

Vehicle Standard (Australian Design Rule 3/02 – Seats and Seat Anchorages) 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 3/02 — Seats and Seat Anchorages) 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) 3/02 was originally determined in *Road Vehicle (National Standard) Determination 2 of 1993* and has been amended once in subsequent determinations. ADR 3/02 is being remade 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. The remaking of ADR 3/02 has not altered the substance of the standard as last determined.

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 3/02 - SEATS AND SEAT ANCHORAGES

3.1. Overview of the ADR

The function of ADR 3/02 is to specify requirements for seats, their attachment assemblies, and their installation to minimise the possibility of occupant injury due to forces acting on the seat as a result of vehicle impact.

3.2. Changes to the ADR

The following changes have been made to the ADR:

- Clause numbering. To fit the template for the remake of all ADRs the clause numbering has been changed from the original. Renumber Scope as 2 and Applicability as 3.
- Format. The ADR is now presented as a single column of text rather than two columns.
- Spelling and grammar. Several typographical errors have been corrected.
- Add the following as clause 1.

“1. LEGISLATIVE PROVISIONS

1.1. NAME OF STANDARD

1.1.1. This Standard is the Vehicle Standard (Australian Design Rule 3/02 – Seats and Seat Anchorages) 2005.

1.1.2. This Standard may also be cited as Australian Design Rule 3/02 — Seats and Seat Anchorages.

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 each vehicle standard with the name Australian Design Rule 3/02 — Seats and Seat Anchorages 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 a vehicle standard with the name Australian Design Rule 3/02 — Seats and Seat Anchorages, 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. “

- Renumber Applicability Table as clause 3.3.
- Replace the text of clause 4 with “Refer to Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005.”

The text of clause 1 has 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.

Numbering changes to the first 3 clauses have been made to retain the existing clause numbering of the technical content.

Changes to clause 4 have been made to reference the ADR Definitions and Vehicle Categories as remade for the LIA requirements.

3.3. Documents Incorporated by Reference

This section lists documents referenced in the vehicle standard and how they can be obtained.

- Australian Design Rules can be purchased on CD-ROM from the Department of Transport and Regional Services. As the ADRs are remade, they will also be available at <http://www.comlaw.gov.au>.
 - Australian Design Rule – Definitions and Vehicle Categories
 - Australian Design Rule 5 – Anchorages for Seatbelts and Child Restraints
- UNECE Regulations are available from their website, <http://www.unece.org/trans/main/wp29/wp29regs.html>.
 - UNECE R17/03 or ECE R17/04 "Seats and their Anchorages"
 - UNECE R14/02 "Safety Belt Anchorages"
- European Economic Community directives can be downloaded from <http://www.europa.eu.int/scadplus/leg/en/s06021.htm>.
 - EEC Directive 74/408/EEC- "Strength of Seats and their Anchorages"
- Society of Automotive Engineers documents can be purchased from their website <http://www.sae.org>.
 - SAE document J879b "Motor Vehicle Seating Systems", July 1968

4. CONSULTATION ARRANGEMENTS

4.1. Specific Consultation Arrangements for this Vehicle Standard

As the changes to this vehicle standard are purely administrative (to comply with the LIA) no public consultation has been undertaken.

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 backcapture 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.
