

Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 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 61/02 — Vehicle Marking) 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) 61/02 was originally determined in *Road Vehicle (National Standards) Determination No. 3 of 1994* and has been amended in two subsequent determinations. ADR 61/02 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. In addition several 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 61/02 - VEHICLE MARKING

3.1. Overview of the ADR

This ADR provides vehicle marking requirements including vehicle identification numbers, compliance plates and engine numbers. These identifying requirements are necessary for the administration of vehicles under the *Motor Vehicle Transport Act 1989* and State/Territory registration. They also provide a security feature for the tracking and identification of stolen vehicles.

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 61/02 – Vehicle Marking) 2005.
- 1.1.2 This Standard may also be cited as Australian Design Rule 61/02 — Vehicle Marking.

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 61/02 — Vehicle Marking 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 61/02 — Vehicle Marking, 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 clause 7.1 with clauses 7.1 to 7.1.3 below

“7.1 An identification number must be legible and permanently stamped, cast, laser engraved or a combination of these upon the main component of the engine at the time of its manufacture and such number must be located where it can be seen when the engine is installed in the motor vehicle. The requirement for the identification number to be seen is deemed to be satisfied if:

- 7.1.1 the engine number can be viewed without the need to remove any vehicle components; or
 - 7.1.2 any vehicle components that need to be removed for the engine number to be viewed can be removed using simple hand tools; or
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- 7.1.3 the engine number is repeated on a supplementary label placed in a conspicuous position in the engine compartment. The label material and printing thereon must be adequately durable for the environment in which the label is located.

The label shall also be impervious to all fluids and vapours to which it is likely to be exposed in normal vehicle operation and maintenance. The label shall not be removable other than by its destruction. “

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 changes to clause 7.1 (including the additions of 7.1.1 – 7.1.3) have been made to clarify “where it can be seen” and give clearer guidance in the placement of engine numbers.

3.3. Documents Incorporated by Reference

This section lists any 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 61/01 – Vehicle Marking
 - Australian Design Rule 59/00
 - Australian Design Rule 38/01
 - SAI Global can provide both Australian standards and English translations of many international standards. Their website is accessible at <http://www.standards.com.au/catalogue/script/search.asp>.
 - Australian Standard MP 55-1988 “VIN Codes”
 - ISO 3779, “Road Vehicles - Vehicle identification number (VIN) - Content and structure”
 - ISO 3780, “Road Vehicles - World manufacturer identifier (WMI) code”
 - ISO 4030, “Road Vehicles - Vehicle identification number (VIN) - Location and attachment”
 - Federal Motor Vehicle Safety Standards can be obtained from the US Department of Transport, <http://www.nhtsa.dot.gov/>.
 - FMVSS 115 - “Vehicle Identification Number”
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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 and their comments have been taken into account. 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.

4.3. Summary of Changes to the Technical Content

The original ADR requires that the engine number must be located on a substantial part of the engine and be readily seen when the engine is installed. Modern vehicle engines are surrounded with a lot of pollution control equipment and noise deadening insulation all required in order to comply with the emissions regulations, such that it is impossible to see the engine number without some degree of dismantling. The proposed change relaxes this requirement to acknowledge that where the engine number cannot be readily seen a separate label can be placed elsewhere in the engine compartment and that a minimum of dismantling is allowed, if it can be accomplished by the use of hand tools.
