

MOTOR VEHICLE STANDARDS ACT 1989

**Vehicle Standard (Australian Design Rule 83/00 —
External Noise) 2005**

EXPLANATORY STATEMENT

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

October 2005

1. Legislative Context for ADR 83/00

Vehicle Standard (Australian Design Rule 83/00 — External Noise) 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) 83/00 was originally determined in *Road Vehicle (National Standards) Determination No. 2 of 2003* and has been amended in subsequent determinations. ADR 83/00 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 83/00 has not altered the substance of the standard as last determined, except to change its date of application.

2. Content and Effect of ADR 83/00

ADR83/00 prescribes the maximum noise emission limits for two and four wheeled vehicles, and the standard test methods for measuring those emissions. ADR83/00 will significantly lower noise levels from new vehicles including motorcycles, cars, trucks and buses, and will assist in lowering the overall contribution of motor vehicle traffic to community noise. ADR 83/00 will bring Australian standards in closer alignment with current international standards set by the United Nations.

ADR 83/00 adopts as its principal standards the UN Economic Commission for Europe (ECE) Regulations for vehicle noise. These are UN ECE R41/03 for motorcycles, R51/02 for four wheeled vehicles, and R63/01 for mopeds. The full text of these regulations are embodied in the appendices to ADR 83/00¹.

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

¹ ECE Regulations 41, 51 and 63, and other EC Directives cross referenced in these Regulations, are also available at : <http://www.unece.org/trans/main/wp29/wp29regs.html>. ISO and IEC documents cross referenced in the ECE Regulations are available at <http://www.standards.com.au/catalogue/script/search.asp>.

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 83/00, Ministers of the Australian Transport Council voted to approve the standard in 2003. The Ministers of the National Environment Protection Council also endorsed the standard. Details of the consultation undertaken for the first version of ADR 83/00 are contained in the regulation impact statement (RIS) tabled with the original determination following its gazettal on 21 March 2003.

The only significant difference between ADR 83/00 as originally gazetted and this remade ADR 83/00 - as covered by this Explanatory Statement - is the implementation timing for heavy vehicles, which has been relaxed by 12 months. This timing change was addressed as part of the wide ranging formal consultation undertaken as part of the Vehicle Emissions and Fuel Quality Standards Review for the Post 2006 Period. The Review involved extensive consultation including:

- public discussion paper – released May 2003;
- a full day seminar for all stakeholders – 19 June 2003;
- public release of a draft RIS – December 2003;
- consultations with key stakeholders – February 2004; and
- consideration of stakeholder submissions to the discussion paper and the draft RIS.

A cost benefit analysis was also commissioned as part of the Review. A copy of the RIS prepared as part of this review is at Attachment A to this Explanatory Statement. Chapter 7 of the RIS details the consultation arrangements.