

Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Minister for Transport and
Regional Service

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 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".

The Definitions and Vehicle Categories were originally determined as part of the *Australian Design Rules for Motor Vehicles and Trailers 3rd Edition in Determination of Motor Vehicle Standards - Order No. 1 of 1989* and has been amended in 13 subsequent determinations. These definitions and vehicle categories are being remade under the name and format of *Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005* to comply with the requirements of the *Legislative Instruments Act 2003* (LIA) and to enable its registration in accordance with the requirements of the Federal Register of Legislative Instruments. Minor amendments have also been made.

2. IMPACT OF THE LEGISLATIVE INSTRUMENTS ACT 2003

Until now ADRs have been determined in "packages", that is, a single determination will create, amend and repeal multiple ADRs. In example, Determination 1 of 1991 amended 32 ADRs and Determination 2 of 2003 created one new ADR and amended 13. The determination is the legislative instrument, not the ADR itself.

The intent of the LIA is to allow easy access to all legislative instruments and to be able to track their history and changes. The current form of determination used to create vehicle standards does not allow for this as it is difficult to isolate the change history of individual ADRs and the legislative instruments (the determinations) do not contain the information of importance to those using the ADRs – the vehicle standards.

In consultation with the Attorney General's Department it has been agreed that the most effective solution is to remake each ADR as a separate vehicle standard determined under section 7 of the Act. In doing this, there is no need to backcapture the old determinations and the new layout better fits the intent of the LIA. With each ADR as a separate vehicle standard it will be possible for interested parties to view the ADR and its change history on the Federal Register of Legislative Instruments.

3. CONTENT AND EFFECT OF ADR DEFINITIONS AND VEHICLE CATEGORIES

3.1. Overview of the ADR

The ADR Definitions and Vehicle Categories is a supporting document to be read in conjunction with other ADRs. It provides standard definitions for terms used in the ADRs and defines the various categories of vehicles to which ADRs may apply.

3.2. Changes to the ADR

The Definitions and Vehicle Categories presented in this new vehicle standard vary only cosmetically from the Definitions and Vehicle Categories in Part B of the Australian Design Rules for Motor Vehicles and Trailers 3rd Edition. Changes have been made to the layout and presentation and some grammar and spelling errors corrected.

The following additional changes have been made:

- The following legislative provisions have been added.

1. LEGISLATIVE PROVISIONS

1.1 NAME OF STANDARD

- 1.1.1 This Standard is the Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005.
- 1.1.2 This Standard may also be cited as Australian Design Rule — Definitions and Vehicle Categories.

1.2 COMMENCEMENT

- 1.2.1 This Standard commences on the day after it is registered.

1.3 REPEAL

- 1.3.1 This Standard repeals the Australian Design Rules 3rd Edition Part B Definitions and Vehicle Categories that is:
 - (a) made under section 7 of the Motor Vehicles Standard Act 1989; and
 - (b) in force at the commencement of this Standard.
 - 1.3.2 This Standard also repeals each instrument made under section 7 of the Motor Vehicles Standard Act 1989 that creates Definitions and Vehicle Categories, if there are no other vehicle standards created by that instrument, or amendments to vehicle standards made by that instrument, that are still in force at the commencement of this Standard.
- The following definitions have had their full text added. Previously just the term and ADR in which it appears was listed, eg “125 Hours – ADR 36” now contains the full text defining 125 Hours.
 - ‘125 hours’, ‘contactable’, ‘cold starting device’, ‘critical area A’, ‘critical area B’, ‘demist’, ‘drive train’, ‘engine family’, ‘exhaust emissions’, ‘field of view’, ‘full tank’, ‘fuel system 17/00’, ‘fuel tank’, ‘full load’, ‘large omnibus’, ‘manifold pressure’, ‘measurements’, ‘mist’, ‘mode’, ‘motor cycle’, ‘motor cycle type’, ‘noise reduction system’, ‘off-road use’, ‘opacimeter’, ‘overall gear ratio’, ‘overdrive’, ‘side mounted tank’, ‘silencing system’, ‘silencing system component’, ‘silencing systems type’, ‘small omnibus’, ‘smoke meter’, ‘spark ignition’, ‘steering column’, ‘steering shaft’, ‘sun visor’, ‘supercharger’, ‘tow truck’, ‘zero hours’.
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- Add the definition “FULL POWER STEERING EQUIPMENT - A steering system in which the steering forces are provided solely by one or more energy supplies and where it is not possible to steer the vehicle by the muscular effort of the driver alone.”
- Replace the definition “DRIVER – ADR 12” with “DRIVER’S EYE POSITION – The position for eyes corresponding to the rearmost eye position on the ‘95th Percentile Eye Ellipse’ “.
- Remove the line “See Part 3 of the “ADR Definitions” for nomenclature used for ECE Regulations in ADR system” from the definition of ‘ECE Regulation’.
- Replace the definition “LIQUID FUEL – ADR 17” with “LIQUID FUEL 17/00 - a fuel which is liquid at a temperature of 0 degrees Celsius and pressure of one bar (ADR 17).”

The text of clause 1 been provided by the Attorney General’s Department to facilitate remaking each ADR as a separate legislative instrument. This text repeals and replaces each ADR as a vehicle standard independently of the Determination under which it was made. Once all ADRs made under a particular Determination have been remade, that Determination is repealed.

‘Full power steering equipment’ is a defined term used in amendments to ADR 42/04. The term is defined in that ADR but also must be added to the ADR Definitions and Vehicle Standards.

The change of ‘Driver’ to ‘Drivers Eye Position’ is to correct a typographical error. ‘Driver’ is not a defined term in ADR 12.

The change to the definition of liquid is to correct a typographical error. Liquid fuel is not a defined term in ADR 17, ‘Liquid fuel 17/00’ is.

4. CONSULTATION ARRANGEMENTS

4.1. General Consultation 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.

Depending on the nature of the proposed changes, consultation could involve the Technical Liaison Group (TLG), Transport Agencies Chief Executives (TACE), and the ATC.

- TLG consists of representatives of government (Australian and State/Territory), the manufacturing and operational arms of the industry (including organisations such as the Federal Chamber of Automotive Industries and the Australian Trucking Association) and of representative organisations of consumers and road users (particularly through the Australian Automobile Association).
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- TACE consists of the chief executives of Australian and State/Territory departments of transport and road vehicle administrations.
- ATC consists of the Australian, State/Territory and New Zealand Ministers with responsibility for transport issues.

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

4.2. Specific Consultation Arrangements for this Vehicle Standard

The amendments to the technical content of this ADR have been discussed with TLG and TACE with no objections being raised. No consultation has been carried out with regards to the necessary changes to comply with the LIA as they are purely administrative.

The Department of Transport and Regional Services has sought advice and assistance from the Office of Legislative Drafting and the Federal Register of Legislative Instruments on how best to handle the back capture requirements of the LIA.

The Office of Regulation Review has agreed that a regulation impact statement is not required as the intent and technical content of the vehicle standard has not changed.
