

MOTOR VEHICLE STANDARDS ACT 1989

**Vehicle Standard (Australian Design Rule 80/00 —
Emission Control for Heavy Vehicles) 2005**

EXPLANATORY STATEMENT

**Issued by the authority of the Minister for Local Government,
Territories and Roads**

October 2005

1. Legislative Context for ADR80/00

Vehicle Standard (Australian Design Rule 80/00 — Emission Control for Heavy Vehicles) 2005 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards for road vehicles when they are first supplied to the market in Australia. The Act applies to such vehicles whether they are manufactured in Australia or are imported as new or second hand vehicles.

The making of the vehicle standards necessary for the Act's effective operation is provided for in section 7 which empowers the Minister to "determine vehicle standards for road vehicles or vehicle components".

Australian Design Rule (ADR) 80/00 was originally determined in *Road Vehicle (National Standards) Determination No. 2 of 1999* and has been amended in subsequent determinations. ADR80/00 is being remade to comply with the requirements of the *Legislative Instruments Act 2003* and to enable its registration in accordance with the requirements of the Federal Register of Legislative Instruments. The remaking of ADR 80/00 has not altered the substance of the standard as last determined.

2. Content and Effect of ADR 80/00

ADR 80/00 prescribes the emission limits for heavy vehicles, and the standard test methods for measuring those emissions. ADR 80/00 will significantly lower emission levels of air pollutants from new heavy vehicles and will bring Australian standards in closer alignment with international standards set by the United Nations, known as the *Euro 3* emission standards.

ADR 80/00 adopts as its principal standard the *Euro 3* requirements of European Commission Directive 1999/96/EC¹. The full text of this Directive is included as Appendix A to ADR80/00. ADR 80/00 also permits compliance with the equivalent UN ECE Regulation 49/03². ADR 80/00 also accepts engines certified to the US 1998 standards (CFR 86.098-11), subject to the requirements of Appendix B to ADR80/00³. Vehicles fuelled by compressed natural gas are also permitted to comply with certain Japanese standards⁴. The details of these requirements are specified in Appendix C to ADR 80/00.

¹ European Commission Directives, including 1999/96/EC and other EC Directives cross referenced in 1999/96/EC, are available at : http://europa.eu.int/eur-lex/en/search/search_lif.html. ISO documents cross referenced in 1999/96/EC are available at <http://www.standards.com.au/catalogue/script/search.asp>

² ECE Regulation 49 is available at : <http://www.unece.org/trans/main/wp29/wp29regs.html>.

³ CFR 86.098-11 is available at:

<http://ecfrback.access.gpo.gov/otcqi/cfr/otfilter.cgi?DB=3&query=40000000086®ion=BIBSRT&action=view&SUBSET=SUBSET&FROM=1&SIZE=10&ITEM=1#TOP>

⁴ Japanese Automotive Standards are available at: http://www.jasic.org/e/index_e.htm

3. Consultation Arrangements

3.1 General Arrangements

It has been longstanding practice to consult widely on proposed new or amended vehicle standards. For many years there has been active collaboration between the Federal and the State/Territory Governments, as well as consultation with industry and consumer groups. Much of the consultation takes place within institutional arrangements established for this purpose. The analysis and documentation prepared in a particular case, and the bodies consulted, depend on the degree of impact the new or amended standard is expected to have on industry or road users.

A Memorandum of Understanding (MOU) between the National Transport Commission (NTC) and the National Environment Protection Council (NEPC) sets out the consultative arrangements governing the development of vehicle emissions and noise standards and other vehicle/environmental issues. The MOU established the Land Transport Environment Committee (LTEC) (consisting of four representatives each from transport and environment agencies), to undertake an agreed work program consistent with the MOU.

Depending on the nature of the proposed changes, consultation may involve the Transport Emissions Liaison Group (TELG), Transport Agencies Chief Executives (TACE), National Environment Protection Council Committee (NEPC Committee), Environment Protection and Heritage Council (EPHC) and the Australian Transport Council (ATC).

TELG is the main consultative group that supports LTEC. It contains representatives of:

- transport and environment agencies ;
- the manufacturing arms of the vehicle and fuels industry (including the Federal Chamber of Automotive Industries, the Truck Industry Council and the Australian Institute of Petroleum);
- road user organisations (the Australian Automobile Association and the Australian Trucking Association); and
- the National Environment Consultative Forum.

TACE consists of the chief executives of national and State/Territory departments of transport and road vehicle administrations.

ATC consists of the Commonwealth, State/Territory and New Zealand Ministers with responsibility for transport issues. NEPC consists of Commonwealth and State/Territory Ministers with responsibility for environment issues.

Editorial changes and changes to correct errors are settled by agreement between the Department of Transport and Regional Services and the NTC. This process is only invoked where the amendments do not vary the intent of the national standard.

New standards, or significant changes that increase the stringency of existing standards, are subject to a vote by ATC Ministers. Unless disapproved by a majority of ATC Ministers, the Minister for Local Government, Territories and Roads, can then determine the new or amended standards, under the authority of the Minister for Transport and Regional Services. Proposals that are regarded as significant need to be supported by a Regulation Impact Statement meeting the requirements of the Office of Regulation Review as published in *A Guide to Regulation*.

3.2 Specific Arrangements for this Standard

In the case of ADR 80/00, Ministers of the Australian Transport Council voted to approve the standard in 1999. The Ministers of the National Environment Protection Council also endorsed the standard. Full details of the consultation undertaken for ADR 80/00 are contained in the regulation impact statement (RIS) at Attachment A to this Explanatory Statement. This RIS was tabled with the original determination following its gazettal in late 1999.

No formal consultation was undertaken for the 2005 remaking of ADR 80/00, as the requirements of the remade standard have not materially changed since its last gazetted amendment. The Office of Regulation Review has advised the Department of Transport and Regional Services that a RIS is not required for the remaking of a standard simply for the purposes of registration on the Federal Register of Legislative Instruments.