



Vehicle Standard (Australian Design Rule 43/04 – Vehicle Configuration and Dimensions) 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 43/04 – Vehicle Configuration and Dimensions) 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) 43/04 was originally determined under subsection 7 (1) of the *Motor Vehicle Standards Act 1989* on 26th April 2006.

2. CONTENT AND EFFECT OF ADR 43/04 - VEHICLE CONFIGURATION AND DIMENSIONS

2.1. Overview of the ADR

The function of this vehicle standard is to address vehicle dimensions including maximum permissible length, width, height and ground clearance.

2.2. Effect of the ADR

This vehicle standard is being amended to allow the measurement of ground clearance to be made when the vehicle is in the unladen condition. This will relieve industry of the cost burden of modifying vehicles to enter the relatively small Australian market and open the way for innovative vehicles with variable ride height.

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).

- 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.

Changes resulting in relaxations or the introduction of alternative arrangements that do not affect the overall intent of the existing standards are discussed with the TLG in the first place and if unanimously supported may be determined without further consultation. TLG may request further consultation with TACE where determination would only proceed if unanimously supported. These proposals need to be supported by a Regulation Impact Statement approved by the Office of Best Practice Regulation.

New standards, or significant changes that increase the stringency of existing standards, may be subject to a vote by ATC Ministers following public comment and consultation with TACE. 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 approved by the Office of Best Practice Regulation.

However, ATC has agreed that proposals relating to internationally harmonised standards (harmonised with the regulations adopted by the United Nations Economic Commission for Europe) that are broadly supported by stakeholders, could proceed directly to determination following public comment.

3.2. Specific Consultation Arrangements for this Vehicle Standard

TLG voted unanimously in favour of the amendment at their meeting on 25 July 2007. TLG members also agreed that no further consultation was necessary. The State and Territory representatives were confident that they represented the views of their jurisdictions and that further consultation with agency chief executives or transport ministers was not necessary.

The Regulation Impact Statement is attached at Appendix A.

APPENDIX A



Australian Government

Department of Transport and Regional Services

Regulation Impact Statement for

Minor Amendments to Vehicle Standard (Australian Design Rule 43/04 – Vehicle Configuration and Dimensions) 2006

Ground Clearance

Version 1 - 17 September 2007

Prepared by: Vehicle Safety Standards
Department of Transport and Regional Services

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1. Introduction

Australian Design Rule 43/04 – Vehicle Configuration and Dimensions (ADR 43) addresses vehicle dimensions including maximum permissible length, width, height and ground clearance. This Regulation Impact Statement (RIS) addresses an amendment to the requirement for ground clearance only.

Ground Clearance is specified to ensure that vulnerable components located underneath are prevented from making contact with the ground.

This amendment was discussed with the Technical Liaison Group (TLG) at its 25 July 2007 meeting where the proposed amendment was unanimously supported. The TLG is the consultative committee for advising on ADR developments and includes members for the Australian, State and Territory governments, the vehicle manufacturing and operating industries and consumer groups.

1.1. International Standards

There are no internationally recognised regulations that address ground clearance. The United Nations Economic Commission for Europe (UNECE) does not regulate but makes recommendations relating to the measurement of ground clearance (but does not set limits) which are published in a document called Consolidated Resolution No 3 (CRE 3). CRE 3 is a useful guide and contracting parties of the UNECE 1958 Agreement (Australia is a signatory) are encouraged to follow the recommendations in CRE 3.

The current ADR 43/04 Clause 6.4.1 is a unique Australian requirement. No similar provision exists in UN/ECE regulations.

The current ADR requirement means that some imported vehicles that comply with all other relevant UN/ECE regulations have to be fitted with unique Australian specification suspensions to lift them up to a height that complies. In addition, vehicles designed with a variable ride height facility may not comply with the required minimum 100mm ground clearance in the fully lowered condition. Variable ride height is an emerging measure for improving fuel economy by minimising ground clearance at cruising speed to reduce aerodynamic drag. The lowering of the centre of gravity also confers improved stability and handling characteristics at normal driving speeds.

The preferred option would have been to delete this requirement, instead agreement could only be reached on a compromise as an interim arrangement until the completion of the comprehensive review of ADR 43 (expected to be completed by the end of 2007). The agreement reached was that instead of measuring ground clearance when the vehicle was fully loaded, as a compromise it could be measured in the unladen condition, which should provide sufficient leeway for existing vehicle models to comply.

2. Options

The available options are:

- **Option 1** - Taking no action
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- **Option 2** – Make the minor amendments agreed by the TLG
- **Option 3** – Delete or harmonise with the UNECE where possible.

3. Analysis

3.1. Taking No Action

Vehicles would be required to continue to comply with the current ADR 43 ground clearance requirement and in some cases would have to be modified to comply. Vehicles with the capacity for variable ride height would need to disable that facility.

3.2. Make the minor amendments agreed by the TLG

Industry and regulatory agencies are fully supportive of the agreed amendments as an interim measure pending a more thorough analysis into the need to retain any requirements. This option will relieve industry of the cost burden of modifying vehicles to enter the relatively small Australian market and open the way for innovative vehicles with variable ride height.

3.3. Delete or harmonise with the UNECE where possible

For the long-term, full consideration will be given to deleting this requirement. However, there may be a compromise reached whereby vehicle manufacturers are required to measure and report ground clearance data for the benefit of state and territory regulators to enable them to set limits on in-service modifications.

3.4. Non-Regulatory Options

There are no long-term viable non-regulatory options.

The established regulatory framework makes it an offence to offer non-compliant road vehicles to the Australian market. Under the *Motor Vehicle Standards Act 1989* the Minister may determine national standards and must approve road vehicles that comply with the applicable national standards. Vehicles of a particular type as defined under existing vehicle category codes contained in the ADRs must comply with the relevant ADRs before the Minister can approve them for supply to the Australian market.

However, Section 10A (2) of the Act provides for the Minister to approve non-complying vehicles if the Minister is satisfied that such non-compliance is only in minor and inconsequential respects. Currently, these provisions are only invoked for limited numbers of vehicles and where there is a clear expectation that the relevant standards are about to be amended so that such vehicles would no longer be noncompliant.

In this case, a more enduring strategy is required.

3.5. Cost to Business

The current new vehicle certification system administered by DOTARS imposes several costs on industry. Before a new vehicle can be issued an identification plate (allowing it to be supplied to the market) evidence must be provided to prove that the vehicle meets all relevant ADRs. Primarily this evidence is summaries of tests performed on various components or the whole vehicle.

Option 2 will result in significant savings to industry by removing the need to modify vehicles built for world markets to enter the Australian market.

Option 1 would perpetuate costly modifications for some vehicles to enter the Australian market. Innovative vehicles as mentioned above would most likely not be offered in Australia. This option has not been costed in any detail because it is not the favoured option. However, it is bound to be significant compared to the reduced cost represented by option 2.

Option 3 would result in similar cost savings as option 2 but has yet to be fully considered by stakeholders.

Business fully supports option 2.

3.6. Trade Facilitation

Option 2 will have a positive effect on trade facilitation.

4. Consultation

The minor amendments to ADR 43 were put to TLG at its last meeting on 25 July 2007. TLG voted unanimously in favour of **Option 2**.

TLG members also agreed that no further consultation was necessary. The State and Territory representatives were confident that they represented the views of their jurisdictions and that further consultation with agency chief executives or transport ministers was not necessary.

5. Conclusions and Recommendations

Options 2 and 3 are both desirable options. However, Option 2 is regarded as the most effective short-term solution. Option 3 will be further considered in the comprehensive review of ADR 43. Furthermore, the TLG agreed that option 2 is the best option.

6. Implementation and Review

The amendment to the relevant ADRs would be determined by the Minister for Local Government Territories and Roads under section 7 of the *Motor Vehicle Standards Act 1989*.

ADR 43 is scheduled for further review, to be completed in 2007.

7. References

Australian Design Rules are available from
http://www.dotars.gov.au/roads/motor/design/adr_online.aspx

- *Motor Vehicle Standards Act 1989*
 - Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005
 - Vehicle Standard (Australian Design Rule ADR 43/04 – Vehicle Configuration and Dimensions) 2006
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- UNECE Consolidated Resolution Number 3 (CRE 3) – see Annex 7 - can be found at

<http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29re3.html>