

Vehicle Standard (Australian Design Rule 72/00 – Dynamic Side Impact Occupant Protection) 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

November 2005

CONTENTS

1.	LEGISLATIVE CONTEXT.....	3
2.	IMPACT OF THE LEGISLATIVE INSTRUMENTS ACT 2003	3
3.	CONTENT AND EFFECT OF ADR 72/00 - DYNAMIC SIDE IMPACT OCCUPANT PROTECTION.....	3
4.	CONSULTATION ARRANGEMENTS	5

1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 72/00 — Dynamic Side Impact Occupant Protection) 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) 72/00 has been amended twice since its original determination. ADR 72/00 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. Additionally some minor amendments are being 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 72/00 - DYNAMIC SIDE IMPACT OCCUPANT PROTECTION

3.1. Overview of the ADR

The function of this vehicle standard is to specify crash worthiness requirements in terms of forces and accelerations measured by anthropomorphic dummies so as to minimise the likelihood of injury to the occupants in side impact crashes. The standard specifies how dynamic side impact tests are to be carried out and the acceptable result thresholds.

3.2. Changes to the ADR

The following changes have been made to the ADR.

- 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.
- Replace clause 1 with the following.

“ 1. LEGISLATIVE PROVISIONS

1.1 NAME OF STANDARD

- 1.1.1 This Standard is the Vehicle Standard (Australian Design Rule 72/00 – Dynamic Side Impact Occupant Protection) 2005.
- 1.1.2 This Standard may also be cited as Australian Design Rule 72/00 — Dynamic Side Impact Occupant Protection.

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 72/00 — Dynamic Side Impact Occupant Protection 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 72/00 — Dynamic Side Impact Occupant Protection, 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. “

- Replace clause 4 with “Refer to Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005”
- Replace the text of clause 6.2 with the following “The technical requirements of any of the editions of United Nations –Economic Commission for Europe (UN ECE) Regulation No. 95 UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES WITH REGARD TO THE PROTECTION OF THE OCCUPANTS IN THE EVENT OF A LATERAL COLLISION, up to and including the edition incorporating the 02 series of amendments are deemed to be equivalent to the technical requirements of this national standard.”

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.

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

The change to clause 6.2 allows the use of a more recent version of the UNECE standards already accepted as an alternative in ADR 72.

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
- Federal Motor Vehicle Safety Standards can be obtained from the US Department of Transport, <http://www.nhtsa.dot.gov/>.
 - FMVSS 214 - 35 F.R. 16801, October 30 1970 “Side Door Strength - Passenger Cars” as amended by FMVSS 214 - 58 F.R. 14169
- UNECE Regulations are available from their website, <http://www.unece.org/trans/main/wp29/wp29regs.html>.
 - ECE R 95/01 - “UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES WITH REGARD TO THE PROTECTION OF THE OCCUPANTS IN THE EVENT OF A LATERAL COLLISION” entered into force on 12 August 1998.

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 Australian Transport Council (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).
-

- 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 has not changed and the technical content has not increased in stringency.

4.3. Summary of Changes to the Technical Content

This ADR has been amended to allow the regulation adopted by the United Nations Economic Commission for Europe to be accepted as an alternative standard.
