

Vehicle Standard (Australian Design Rule 38/02 – Trailer Brake Systems) 2005 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 38/02 – Trailer Brake Systems) 2005 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".

Vehicle Standard (Australian Design Rule 38/02 – Trailer Brake Systems) 2005 (ADR 38/02) was originally determined in 2005.

2. CONTENT AND EFFECT OF THE AMENDMENT

2.1. Overview

The function of this vehicle standard is to specify requirements for braking of trailers under both normal and emergency conditions.

This amendment allows for a transition between ADR 38/02 and the later version ADR 38/03. The changes do not affect the original intent or operation of the standard.

2.2. Changes

This amendment exempts vehicles from having to comply with an earlier version of a vehicle standard where they comply with a later version. This formalises the existing transition arrangements between earlier and later versions of the same vehicle standard. There is also a minor typographical correction.

3. CONSULTATION ARRANGEMENTS

3.1. 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).
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- 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*.

3.2. Specific Consultation Arrangements for this Vehicle Standard

The changes are administrative in nature only and are covered by the Regulation Impact Statement for ADR 38/03, the later version of this vehicle standard. The changes do not affect the original intent or operation of the standard and so no consultation has been necessary.
