

Vehicle Standard (Australian Design Rule 82/00 – Engine Immobilisers) 2006

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 82/00 — Engine Immobilisers) 2006 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) 82/00 was originally determined in *Determination No. 1 of 2001* and has been amended in one subsequent determinations. ADR 82/00 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. The ADR is also being amended to take into account changes to relevant United Nations Economic Commission for Europe (UNECE) regulations.

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 created 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 82/00 - ENGINE IMMOBILISERS

3.1. Overview of the ADR

This Standard prescribes the requirements for engine immobilising devices which are intended to be fitted to vehicles so as to prevent the vehicle being driven away powered by its own engine.

3.2. Changes to the ADR

The following changes have been made to the ADR:

- Spelling and grammar. Several typographical errors have been corrected. The title of the ADR has been changed from “ADR 82/00 Engine Immobilisers” to “ADR 82/00 Engine Immobilisers”.
- Insert the following as clause 0.

“0. LEGISLATIVE PROVISIONS

0.1. NAME OF STANDARD

- 0.1.1. This Standard is the Vehicle Standard (Australian Design Rule 82/00 – Engine Immobilisers) 2006.
- 0.1.2. This Standard may also be cited as Australian Design Rule 82/00 — Engine Immobilisers.

0.2. COMMENCEMENT

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

0.3. REPEAL

- 0.3.1. This Standard repeals each vehicle standard with the name Australian Design Rule 82/00 — Engine Immobilisers that is:
- (a) made under section 7 of the Motor Vehicles Standard Act 1989; and
 - (b) in force at the commencement of this Standard.
- 0.3.2. 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 82/00 — Engine Immobilisers, 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 the text of clause 3 (Definitions) with:

“3 DEFINITIONS

For vehicle categories, definitions and meanings used in this Australian Design Rule, refer to:

- 3.1 Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005.
- 3.2 Definitions in Part III of Regulation No. 97 adopted by the United Nations Economic Commission for Europe.”

Add the following as clause 7.3

- 7.3. UNECE Regulation 116 “Uniform Technical Prescriptions Concerning the Protection of Motor Vehicles Against
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Unauthorized Use”, up to and including corrigendum 3, 6 March 2006.

The text of clause 0 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. The use of 0 as a clause number is to preserve the existing clause numbering of the ADR.

Changes to clause 3 have been made to reference the ADR Definitions and Vehicle Categories as remade for the LIA requirements.

UNECE R116 has been added as an alternative standard. The UNECE has combined R18 Protection of Motor Vehicles Against Unauthorized Use and R97 Vehicle Alarms systems into this new regulation. As it will not be possible to certify to R18 or R97 in future years, it is necessary to allow the use of R116. This new regulation combines both R18 and R97 and updates them to include electronic security devices.

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>.
 - Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 (s3.1)
 - 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>.
 - AS 1939 – 1990 – Degrees of protection provided by enclosures for electrical equipment (IP code) (s6.5)
 - IEC 529-1989 (s6.5)
 - UNECE Regulations are available from their website, <http://www.unece.org/trans/main/wp29/wp29regs.html>.
 - UNECE Regulation No. 97 adopted by the United Nations Economic Commission for Europe (also included at Appendix A of ADR 82/00 – Engine Immobilisers). (s4.1)
 - UNECE Regulation 116 “Uniform Technical Prescriptions Concerning the Protection of Motor Vehicles Against Unauthorized Use”, up to and including corrigendum 3, 6 March 2006 (s7.3)
 - The Voluntary Code of Practice for Electromagnetic Compatibility of Motor Vehicles, April 1998 is published by the Federal Chamber of Automotive Industries, GPO Box 313, Canberra, ACT 2601, Australia. (s6.3)
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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. Adopting UNECE R116 as an alternative standard does not increase the stringency of the rule or have any negative impact on industry.

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 amendments are of a minor or machinery nature and do not substantially alter existing arrangements (ORR ID 8530).
