

Vehicle Standard (Australian Design Rule 4/04 – Seatbelts) 2006 Amendment 2

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Minister of Infrastructure, Transport, Regional
Development and Local Government

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 4/04 – Seatbelts) 2006 Amendment 2 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 4/04 – Seatbelts) 2006 (ADR 4/04) was originally determined in 2006.

2. CONTENT AND EFFECT OF ADR 4/04 AND THE AMENDMENT

2.1. Overview of the ADR

The function of ADR 4/04 is to specify requirements for seatbelts to restrain vehicle occupants under impact conditions, to facilitate fastening and correct adjustment, to assist the driver to remain in the driver's seat and thus maintain control of the vehicle in an emergency situation, and to provide protection against ejection in an accident situation.

2.2. Changes to the ADR

This amendment adds requirements for seatbelts to be fitted to some side-facing seats in road vehicles. These requirements were originally contained within ADR 4/03, which is an earlier version of the standard. However, they were inadvertently omitted when ADR 4/04 was first determined as a replacement for ADR 4/03.

Side-facing seats are typically found in Australia in some limousines, motorhomes and large four-wheel drive vehicles.

ADR 4/04 was determined in 2006 and was based on the technical content of an international regulation R16 as adopted by the United Nations Economic Commission for Europe (UNECE). UNECE R16 does not contain provisions for side-facing seats because they are not a feature widely used amongst contracting parties within the UNECE standards development forum. This was not accounted for when ADR 4/04 was determined.

It was established at the time that the adoption of requirements for seatbelts in Australia based on UNECE R16 would be safety neutral. The intention of moving to the international standard was mainly in order to assist industry and to meet trade obligations.

The Regulation Impact Statement at the time (Regulation Impact Statement

ADR 2/00 Side Door Latches and Hinges, ADR 3/02 Seats and Seat Anchorages
ADR 4/03 Seatbelts, ADR 5/04 Seatbelt Anchorages, ADR 22/00 Head Restraints,
February 2006) stated:

“The agreed reforms aimed to reduce the cost of compliance to business and to assist manufacturers to tap into overseas markets, without compromising safety. It was proposed to do this by harmonising ADRs 2, 3, 4, 5 and 22 with the equivalent UNECE Regulations No 11, 17, 16 and 14. The agreed reforms have attracted considerable support from vehicle manufacturers/importers and are seen as a priority item.”

Also:

“The argument for having no end date for all model vehicles is that the change to the standards is based on harmonisation with international standards and as such does not increase the safety of the fleet. Therefore, the transition could be managed by the natural change-over of models...”

The ADR is not currently safety neutral when compared to its earlier version as it does not deal with side-facing seats. This could potentially compromise the safety of vehicle occupants if they do not have a seatbelt to wear. This amendment proposal effectively reinstates earlier requirements for side-facing seats and in doing so does not affect the original intent of the standard. Because of this, it is seen as the correction of an omission rather than a new initiative. It has been given the broad support of all affected parties and it has also been agreed by those parties that there is no need for further consultation.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There will be no additional costs incurred by industry due to the amendment proposal. Those that supply the affected types of vehicles are in the most part aware of the current omission but for the moment have continued to meet the original requirements for side-facing seats anyway. Because of this, there is also a negligible education cost for industry in following the change to ADR 4/04. However, the amendment is still necessary to guarantee this for the future.

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.

The Department of Infrastructure, Transport, Regional Development and Local Government processes editorial changes and changes to correct errors without reference to other agencies. 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, may be subject to a vote by ATC Ministers. In cases where an ATC vote is sought, a simple majority is required before the Minister for Infrastructure, Transport, Regional Development and Local Government can determine the new or amended standards. Proposals that are regarded as significant need to be supported by a Regulation Impact Statement meeting the requirements of the Office of Best Practice Regulation as published in *Best Practice Regulation Handbook* and the Council of Australian Governments *Principles and Guidelines for National Standard Setting and Regulatory Action for Ministerial Councils and Standard-Setting Bodies*.

In November 2005, the ATC endorsed a recommendation to streamline the ADR development process by leaving decisions on all non-contentious, harmonised (with the UNECE Regulations) ADR proposals to the Federal minister responsible for administering the MVSA. In such cases, where the Federal minister would make the final decision without reference to ATC, the RIS would have to conform to the requirements established by the Office of Best Practice Regulation (OBPR) in relation to regulatory proposals where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator.

3.3. Specific Consultation Arrangements for this Vehicle Standard

The amendment proposal was discussed and unanimously endorsed by the TLG. Furthermore, TLG members agreed that the amendments were correcting an omission only and so further consultation with TACE and ATC was not necessary.

Because the amendment proposal is considered a correction of an omission and it does not vary the intent of the vehicle standard, it is not considered significant and so a Regulation Impact Statement is not required.

Since the decision is made by the Minister for Infrastructure, Transport, Regional Development and Local Government without reference to the ATC and the

amendment proposal is not significant, the OBPR requirements have been met for this regulatory proposal (OBPR Reference No. 10066).