speech, Hansard 23rd May 1989

³ Ibid

not cost effective for manufacturers to demonstrate compliance and for the importation and supply of older enthusiast or collector's vehicles generally where it is not possible to demonstrate compliance with the ADRs. These arrangements require decision-makers to apply discretion, based on the facts of an individual circumstances and an assessment against the overarching objectives of the Act. These vehicles may also have specific conditions attached to their approval – to reduce the risk that they detract from the overall policy objective of the Act.

Through a number of significant measures (including vehicle standards through the Act) annual road deaths have more than halved to around 1300 in the time since introduction of this Act. Serious injury crashes have not declined (in absolute terms) - the most recent figures are around 32,000 annually. Adjusting for population growth over this period, these numbers translate to a substantial reduction in road deaths (over 60 per cent), almost 300 per cent when adjusted for inflation, or around 200 per cent when also adjusted for the population increase over the same period.

The National Road Safety Strategy 2011–2020, released on 20 May 2011 by the (then) Australian Transport Council, is framed by the guiding vision that no person should be killed or seriously injured on Australia's roads. As a step towards this long-term vision, the strategy presents a 10-year plan to reduce the annual numbers of both deaths and serious injuries on Australian roads by at least further 30 per cent. As an important element in the achievement of this vision The Act needs to be operating effectively.

Since its original passage, the Act has been the subject of a number of amendments, the most significant being in 2001 following a review in 1999. The amendments were introduced 'to enable new arrangements to apply for the importation and supply to the market in Australia of low volume road motor vehicles, including motor cycles. The decisions aim to balance the Government's commitment to the local automotive manufacturing industry, full volume importers, franchised motor vehicle dealers, importers and converters of used vehicles, and consumers of genuine specialist and enthusiast vehicles'⁴. In 2004 the Act was further amended to provide for a wider definition of a 'vehicle standard' to include standards designed to promote energy saving.

⁴ Second Reading speech, Hansard 28 June 2001

2. Objects and Objectives

In this section, we are seeking stakeholder views on:

- Whether the objects of the Act are still relevant and serve the broader objectives of the legislation;
- Whether the desired policy outcomes have changed since the introduction of the Act;
- Whether the scope of the Act is appropriate – ie:
 - Covers the right participants
 - Covers the right vehicles or components

2a The Objects of the Act

The first Object of the Act, at section 3(a) is - *to achieve uniform vehicle standards to apply to new vehicles in Australia*. This is aimed at reducing the regulatory burden on the automotive industry associated with complying with the ADRs, which at the time were applied slightly differently by each of the States and Territories.

- *Have the Act and its Regulations effectively reduced this burden?*
- *Considering the range of concessions to the ADRs available through the low volume scheme and other discretionary arrangements for new vehicles (e.g. over length vehicles, special purpose vehicles), is this object still appropriate?*

The second Object of the Act, at Section 3(b) is: *to regulate the first supply of used imported vehicles*. This object was introduced with the 2001 amendments and was aimed at making a distinction between new vehicles and used vehicles, but was intentionally broad to cover the wide number of options available to permit the importation and supply of used imported vehicles. The Government's objective in making this change was intended to balance the Government's commitment to the local automotive industry, the interests of importers and converters of used imported vehicles, and consumers' desire for specialist and enthusiast vehicles.

- *Has the Act achieved the desired balance and are appropriate categories of used imported vehicles covered?*
- *Given the global environment for the automotive industry, should there be no or fewer restrictions on the importation of used vehicles?*

2b The public policy objectives

It is also clear from the Second Reading speech of the original legislation that the overriding policy objectives the government of the day sought to achieve through the legislation were improving the safety, environmental performance and security of road vehicles. These overarching policy objectives are still current under the National Road Safety Strategy and a policy commitment to CO₂ emission standards. The public benefits that accrue to the community from this legislative intervention include reduced national healthcare costs, less personal trauma, reduced productivity loss to the economy from road accidents, less environmental degradation and mitigation of rising insurance costs.

The Australian community also expects to have access to a wide range of road vehicles to pursue their individual work related needs and recreational interests and to be able to purchase that vehicle at the lowest cost – increasingly through the internet. It is a long-standing government policy that regulation should not restrict competition (choice) unless it can be demonstrated that the benefits to the community outweigh the costs and the objective of the legislation can only be achieved through placing restrictions on choice⁵. This objective is addressed through the used vehicle concessional schemes, including the Registered Automotive Workshop Scheme.

The relationship between the Objects of the Act and their contribution to broader Government policy objectives are represented in the following diagram:

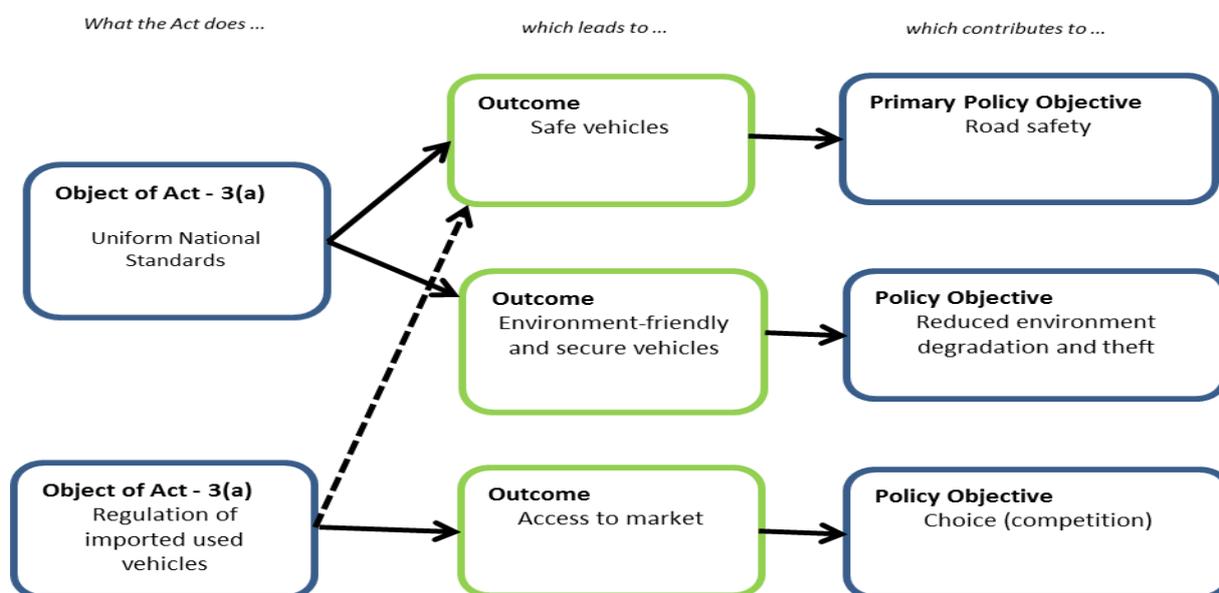


Figure 1 Objects, Outcomes and Objectives of the Act

⁵ The COAG Competition Principles Agreement 1995, amended 2007.

The Act, and its associated Regulations, seek to achieve an outcome that balances these, sometimes competing, policy objectives of increasing community safety, reducing environmental impact, reducing the community costs of car theft and appropriately maintaining consumer choice.

- *Do the objects of the legislation still positively contribute to the identified broad policy objectives?*
- *Should the objects of the Act be amended to increase the legislation's contribution to the broad policy objectives or should the objects be amended to focus on fewer policy objectives?*
- *Are there non-regulatory ways of achieving the same policy objectives of road safety, environment, security and consumer choice?*
- *What key principles should underpin any changes to the Act?*

3 Object - achieve uniform vehicle standards to apply to new vehicles in Australia

As of June 2012, there were 16.6 million motor vehicles registered in Australia (which excludes trailers) of which 76 per cent were passenger vehicles, 18.8 per cent were freight vehicles and the remainder comprising motorcycles, buses and non-freight carrying trucks.⁶

As noted earlier, most vehicles entering the Australian market for the first time are new vehicles fully compliant with the ADRs. Imported (new) vehicles have been increasing as a share of the Australian market and now account for around 85 per cent of the market.

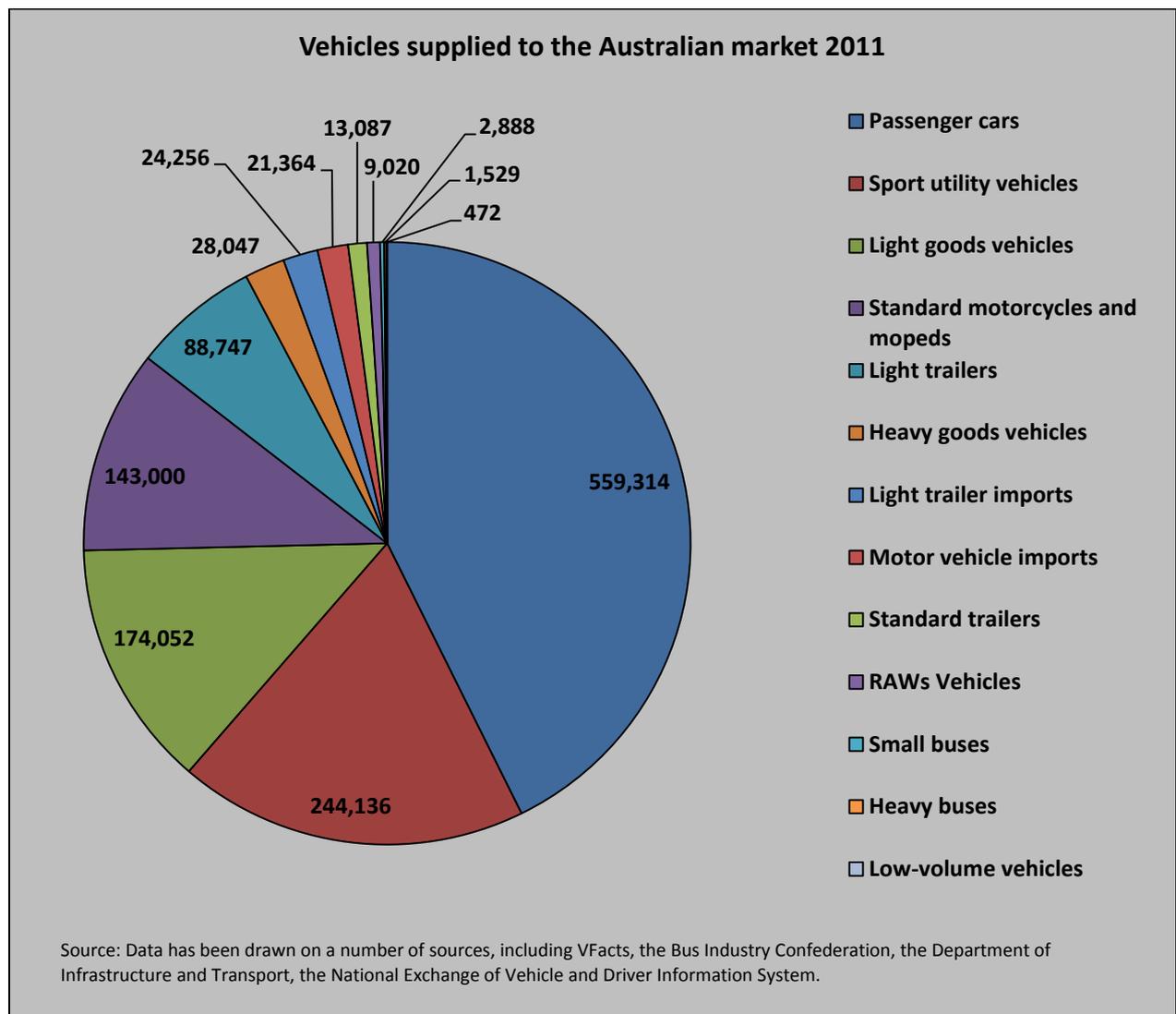


Figure 2 Australian motor vehicle market 2011

There has been a worldwide trend away from traditional sources in the manufacture of all types of vehicles, towards production in countries that have a more recently established

⁶ Survey of Motor Vehicle Use, Australian Bureau of Statistics, 23 April 2013. Publication 9208.0

manufacturing base, and generally lower production costs. Consequently the mix of countries from which the Australian vehicle fleet is sourced has broadened dramatically since 1989. A total of 1.3 million road vehicles (new and used) entered the Australian market for the first time in 2011, arriving from 4,309 manufacturing facilities in 37 different countries (including Australia). Although 1.2 million vehicles (89 per cent), were supplied by mainstream manufacturers, this diversity places a greater emphasis on the need for consistently applied standards.

3a National Standards, Certification and Approval of Road Vehicles (Parts 2 and 3 of the Act)

These parts of the Act form the principal mechanism for achieving the first object of the Act – *achieve uniform vehicle standards to apply to new vehicles in Australia* – which in turn contribute to the policy objectives of road safety, environmental outcomes and vehicle security.

Part 2 of the Act provides the legislative authority for a national system of vehicle design standards – the Australian Design Rules (ADRs). The current standards, the Third Edition ADRs, are administered by the Australian Government Department of Infrastructure and Transport. This Part also provides for the processes associated with setting the ADRs and testing of vehicles for compliance with the ADRs. However this review is not seeking feedback on individual ADRs.

- *In the context of a growing supply market, is the Act sufficiently rigorous to ensure the integrity of the ADRs and compliance of vehicles with the ADRs, including through testing?*

In addition to ADRs on specific topics, there is an overarching ADR for the automatic acceptance of the latest version of the United Nations (UN) regulations where they have been adopted as alternative standards within the specific ADRs, and have been ‘applied’ by Australia under the UN 1958 Agreement. Australia increasingly participates in the development of UN regulations and their application in Australia increases our rights within the UN forum. Harmonisation of the ADRs with international standards is intended to reduce the regulatory burden on vehicle manufacturers, and improve market competition, driving prices down and increasing the supply of new vehicles at the lowest cost to the consumer. Harmonisation has been government policy for a number of years and is reflected in Section 7a of the Act which identifies UN regulations as a suitable source for ADR content. Currently, almost 90 per cent of ADRs are aligned with UN regulations.

- *What are the arguments for retaining separate ADRs over simply adopting UNECE international standards?*

Part 3 of the Act also provides for the approval and certification of vehicles and vehicle components, including identification plates and the approval under which the identification plates are fixed to motor vehicles. It gives the head of power for most of the technical evidence related schemes through which manufacturers and importers demonstrate that vehicles or vehicle types meet the required standards (ADRs for new vehicles, used import

plate determination for used vehicles) or whether they comply to an extent that makes them appropriate for supply to the market.

- *While the Act facilitates the first supply to the Australian market of road vehicles and automotive parts complying with ADRs, are there any gaps in the legislation with regard to testing and evidence requirements?*
- *Does the Act create any barriers to the export of vehicles and automotive parts?*

3b Administration, Court Proceedings and Miscellaneous (Parts 5, 6 and 7 of Act)

These parts of the Act provide for the necessary transparency and legislative backing for the appointment of inspectors, delegated powers to the Department, fee setting, evidentiary standards and applications for a review of decisions.

The Act enables an Administrator to be responsible for the day to day operations, with a limited range of delegated decision-making powers. The Act also establishes the role and powers of inspectors and provides guidance to the Government and courts on evidentiary standards.

The Department leads enforcement of the Act, through inspections and audits, but also works to encourage compliant behaviour, identify non-compliance or potential for non-compliance, and pre-empt or address non-compliance when identified. These options and risks are outlined in the Department's 2013 MVSA National Compliance Strategy⁷.

The Act also provides specific requirements for the Administrator to provide the applicant with reasons for any unfavourable decision and outlines the role of the Administrative Appeals Tribunal to review decisions. There are also further processes for complaints available through the Department's governance section or through the Commonwealth Ombudsman under administrative law.

- *For these Parts of the Act, is there sufficient transparency and clarity so that the reasons for decisions are understandable? What improvements could be made, if any?*
- *Do these Parts of the Act effectively support the primary objective of road safety through the compliance and audit process, legislated powers and penalties or could they be enhanced? Should legislative powers for the recall of vehicles be vested in the Act or remain with Australian Consumer Law?*
- *Are the links with other legislation clear and effective? Are there any jurisdictional gaps that need to be addressed in the Act?*
- *Any other comments on the effectiveness of the administrative provisions of the Act in supporting the road safety policy objective of the Act?*

⁷ National Compliance Strategy for the Motor Vehicle Standards Act 1989, March 2013

4 Object – regulate first supply to market of used imported vehicles

Whilst the large majority of vehicles entering the Australian market are new and fully compliant with the ADRs, there are a growing number of non-compliant or non-standard vehicles being approved for importation to Australia through the concessional schemes, including the Registered Automotive Workshops Scheme.

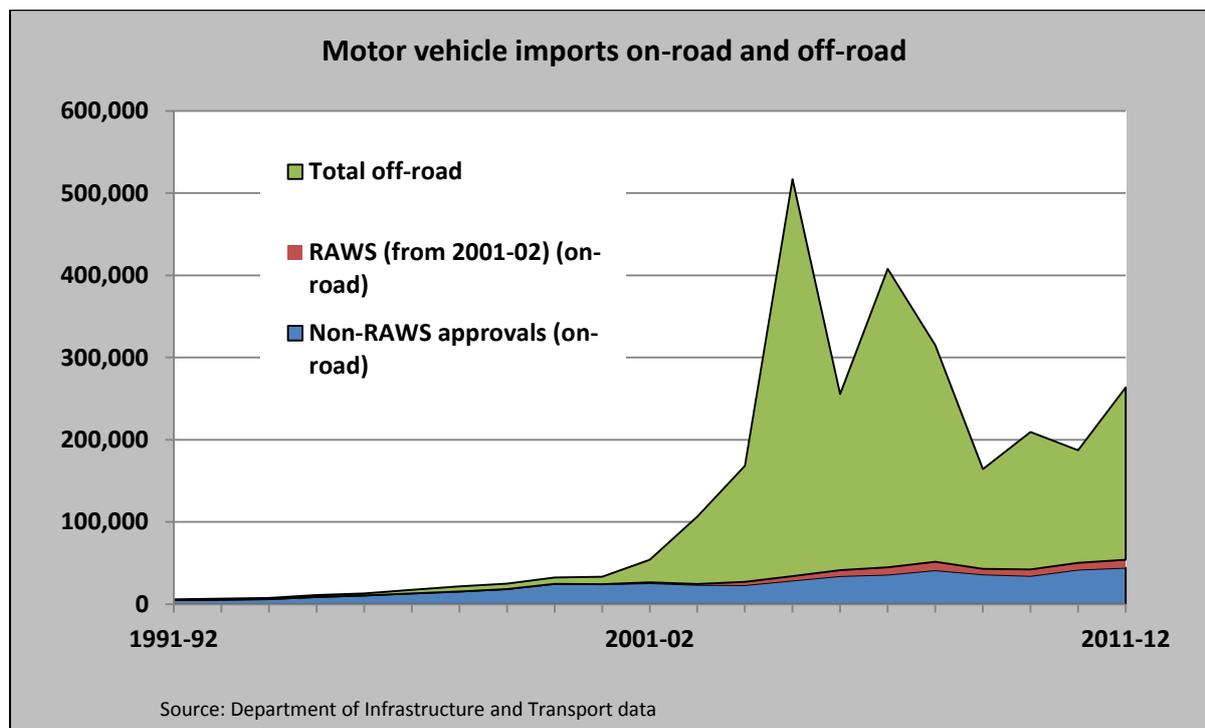


Figure 3 Motor vehicle imports on-road and off-road

While there is growth in the number of ‘non-standard’ vehicles being imported through the concessional schemes, this graph highlights the rising numbers of vehicles imported for non-road use, typically off-road motorcycles and quad bikes, which are not subject to either the ADRs or concessional scheme approvals

All-terrain vehicles (ATV), particularly quad bikes, are increasingly involved in accidents and deaths⁸. Safe Work Australia’s QuadWatch scheme indicates that this is affecting all ages, with 39 deaths in 2011 and 2012 alone of ages between 4 and 94. Around half of these deaths occur during recreational use and just under half occurred while the user was working. Deaths on farms are now increasingly being caused by ATVs rather than other farm equipment, with deaths now twice the rate of tractor deaths⁹. While lack of seat belts and helmets and unsafe use are factors, many are calling for legislated standards to apply to ATV manufacturers.

⁸ Safe Work Australia, <http://www.safeworkaustralia.gov.au/sites/swa/whs-information/agriculture/quad-watch/pages/quad-bike-fatalities#2012>, accessed 8 May 2013

⁹ Marriner, Cosima, Sydney Morning Herald, <http://www.smh.com.au/national/quad-bike-overtakes-tractor-as-deadliest-farm-vehicle-20120721-22gu8.html>, 22 July 2012, accessed 8 May 2013

- *Is there a case for extension of the coverage of the Act to include safety of non-road vehicles or those that cross over between on-road and off road?*
- *Any other comments on the effectiveness of the administrative provisions of the Act in supporting the two objects of the Act?*

4a Registered Automotive Workshops (Part 4 of the Act)

Arising from the 1999 review of the Act and its Regulations, the Government introduced the *Motor Vehicle Standards Amendment Bill 2001* to amend the arrangements for the importation of 'low volume' vehicles through the creation of a new approval regime – the Registered Automotive Workshops Scheme (RAWS). The previous Low Volume Scheme provided concessional treatment in complying with the ADRs to assist low volume manufacturers of new vehicles to compete in the Australian automotive market. However, the Low Volume Scheme increasingly became the pathway for the importation of used vehicles – particularly used vehicles that were very similar to vehicles already marketed in full volume - to deal with vehicle to vehicle variation of used vehicles (for example normal difference in wear and tear, effects of corrosion or crash damage and modifications or maintenance). There was also a need to replace the existing 'type' approval system with 'vehicle by vehicle' approval through a system of Registered Workshops to provide a higher level of compliance with the ADR requirements. This mechanism has the additional advantages of providing consumers with a network of service and spare parts, creating a responsible entity to conduct vehicle safety recalls and restrict the scheme to legitimate vehicle converters.

In announcing the 2001 amendment to the Act, the Government explicitly stated its aim to return the low volume scheme to its original intent and to prevent unchecked growth in the importation of used vehicles. The amendments were written 'to balance the government's commitment to the local automotive manufacturing industry, full volume importers, franchised motor vehicle dealers, importers and converters of used vehicles and consumers of genuine specialist and enthusiast vehicles'¹⁰. In essence, it sought to bring the low volume focus back onto specialist and enthusiast vehicles and as a balance the annual cap of imported vehicles for an approval holder was also increased from 25 to 100 units per vehicle category.

¹⁰ Second Reading Speech, 28 July 2001

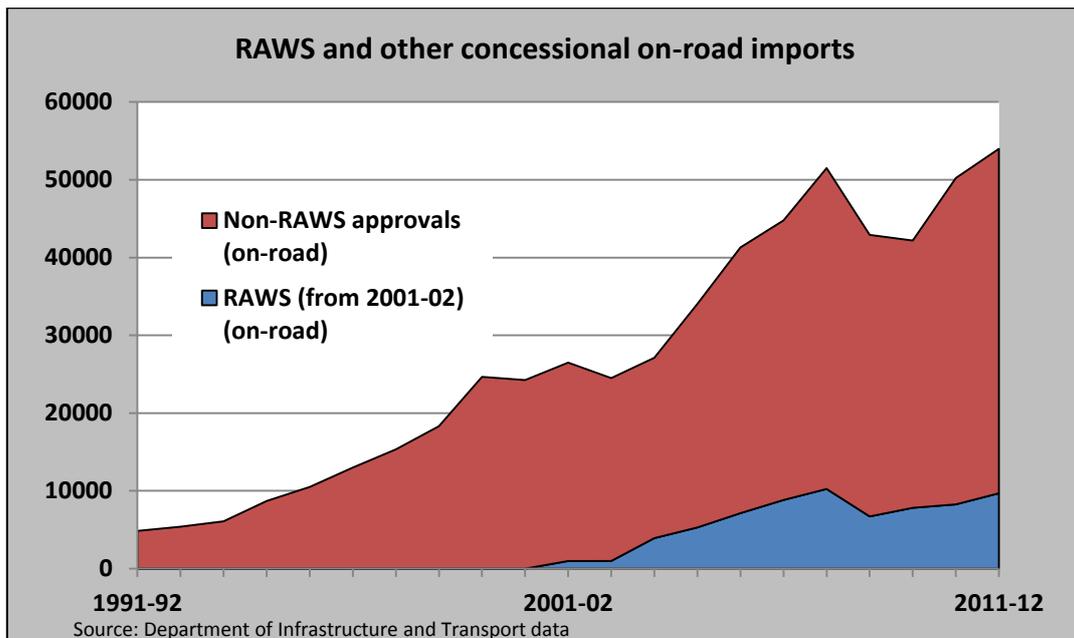


Figure 4 RAWS and other concessional on-road imports

Figure 4 indicates that in aggregate, the 2001 amendments were followed by a period of stability in concessional imports. RAWs imports rose to around 10,000, and now appear to sit in the 8-10,000 range, although the trend is upwards. This contrasts with non-RAWs imports which have generally climbed steeply, and in recent years much more steeply than RAWs imports.

Figure 5 below shows the composition of the 9,690 vehicles imported through RAWs in 2011-12. Three quarters of the RAWs vehicles are cars, and most of the remainder are motorcycles.

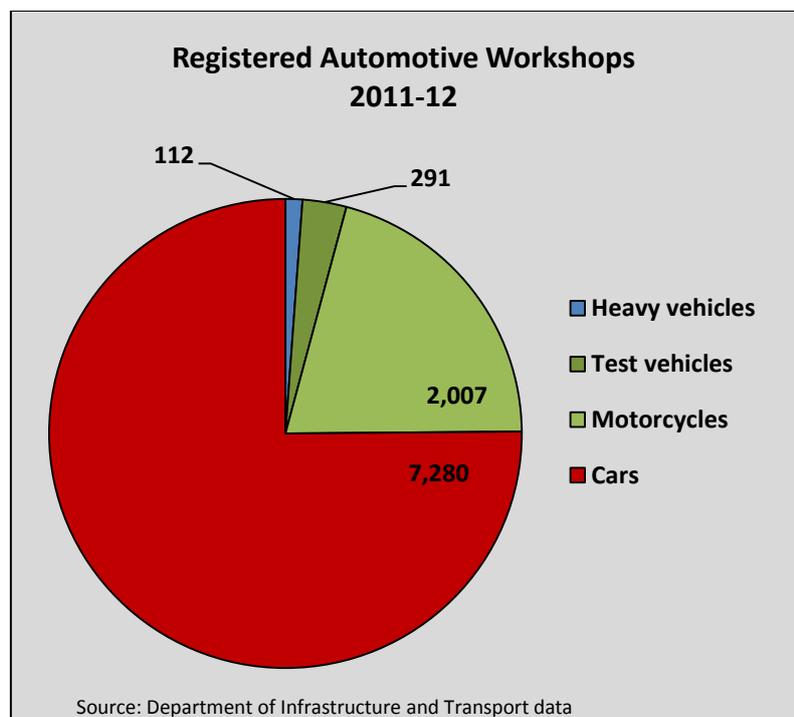


Figure 5 Registered Automotive Workshops 2011-12

Further controls were also contained in the RAWs amendments to manage the potential for distortion in the market. These include criteria to prevent ‘association’ of workshops (where one person controls multiple workshops) and a requirement for a ‘fit and proper’ person to own a registered workshop – to exclude persons likely to undermine the objectives and requirements of the scheme.

- *Do the RAWs provisions undermine, support or enhance the main policy objective of road safety and in what way?*
- *Has the RAWs effectively contributed to the appropriate balance between segments of the automotive industry, that is, brought the low volume focus back onto specialist and enthusiast vehicles and if not, why?*
- *Is the RAWs appropriately designed for the current context of specialist and enthusiast vehicles and if not, what elements need improving to better deliver the second object of the Act (to regulate the first supply of used imported vehicles)?*
 - *What are its strengths?*
 - *What are the weaknesses?*
- *How successful have the legislated controls been in preventing undermining of the RAWs objectives?*
- *Any other comments on the purpose and effectiveness of the RAWs?*

4b Other Concessional Options (Part 4 of Act and Regulations)

Under the Act, vehicles are not to be supplied to the market if they are non-standard (non-compliant with the ADRs) except in prescribed circumstances or by written approval of the Minister. Prescribed circumstances include vehicles supplied or imported through the concessional options provided for under the Regulations. Individuals and organisation can apply to bring a vehicle into the Australian market through a number of other (non RAWs) specific concessional options (listed in Appendix B) if the vehicle satisfies compliance with the stipulated concessional requirements. The number of vehicles entering the Australian market this way is a very small percentage of the total market; however, as shown by figure 4, it has increased from 25,512 in 2001-02 to 44,293 in 2011-12 .

Figure 6 shows the range of imports under the concessional options, including RAWs.

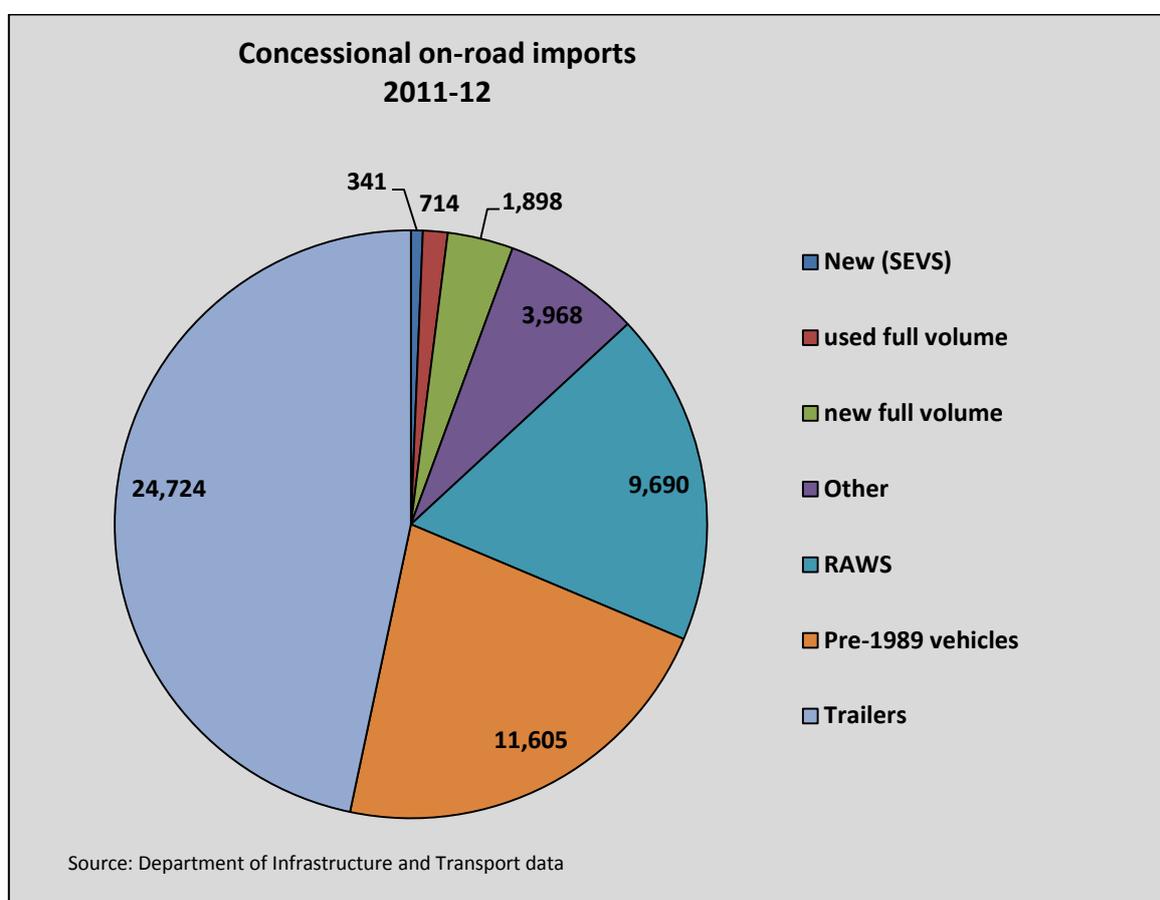


Figure 6 Concessional on-road imports

Consumer access to a broad range of vehicles, albeit in relatively small numbers, better reflects the range of local and international suppliers to the market and supports the Competition Principles Agreement to not unduly restrict competition in achieving the legislative policy objectives.

- *Should the Act continue to provide regulation of used vehicle through concessional schemes? If no, what other mechanisms should be considered to control the importation and supply to the market of used vehicles?*
- *In retaining the concessional schemes, are each of the current options still warranted or can they be rationalised?*
- *Are there changes to the concessional options which might improve access to a broader range of vehicles for consumers without compromising road safety, environment and security outcomes?*
- *Are there undesirable competitive or equity impacts that should be addressed by changes to the Act or these options?*

APPENDIX A

Terms of Reference – policy consultation phase of legislative review

The review should consider the objectives of the *Motor Vehicle Standards Act 1989* and stakeholder views on how best to achieve those objectives having regard to:

- a) the current structure and operations of the motor vehicle industry;
- b) the needs and requirements of consumers and road users;
- c) the interaction with the State and Territory regulatory requirements in relation to vehicles;
- d) the impacts of the aftermarket on the integrity of the Australian Design Rules (ADRs);
- e) Australia's international obligations in implementing standards relating to vehicle safety, emissions and other standards;
- f) appropriate risk management arrangements in relation to the development and enforcement of the ADRs;
- g) the trends relating to the current concessional schemes and emerging pressures; and
- h) efficiency of administration of the legislation.

Consideration of stakeholder's views on the legislation should also be in the context of COAG's commitment to reducing the regulatory burden on business, particularly small business, and enhancing productivity.

Phase One of the legislative Review will undertake a comprehensive stakeholder consultation process, resulting in the preparation of a synthesis report on the findings from those consultations for the consideration of the Government prior to commencing phase two of the review. The phase one synthesis report is expected to be delivered by August 2013.

APPENDIX B

Concessional Options other than RAWS under the Act and Regulations

Under the Act and Regulations, the following Concessional Options (options) may apply under various circumstances for vehicles to be imported or those that are of local manufacture to be supplied to the Australia market as indicated. However, other parts of the Act and Regulations may apply to different circumstances for vehicles to be supplied to the market in Australia.

Regulation 17 of the Regulations

This option allows for the importation of non-standard¹¹ road vehicles manufactured before 1 January 1989 and the introduction of national vehicle standards with the passage of the Act. This option is designed to cater for the importation of older enthusiast, classic or historic vehicles. Vehicles imported under this option are regulated by the State and Territory Government Registration Authorities for use on public roads.

Regulation 13 of the Regulations

This option allows migrants settling in Australia, and expatriate Australian citizens returning permanently to Australia after a long period overseas, to import non-standard vehicles owned by them for the qualifying 12 month period before arriving in Australia. Before the vehicles are permitted on public roads they must meet the requirements of the relevant State or Territory Government Registration Authority in-service legislation.

Section 17A(2)(a) of the Act

This option allows road vehicles originally sourced within Australia but subsequently exported to be re-imported. Vehicles under this option are standard¹² vehicles that were previously demonstrated as being compliant under the Act and where any modification made in Australia or overseas is regulated by the State or Territory Government Registration Authority under their in-service legislation.

Regulation 21 of the Regulation

This option allows road trailers that have an Aggregate Trailer Mass (ATM) not more than 4.5 tonnes to be supplied to the Australian market either through importation or from local manufacture. Trailers under this option must comply with the self-certification arrangements under the document "Building Small Trailers" - Vehicle Standards Bulletin number 1 and meet inspection arrangements of the State and Territory Government Registration Authority before use on public roads.

¹¹ A non-standard vehicle has not been demonstrated as being compliant under the Act.

¹² A vehicle that has been demonstrated as being compliant under the Act.

Regulation 18(1)(c) and (d) of the Regulations

This option allows for the importation of non-standard vehicles intended to be used for road vehicle rallies and closed circuit road vehicle racing and vehicles designed to support road vehicle racing or rallying.

Regulation 12 of the Regulations

This option allows for the importation of vehicles which complied with the applicable ADRs at the time the vehicle was originally supplied to the market overseas.

Regulations 11 and 20 of the Regulations

This option allows for the importation or local manufacture of special purpose non-standard vehicles where the road vehicle would, if it did comply with the ADRs, be unable to operate as a road vehicle in the manner or for the purpose in respect of which it was designed. For example, city utility vehicles (fire tenders, garbage trucks, street sweepers), mobile cranes, mobile drilling rigs, mobile plant and equipment.

Regulation 18(1)(e) of the Regulations

This option allows for the importation of non-standard road vehicles intended to be used primarily for exhibition purposes. Vehicles imported under this option are not permitted to be driven on public roads.

Section 20(1)(a) of the Act

This option allows the importation of non-standard vehicles for the purpose of having modifications, repair or other work performed on the vehicle in Australia. For example, this option caters for the vehicles to be brought to an Australian secondary manufacture facility. The vehicle is to be re-exported without being used as transport in Australia.

Section 10A of the Act

This option allows for the importation and local manufacture of standard road vehicles in either low or full volume including new road trailers that weigh more than 4.5 tonnes ATM.

Regulation 18(1)(a) of the Regulations

This option allows for the importation of vehicles for testing to meet the relevant vehicle standards and under Section 10A of the Act and for evaluation of performance in Australian conditions.

Regulation 11 of the Regulation

Special vehicles not covered under other options may be approved for supply to the Australian market with discretion in exceptional circumstances, usually with conditions on the approval.

Regulation 21A of the Regulations

This regulation applies to the Status of Forces Agreement that allows for the importation of non-standard road vehicles by military personnel temporarily posted to Australia under the terms of an intergovernmental agreement. Before the vehicles are permitted on public roads they must meet the requirements under the State and Territory Government Registration Authority in-service legislation.