

Vehicle Standard (Australian Design Rule 42/02 – General Safety Requirements) 2006 Amendment 1

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 42/02 — General Safety Requirements) 2006 Amendment 1 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) 42/02 was originally determined in *Road Vehicle (National Standards) Determination 2 of 1992* and remade in *Vehicle Standard (Australian Design Rule 42/02 - General Safety Requirements) 2006*.

2. CONTENT AND EFFECT OF ADR 42/02 - GENERAL SAFETY REQUIREMENTS AMENDMENT 1

2.1. Changes to the ADR

The changes set out in schedule 1 of the amending instrument correct typographical errors that were introduced when converting from the image scan of the original document to the format required by the *Legislative Instruments Act 2003*.

These changes are necessary to prevent any potential confusion when applying the vehicle standards.

2.2. Documents Incorporated by Reference

The amending instrument does not incorporate any documents by reference (excluding the principle instrument).

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

In keeping with the requirements of the Office of Best Practice Regulation (OBPR) the Business Cost Calculator (BCC) has been used to determine if regulatory change has any impact on business. Preliminary assessment indicates that this instrument will have no financial impact on business and further analysis is not necessary.

Correction of errors in the ADRs leads to a very minor cost saving as those using the ADRs will not need to contact the regulatory authority to clarify errors and inconsistencies.

3.2. 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 processed by the Department of Transport and Regional Services. This approach is only used 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*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

As this amending instrument corrects typographical errors, a regulation impact statement has not been prepared and no consultation has been carried out.
