

Version No. 002
Environment Protection (Vehicle Emissions)
Regulations 2003

S.R. No. 10/2003

Version incorporating amendments as at 1 July 2004

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**Environment Protection (Vehicle Emissions)
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PART 1—PRELIMINARY

1. Objective

The objective of these Regulations is to minimise the impact of motor vehicle air and noise emissions and fuel quality on Victorians and the Victorian environment.

2. Authorising provisions

These Regulations are made under sections 53P and 71 of the **Environment Protection Act 1970**.

3. Commencement

These Regulations come into operation on 1 February 2003.

4. Revocations

The Regulations set out in Schedule 1 are **revoked**.

5. Definitions

In these Regulations—

"bus" means any motor vehicle which is—

- (a) constructed principally for the conveyance of passengers; and
- (b) designed or equipped to seat more than 9 people (including the driver);

"diesel engine" means an internal combustion engine which operates on the compression-ignition principle;

"forward control passenger vehicle" means any motor vehicle, not being an off road passenger vehicle, which—

- (a) is constructed principally for the conveyance of people; and
- (b) has a seating capacity for not more than 9 people (including the driver); and
- (c) has the centre of the steering wheel in the forward quarter of the vehicle's total length;

"fuel system" means the combination of fuel tank, fuel pump, fuel lines and carburettor or fuel injection components;

Note: This includes the petrol filling pipe, all fuel system vents and the components of any system designed to control or reduce the emission of vapourized fuel from the fuel system into the atmosphere.

"goods vehicle" means any motor vehicle, not being a passenger car or passenger car derivative, which—

- (a) is constructed principally for the carriage of goods; and
- (b) has at least 4 wheels;

"motor cycle" has the same meaning as in the **Road Safety Act 1986**;

"motor tricycle" means any motor vehicle—

- (a) which has 3 wheels symmetrically arranged in relation to the longitudinal median axis; and

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- (b) with a gross vehicle mass not exceeding 1.0 tonne; and
- (c) that is able to be lawfully used on a highway;

"off road passenger vehicle" means any motor vehicle, not being a motor cycle, motor tricycle or special purpose vehicle, which is—

- (a) principally designed for the conveyance of not more than 9 people (including the driver); and
- (b) constructed either on a truck chassis or with special features for off road operation;

"off road racing motor cycle" means any motor cycle which is—

- (a) designed or constructed solely for competitive racing; and
- (b) not able to be lawfully used on a highway;

"passenger car" means any motor vehicle which is—

- (a) not a motor cycle, motor tricycle, off road passenger vehicle or forward control passenger vehicle; and
- (b) constructed principally for the conveyance of people; and
- (c) has a seating capacity for not more than 9 people (including the driver);

Note: This includes any motor vehicle of the type known as a station wagon.

"passenger car derivative" means any motor vehicle—

- (a) of the type known as a utility or panel van and of the same make as a factory produced passenger car; and
- (b) in which the greater part of the body form and the greater part of the forward mechanical equipment are the same as those in the passenger car;

"passenger vehicle" means a forward control passenger vehicle, an off road passenger vehicle, a passenger car or a passenger car derivative;

"petrol" has the same meaning as in section 42A of the Act;

"recreational motor cycle" means any motor cycle that is—

- (a) not able to be lawfully used on a highway; and
- (b) not an off road racing motor cycle;

Note: The definition of recreational motor cycle includes any motorised vehicle with the same wheel configuration and mass limits as those specified for a motor tricycle.

"registered" means being registered under the **Road Safety Act 1986**;

"spark ignition engine" means an internal combustion engine in which the mixture of air and fuel is ignited by means of an electrical spark;

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"special purpose vehicle" means any fork-lift truck or any vehicle constructed principally for off-road agricultural use or for use in road or building site construction work;

Note: This includes any tractor, harvester, header, thresher, swather, baler, cuber, loader, digger, bulldozer, excavator, grader, scraper, or roller or any mobile crane the engine of which is used for both the lifting of loads and the propulsion of the vehicle but does not include any vehicle constructed on a chassis of a type normally used in the construction of a motor truck.

"summer period" means the period from 1 November to 31 March, both dates inclusive;

"the Act" means the **Environment Protection Act 1970**.

PART 2—CONSTITUENTS OF FUEL

6. Constituents of unleaded petrol for the purposes of section 42B of the Act

(1) In this regulation—

"motor octane number" means the motor octane number of petrol as determined by the method described in the American Society for Testing and Materials test procedure which is designated ASTM D2700 published by the American Society for Testing and Materials as in force from time to time;

"research octane number" means the research octane number of petrol as determined by the method described in the American Society for Testing and Material test procedure which is designated ASTM D2699 published by the American Society for Testing and Materials as in force from time to time.

(2) For the purposes of section 42B of the Act, unleaded petrol must not contain more than the following at a temperature of 15° Celsius—

- (a) 0.005 grams of lead per litre; and
- (b) 0.0013 grams of phosphorus per litre; and
- (c) 500 milligrams of sulphur per kilogram of petrol on or after 1 February 2003 but before 1 January 2005 or 150 milligrams of sulphur per kilogram of petrol on or after 1 January 2005.

(3) Unleaded petrol must have—

- (a) a motor octane number of not less than 81.0; and
- (b) a research octane number of not less than 91.0.

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- (4) For the purposes of this regulation, the mass of an element contained in a volume or mass of petrol may be determined by reference to the mass of the element present as a constituent of any compound contained in that volume or mass.
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PART 3—VEHICLE STANDARDS

7. Visible emissions

- (1) For the purposes of sections 42(1) and 43A of the Act, the emission from any motor vehicle which is propelled by an internal combustion engine must not be visible for a continuous period of 10 or more seconds.
- (2) This regulation does not apply if—
 - (a) the emission is visible solely because of the condensation of water vapour; or
 - (b) the motor vehicle was manufactured before 1 July 1977 and is propelled by a two-stroke spark-ignition engine.

8. Carbon monoxide emission from spark ignition engine propelled vehicles

- (1) This regulation applies to vehicles described in the following table that are propelled by a spark ignition engine—

<i>Description</i>	<i>Date of Manufacture</i>
Passenger Car	On or after 1 January 1972
Passenger Car Derivative	On or after 1 July 1976
Motor Cycle	On or after 1 July 1977
Any Other Motor Vehicle	On or after 1 July 1977

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- (2) For the purposes of sections 42(1) and 43A of the Act, a motor vehicle to which this regulation applies must not have a concentration of carbon monoxide in any exhaust pipe exceeding 4.5% by volume.
 - (3) The concentration of carbon monoxide referred to in sub-regulation (2) is determined by the method described in Schedule 2.
 - (4) This regulation does not apply to any special purpose vehicle.

9. Exhaust emissions—diesel engined vehicles

- (1) In this Regulation—

"DT 80 Test Cycle" means the in-service test for diesel vehicles as specified in the Road Transport Reform (Vehicle Standards) Amendment Regulations 2001 published by the National Road Transport Commission as in force from time to time;

Note: The Road Transport Reform (Vehicle Standards) Amendment Regulations 2001 are model Regulations not a subordinate instrument.

"GCM" (gross combination mass) of a motor vehicle has the same meaning as in the **Road Safety Act 1986**;

"GVM" (gross vehicle mass) has the same meaning as in the **Road Safety Act 1986**;

"M category vehicle" means any motor vehicle with a vehicle category code beginning with M, as detailed in the Australian Design Rules for Road Vehicles: As at Determination 3, 4 and 5 of 2001 published by the Commonwealth Department of Transport and Regional Services as in force from time to time;

"N category vehicle" means any motor vehicle with a vehicle category code beginning with N, as detailed in the Australian Design Rules for Road Vehicles: As at Determination 3, 4 and 5 of 2001 published by the Commonwealth Department of Transport and Regional Services as in force from time to time;

"unladen mass" has the same meaning as in the Road Safety (Vehicles) Regulations 1999;

"vehicle test mass" for a vehicle means—

- (a) if the vehicle is a prime mover—half the sum of its unladen mass and its GCM; or
 - (b) in any other case—half the sum of its unladen mass and its GVM.
- (2) This regulation applies to passenger vehicles, buses and goods vehicles which—
- (a) are registered in Victoria; and
 - (b) are powered by diesel engines; and
 - (c) meet the criteria for an M-category or N-category vehicle.

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- (3) For the purposes of sections 42(1) and 43A of the Act, a vehicle described in the following table must not have rates of emission of exhaust gases or particles exceeding the relevant level specified in the table.

Vehicle's GVM rating (t)	Rate of NO _x emissions (grams/kilometre/tonne of vehicle test mass)		Rate of particle emission (grams/kilometre/tonne of vehicle test mass)	
	<i>Vehicle manufactured in or before December 1995</i>	<i>Vehicle manufactured in or after January 1996</i>	<i>Vehicle manufactured in or before December 1995</i>	<i>Vehicle manufactured in or after January 1996</i>
Not greater than 3.5	1.5	1.5	0.23	0.23
More than 3.5 but not greater than 12	2.0	2.0	0.23	0.15
More than 12 but not greater than 25	2.0	0.15	0.08	0.05
More than 25	1.5	1.2	0.07	0.03

- (4) The exhaust gas emitted by a vehicle to which this regulation applies must not be greater than 25% opacity averaged over a DT 80 test cycle.
- (5) For the purposes of sub-regulations (3) and (4), vehicles are to be tested in accordance with the procedures described in the Road Transport Reform (Vehicle Standards) Amendment Regulations 2001 published by the National Road Transport Commission as in force from time to time.

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- (6) The Authority may exempt a person from the need to comply with the emission standards prescribed by this regulation where the Authority is of the opinion that it is impracticable for that person to so comply.
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PART 4—NOISE EMISSION STANDARDS

10. Noise emissions from motor vehicles

- (1) In this regulation, "**dB(A)**" means the A-weighted sound pressure level expressed in decibels.
- (2) For the purposes of sections 48B and 48D(3A) of the Act, a passenger vehicle must not emit noise exceeding the following relevant level—

<i>Date of manufacture</i>	<i>Noise Level [dB(A)]</i>
Before 1 November 1983	96
On or After 1 November 1983	90

- (3) For the purposes of sections 48B and 48D(3A) of the Act, a goods vehicle or bus must not emit noise exceeding the following relevant level—

<i>Engine Type</i>	<i>Gross Vehicle Mass (tonne)</i>	<i>Exhaust Height (milli-metres)</i>	<i>Date of Manufacture</i>	<i>Noise Level [dB(A)]</i>
Spark ignition	< 3.5	< 1500	< 1/7/83	92
			> 1/7/83	89
	> 3.5	< 1500	< 1/7/83	98
			> 1/7/83	95
	< 3.5	> 1500	< 1/7/83	88
			> 1/7/83	85
	> 3.5	> 1500	< 1/7/83	94
			> 1/7/83	91

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<i>Engine Type</i>	<i>Gross Vehicle Mass (tonne)</i>	<i>Exhaust Height (milli-metres)</i>	<i>Date of Manufacture</i>	<i>Noise Level [dB(A)]</i>
Diesel				
	< 3.5	< 1500	< 1/7/80	105
			> 1/7/80 and < 1/7/83	102
			> 1/7/83	99
	> 3.5 and < 12.0		< 1/7/80	107
			> 1/7/80 and < 1/7/83	104
			> 1/7/83	101
	> 12.0		< 1/7/80	109
			> 1/7/80 and < 1/7/83	106
			> 1/7/83	103
	< 3.5	> 1500	< 1/7/80	101
			> 1/7/80 and < 1/7/83	98
			> 1/7/83	95
	> 3.5 and < 12.0		< 1/7/80	103
			> 1/7/80 and < 1/7/83	100
			> 1/7/83	97
	> 12.0		< 1/7/80	105
			> 1/7/80 and < 1/7/83	102
			> 1/7/83	99

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Part 4—Noise Emission Standards

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Note: The symbols in the above table have the following meaning:

A: In the columns Gross Vehicle Mass and Exhaust Height—

< less than

> greater than or equal to

B: In the column Date of Manufacture—

< before

> on or after.

- (4) For the purposes of sections 48B and 48D(3A) of the Act, a vehicle described in the following table must not emit noise exceeding the relevant level in the table—

<i>Vehicle Type</i>	<i>Date of Manufacture</i>	<i>Noise Level [dB(A)]</i>
Motor cycle or motor tricycle, other than a new recreational motor cycle	Before 1 March 1985	100
Motor cycle or motor tricycle, other than a new recreational motor cycle	On or after 1 March 1985	94
New recreational motor cycle	On or after 1 January 1994	94

- (5) For the purposes of sections 48B and 48D(3A) of the Act, a new off road racing motor cycle designed or constructed solely for use in one of the categories described in the table below must not emit noise exceeding the noise level applying to that category—

<i>Category of Use</i>	<i>Noise Level [dB(A)]</i>
Motocross	102
Speedway (All track Racing)	102
Trial	94
Any Other Competition Event	96

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Part 4—Noise Emission Standards

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- (6) For the purposes of this regulation, the noise emitted by a motor vehicle is to be determined by the methods described in the National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles – April 2000 published by the National Road Transport Commission as in force from time to time.
 - (7) For the purposes of the National Stationary Noise Test Procedure for In-Service Vehicles – April 2000, referred to in sub-regulation (6), the ESPM Data Manual 1992 published by the Environment Protection Authority is to be used to determine the engine speed at maximum power.
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**PART 5—VERTICAL EXHAUST PIPES FOR DIESEL
ENGINED VEHICLES**

**11. Vertical pipes for diesel engined vehicles with a
gross vehicle mass of 4.5 tonnes or more**

- (1) This regulation applies to a motor vehicle that—
 - (a) is powered by a diesel engine; and
 - (b) was manufactured on or after 1 January 1977; and
 - (c) is registered in Victoria.
- (2) For the purposes of section 42(2A) and 43A of the Act, the motor vehicle must be fitted with a vertical exhaust pipe (or pipes)—
 - (a) that has a discharge point the lowest part of which is at least 150 millimetres above the intersection of the pipe with a notional horizontal plane passing through the highest point of the motor vehicle's cab; and
 - (b) that discharges the engine exhaust matter into the atmosphere in an upward direction of not more than 30 degrees from the vertical.
- (3) This regulation does not apply if the motor vehicle—
 - (a) has a gross vehicle mass of less than 4.5 tonnes; or
 - (b) was manufactured to order and the order was given before 1 July 1974; or
 - (c) is a bus; or
 - (d) is a special purpose vehicle or was constructed principally for use in forests, bushlands or other undeveloped areas or for

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Part 5—Vertical Exhaust Pipes for Diesel Engined Vehicles

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- use in roadside maintenance adjacent to freeways or dual highways; or
- (e) was constructed principally for use—
 - (i) in fire-fighting work; or
 - (ii) for the carriage of prisoners; or
 - (iii) as a mobile crane; or
 - (iv) as an elevated platform vehicle; or
 - (v) in agriculture; or
 - (f) was constructed principally for or in connection with the erection, installation, repair or maintenance of any electrical power supply or transmission system; or
 - (g) is used after 1 January 2006 and is certified to meet the vehicle emission standards specified in Australian Design Rules 80/01 published by the Commonwealth Department of Transport and Regional Services and has a horizontal exhaust that discharges on the driver's side of the vehicle towards the centre of the road; or
 - (h) is registered as a primary producer vehicle and is used predominantly to transport hay in the summer period.
- (4) In this regulation, "**primary producer vehicle**" has the same meaning as in Schedule 4 to the Road Safety (Vehicles) Regulations 1999.

12. Authority may exempt vehicles from regulation 11

- (1) The Authority may exempt a motor vehicle or a class of motor vehicle from the need to comply with regulation 11.

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Part 5—Vertical Exhaust Pipes for Diesel Engined Vehicles

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- (2) An application for exemption by a person must—
- (a) be made in writing; and
 - (b) be accompanied by the following information—
 - (i) a description of the motor vehicle or class of vehicle in respect of which the application is made;
 - (ii) the reasons for the exemption request;
 - (iii) a description of the proposed alternative method of fitting the exhaust pipe or pipes;
 - (iv) a description of the measures that it is proposed be taken to ensure that the alternative method is not likely to result in an unacceptable risk of damage to the environment; and
 - (c) in the case of an application in respect of a single motor vehicle, be accompanied by the following additional information—
 - (i) registration details of the motor vehicle;
 - (ii) the address of the location where the motor vehicle is to be garaged;
 - (iii) the average distance proposed to be travelled by the motor vehicle in kilometres per year;
 - (iv) the geographic location of the area in which it is intended that the motor vehicle is predominantly to operate; and
 - (d) be accompanied by a fee of 10.3 fee units.

Reg. 12(2)(d)
amended by
S.R. No.
88/2004
reg. 6(Sch. 3
item 2).

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Part 5—Vertical Exhaust Pipes for Diesel Engined Vehicles

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- (3) The Authority may request the applicant to provide further information that the Authority considers necessary in order to determine the application.
- (4) An exemption granted under this regulation may be granted unconditionally or subject to conditions.
- (5) The Authority must publish a notice of any exemption granted in respect of a class of motor vehicle under this regulation, and any condition imposed under sub-regulation (4) in respect of that class of motor vehicle, in the Government Gazette and in a newspaper circulating generally throughout Victoria.
- (6) A person must not knowingly contravene any condition imposed in relation to an exemption granted under this regulation.

Penalty applying to this sub-regulation: 20 penalty units.

**PART 6—CONSTRUCTION, MAINTENANCE AND
LABELLING**

13. Exhaust system construction

For the purposes of sections 42(2A) and 42(2B) of the Act, the exhaust system of a motor vehicle must be constructed to ensure that exhaust gases are only emitted from a place designed by the manufacturer to emit such gases.

14. Device or mechanism for idle mixture control

- (1) For the purposes of section 42(2A) of the Act, a motor vehicle in a class described in the following table that is propelled by a spark ignition engine must be constructed so that any device or mechanism provided for the adjustment of the mixture of air and fuel supplied to the engine when it is idling is inaccessible such that it cannot be altered, modified or tampered with so as to alter from the manufacturers design.

<i>Description</i>	<i>Date of Manufacture</i>
Passenger Car	On or after 1 February 1986
Passenger Car Derivative	On or after 1 February 1986
Any Other Motor Vehicle	On or after 1 July 1988

- (2) This regulation does not apply to a special purpose vehicle or a motor cycle or motor tricycle.

15. Maintenance of emission control equipment

For the purposes of section 42(2B) of the Act, a motor vehicle must be kept, maintained and repaired in such a way that any emission control equipment or device, or component of the engine, exhaust or fuel system, which is designed, or installed in or on the vehicle, by the manufacturer of the vehicle, to control emissions from the vehicle—

- (a) continues to operate in accordance with the manufacturer's design; and
- (b) decreases the rate of discharge of any of the constituent parts of the emission; and
- (c) (if applicable) discharges and disperses exhaust matter in an upward direction as intended by the exhaust system; and
- (d) remains effective to control emissions from the vehicle.

16. Pumps dispensing unleaded petrol to be labelled

- (1) In this regulation, "**anti-valve seat recession additive**" means a substance added to unleaded petrol to prevent damage to engine valves that were originally designed to operate with leaded petrol.
- (2) A person who sells petrol by retail must ensure that—
 - (a) any petrol pump which is used to dispense unleaded petrol is securely labelled in a durable manner with the word "UNLEADED" or the words "UNLEADED PETROL" in letters which are not less than 20 millimetres in height; and
 - (b) any petrol pump which is used to dispense petrol that contains an anti-valve seat recession additive and that is designed to replace leaded petrol is securely labelled in a durable manner with the words "LEAD REPLACEMENT" or the words "LEAD REPLACEMENT PETROL" in letters that are no less than 20 millimetres in height; and
 - (c) any petrol pump which is used to dispense unleaded petrol is fitted with a dispensing nozzle spout which has an outside diameter of not more than 21.3 millimetres; and

- (d) any petrol pump which is used to dispense petrol other than unleaded petrol is fitted with a dispensing nozzle spout which has an outside diameter of not less than 23.6 millimetres.

Penalty: 20 penalty units

17. Labelling of motor cycle or motor tricycle

- (1) In this regulation, "**engine speed at maximum power**" means the engine speed, expressed in revolutions per minute, at which maximum power is developed by an engine.
- (2) A motor cycle or motor tricycle the manufacture of which was completed on or after 1 March 1988 must have the following information affixed—
- (a) a heading comprised of the words "STATIONARY NOISE TEST INFORMATION"; and
- (b) a statement containing the recorded stationary sound level value and the 50% "engine speed at maximum power" value in the following format—
- "TesteddB(A) atr/min
Silencing System: (manufacturer)
Identification: (trade description)".
- (3) The information must—
- (a) be embossed or etched in a readily visible position or carried on a label of plastic or metal which is welded, riveted or otherwise permanently attached in a similarly visible position; and
- (b) be in the English language in block letters and numerals of a height not less than 3 millimetres and of a colour contrasting with their background; and

- (c) be affixed so that it cannot be removed without being destroyed or defaced.

18. Maintenance of labelling of motor cycle or motor tricycle

A person must not, without just cause, remove, alter or obliterate information or a label affixed under regulation 17.

Penalty: 20 penalty units.

19. Penalty for using a motor vehicle which does not meet the provisions of this Part

A person must not, without just cause—

- (a) being the registered owner of a motor vehicle, cause or permit that motor vehicle to be used; or
- (b) use a motor vehicle—

that does not comply with any provision of this Part.

Penalty: 20 penalty units.

PART 7—GENERAL

20. Penalty for unlawful modification of engine, exhaust or fuel system

A person must not, without just cause, alter, replace or modify the engine or the exhaust system or fuel system of any motor vehicle in a way that—

- (a) departs from the manufacturer's design; or
- (b) increases the rate of discharge of any of the constituent parts of the emissions or (where applicable) defeats the intended upward discharge or dispersion of the emissions.

Penalty: 20 penalty units.

21. Penalty for interfering with emission control device

A person must not, without just cause—

- (a) remove or render ineffective any emission control device or emission control equipment which has been installed on or in any motor vehicle by the manufacturer of that vehicle; or
- (b) interfere with any emission control device or emission control equipment or any component of the engine or exhaust system or fuel system designed by the manufacturer to control emissions so as to render it less effective.

Penalty: 20 penalty units.

22. Penalty for interfering with noise reducing equipment

- (1) In this regulation, "**noise reducing equipment**" means any absorbing material, shielding panel, device or other equipment of any kind whatever for the purpose of reducing the emission of noise from a motor vehicle.

Note: This includes, but is not restricted to, the exhaust manifold, the exhaust piping, the expansion chamber and the silencer proper.

- (2) A person who installs, removes, replaces or repairs noise reducing equipment on a motor vehicle must ensure that the vehicle meets the requirements of regulation 10 when the installation, removal, replacement or repair is complete.
- (3) For the purposes of sub-regulation (2), a person who installs, removes, replaces or repairs noise reducing equipment on behalf of another person is deemed to complete the installation, removal, replacement or repair on physically transferring the motor vehicle to the person on whose behalf the work was done.

Penalty: 20 penalty units.

23. Penalty for using a motor vehicle fitted with a temporary defeat device.

A person must not own or use a motor vehicle whilst any temporary defeat device, inlet port restrictor, exhaust port restrictor, or temporary noise reduction device is fitted to the vehicle.

Penalty: 20 penalty units.

24. Maintenance of unleaded requirements

A person must not, without just cause, place petrol which is not unleaded petrol in the fuel tank of any motor vehicle designed to operate on unleaded petrol.

Penalty: 20 penalty units.

PART 8—FUEL STANDARDS

25. Definitions

In this Part—

"petrol supplier" means a person—

- (a) who manufactures petrol; or
- (b) who imports petrol;

"vapour pressure" means the petrol's volatility at 37·8°C measured using ASTM D4953 Standard Test Method for Vapour Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method) published by the American Society for Testing and Materials as in force from time to time.

26. Application of this Part

The requirements of this Part apply to the following grades of petrol—

- (a) unleaded;
- (b) premium unleaded;
- (c) lead replacement.

27. Permitted Vapour Pressure

- (1) A petrol supplier must ensure that the petrol supplied by the petrol supplier during the summer period starting 1 November 2003 for sale to petrol consumers does not have—
 - (a) a monthly volumetric average Vapour Pressure of more than 70 kPa; or
 - (b) a maximum Vapour Pressure of more than 72 kPa.

Penalty: 20 penalty units.

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(2) A petrol supplier must ensure that the petrol supplied by the petrol supplier during the summer periods starting 1 November 2004, 1 November 2005 and 1 November 2006 for sale to petrol consumers does not have—

(a) a monthly volumetric average Vapour Pressure of more than 67 kPa; or

(b) a maximum Vapour Pressure of more than 69 kPa.

Penalty: 20 penalty units.

(3) A petrol supplier must ensure that the petrol supplied by the petrol supplier during the summer period starting 1 November 2007, and during all subsequent summer periods, for sale to petrol consumers does not have—

(a) a monthly volumetric average Vapour Pressure of more than 62 kPa; or

(b) a maximum Vapour Pressure of more than 64 kPa.

Penalty: 20 penalty units.

(4) For the purposes of this regulation, the monthly volumetric average Vapour Pressure of the petrol supplied by a petrol supplier is to be calculated as follows—

(a) the average Vapour Pressure of the samples of a grade of petrol taken as required by regulation 29(1) in a month is to be taken to be the Vapour Pressure of all petrol of that grade supplied by the petrol supplier in that month;

- (b) that average Vapour Pressure is to be multiplied by the following fraction—

Volume of that grade of petrol supplied in the
month by the petrol supplier

Volume of all petrol to which this Part applies
supplied in the month by the petrol supplier;

- (c) the calculations required by paragraphs (a) and (b) are to be repeated for each grade of petrol to which this Part applies that was supplied by the petrol supplier in the month;
- (d) the results derived under paragraph (b) for each grade of petrol are to be added together to derive a single figure;
- (e) that single figure is the monthly volumetric average Vapour Pressure of the petrol supplied by the petrol supplier.

28 Authority may exempt from Vapour Pressure requirements

- (1) The Authority may exempt a person from the need to comply with regulation 27(1), 27(2) or 27(3).
- (2) An exemption may apply to petrol generally or be limited to types or grades of petrol specified in the exemption.
- (3) An application by a person must—
- (a) be made in writing;
 - (b) be accompanied by the following information—
 - (i) reason for application;
 - (ii) an assessment of the environmental impact of the application;
 - (iii) the volume of fuel covered by the application;

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- (iv) likely geographic location of fuel use;
- (v) vapour pressure of fuel to be supplied under the application;
- (vi) period for which the exemption is requested;
- (c) be accompanied by a fee of 10.3 fee units.

Reg. 28(3)(c)
 amended by
 S.R. No.
 88/2004
 reg. 6(Sch. 3
 item 2).

- (4) The Authority may request the applicant to provide further information that the Authority considers necessary in order to determine the application.
- (5) An exemption granted under this regulation may be granted unconditionally or subject to conditions.
- (6) The Authority must publish notice of any exemption granted under this regulation, and any condition imposed under sub-regulation (5), in the Government Gazette and in a newspaper circulating generally throughout Victoria.
- (7) A person must not knowingly contravene any condition imposed in relation to an exemption granted under this regulation.

Penalty applying to this sub-regulation: 20 penalty units.

29. Petrol suppliers must take samples

- (1) For the purposes of this Part, a petrol supplier must—
 - (a) take at least 4 samples of each grade of petrol supplied by the petrol supplier every month during the summer period for sale to petrol consumers; and

- (b) take the samples on separate days and at regular intervals; and
- (c) measure and record the Vapour Pressure of each sample; and
- (d) measure and record the volume of each grade of the petrol supplied during the month.

Penalty: 20 penalty units.

- (2) A petrol supplier must keep any record the petrol supplier is required to make under this regulation for at least 24 months after the date the record was made.

Penalty: 20 penalty units.

30. Reporting of information

- (1) A petrol supplier must report the following information to the Authority for all petrol supplied by that petrol supplier during each calendar month during the summer period—
 - (a) the monthly volumetric average vapour pressure of the petrol; and
 - (b) the maximum vapour pressure of petrol supplied.

Penalty: 20 penalty units.

- (2) A report referred to in sub-regulation (1) must be made within 14 days of the end of the calendar month to which the report relates.

Penalty: 20 penalty units.

31. Recording of information concerning petrol

- (1) A petrol supplier must keep a record of the following details of all petrol supplied by the petrol supplier for sale to petrol consumers—
 - (a) the type of petrol;

- (b) the total volume of the petrol;
- (c) the average benzene content of the petrol.

Penalty: 20 penalty units.

- (2) A person who is a petrol supplier must keep the information required under this regulation for a period of at least 24 months after the day the petrol is supplied.

Penalty: 20 penalty units.

32. Authority may require records

- (1) The Authority may require a petrol supplier to give it a copy of any record that the petrol supplier is required to make under regulation 29(1) or of any information the petrol supplier is required to keep under regulation 31(1).
- (2) A requirement must be made in writing and must specify—
 - (a) the records or information required, either by direct identification of the record or information or by reference to a time period; and
 - (b) the date by which the requirement must be complied with.
- (3) A petrol supplier must comply with any requirement imposed on the petrol supplier under this regulation.

Penalty applying to this sub-regulation: 20 penalty units.

33. Information must be correct

A person must ensure that any record or information supplied to the Authority is correct.

Penalty: 20 penalty units.

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SCHEDULES

SCHEDULE 1

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
127/1992	Environment Protection (Vehicle Emissions) Regulations 1992
293/1992	Environment Protection (Vehicle Emissions) (Amendment) Regulations 1992

SCHEDULE 2

(Regulation 8)

**METHOD OF MEASUREMENT OF THE CONCENTRATION OF
CARBON MONOXIDE IN THE EXHAUST GASES OF A MOTOR
VEHICLE WITH ENGINE IDLING**

The concentration of carbon monoxide in the exhaust gases of the motor vehicle must be measured with a non-dispersive infrared carbon monoxide analyser. The analyser must be calibrated within the preceding 30 days by being zeroed with dry nitrogen which contains less than 10 p.p.m. carbon monoxide and spanned with a carbon monoxide mixture which will result in a response equivalent to not less than 70% of the full scale deflection. The instrument must be zeroed and spanned using a secondary electronic or mechanical system prior to each measurement. If the motor vehicle is equipped with more than one exhaust pipe, the concentration must be measured in each exhaust pipe. The inlet end of a sampling probe must be positioned in the exhaust pipe at any point between 0.35 metres and 0.50 metres from the discharge end of the exhaust pipe, which may for the purpose of the test be temporarily extended by an extension piece connected to the designed discharge outlet by means of a suitable connection which does not allow dilution of the exhaust gases by air. The test must be conducted as follows:

- (a) Immediately before the test, the engine must be brought to normal operating temperature.
- (b) During the test—
 - (i) the engine must be kept running; and
 - (ii) the accelerator pedal must not be depressed; and
 - (iii) a motor vehicle equipped with manual transmission must be kept in neutral gear with the clutch engaged; and
 - (iv) a motor vehicle equipped with automatic or semi-automatic transmission must be kept with the gear selector engaged in the "drive" position and the handbrake placed in the fully "on" position; and
 - (v) if the motor vehicle is equipped with a manual choke, the choke must be off.

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- (c) The measurement must be taken by noting the maximum value of the concentration of carbon monoxide as determined by the analyser over a period of between 30 and 60 seconds beginning not earlier than 60 seconds after the probe has been inserted in the exhaust pipe.
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Endnotes

ENDNOTES

1. General Information

The Environment Protection (Vehicle Emissions) Regulations 2003, S.R. No. 10/2003 were made on 29 January 2003 by the Governor in Council under sections 53P and 71 of the **Environment Protection Act 1970**, No. 8056/1970 and came into operation on 1 February 2003.

The Environment Protection (Vehicle Emissions) Regulations 2003 will sunset 10 years after the day of making on 29 January 2013 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Environment Protection (Vehicle Emissions) Regulations 2003 by statutory rules, subordinate instruments and Acts.

Monetary Units Regulations 2004, S.R. No. 88/2004

Date of Making: 29.6.04

Date of Commencement: 1.7.04: reg. 3

3. Explanatory Details

**Table of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 1994**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 6	Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel Designation D2700 published by the American Society for Testing and Materials.	Entire Document
Regulation 6	Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel Designation D2699 published by the American Society for Testing and Materials.	Entire Document
Regulation 9	Road Transport Reform (Vehicle Standards) Amendment Regulations 2001 published by the National Road Transport Commission.	Entire Document
Regulation 9	Australian Design Rules for Road Vehicles: As at Determination 3, 4 and 5 of 2001 published by the Commonwealth Department of Transport and Regional Services.	Third Edition Australian Design Rules Part B Subpart 2
Regulation 10	National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles published by the National	Entire Document

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	Road Transport Commission.	
Regulation 10	ESPM Data Manual 1992 published by the Environment Protection Authority.	Entire Document
Regulation 11	Australian Design Rules 80/01 published by the Commonwealth Department of Transport and Regional Services.	Entire document
Regulation 25	ASTM D4953 Standard Test Method for Vapour Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method) published by the American Society for Testing and Materials.	Entire document