

Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 2005 Amendment 1

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

June 2009

CONTENTS

1.	LEGISLATIVE CONTEXT.....	3
2.	CONTENT AND EFFECT OF ADR 61/02 AND AMENDMENTS.....	3
2.1.	Overview of the ADR.....	3
2.2.	Changes to the ADR.....	3
3.	BEST PRACTICE REGULATION	3
3.1.	Business Cost Calculator.....	3
3.2.	General Consultation Arrangements	3
3.3.	Specific Consultation Arrangements for this Vehicle Standard.....	4
3.4.	Regulation Impact Statement	4
	ATTACHMENT A.....	5

1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 2005 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) 61/02 was originally determined in *Determination of Motor Vehicle Standards - Order No 1 of 1995* along with two subsequent determinations before it was remade in 2005 to meet the requirements of the *Legislative Instruments Act 2003*.

2. CONTENT AND EFFECT OF ADR 61/02 AND AMENDMENTS

2.1. Overview of the ADR

ADR 61/02 provides requirements for vehicle markings on road vehicles. The standard covers provisions for: Vehicle Identification Number and Vehicle Identification Plate for all vehicles, Engine Numbers, Vehicle Plate for ME (heavy buses), NC (heavy goods vehicles) and T (trailers) group vehicles, Registration Plates and Label Holders for all vehicles and Visibility of Tray for vehicles fitted with tray bodies.

2.2. Changes to the ADR

The proposed change to the ADR is to make provision for Registration Plate and Label Holders for TA (very light) category trailers (either single or two wheeled) having a width of not more than 980 mm.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

The new provisions are optional and have safety benefits.

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 process 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.

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*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

The proposed minor amendments were discussed within the TLG at its 22 May 2008 meeting, where the proposal to amend ADR 61 as outlined was agreed to by all members.

As the amendments are minor in nature, and do not raise the stringency of the ADR, TLG members agreed that further consultation was not necessary through the public comment process. The state and territory representatives were also confident that they represented the views of their jurisdictions and that there was no need for further consultation through the Transport Agency Chief Executives (TACE) or the Australian Transport Council (ATC).

3.4. Regulation Impact Statement

A RIS has been prepared and is included at Appendix A. Since the decision is made by the Minister for Infrastructure, Transport, Regional Development and Local Government without reference to the ATC, it conforms 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. The OBPR reference number is 10330.

APPENDIX A

REGULATION IMPACT STATEMENT FOR

MINOR AMENDMENTS TO AUSTRALIAN DESIGN RULE 61/02



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Local Government**

Regulation Impact Statement for

Minor Amendments to Australian Design Rule 61/02

Final - June 2009
OBPR Ref 10330

Prepared by: Vehicle Safety Standards
Department of Infrastructure, Transport,
Regional Development and Local Government

CONTENTS

1.	INTRODUCTION	2
2.	BACKGROUND	2
2.1.	The Problem.....	2
3.	OBJECTIVES.....	2
4.	OPTIONS	3
4.1.	Option 1: Take No Action	3
4.2.	Option 2: Adopt the Proposed Minor Amendments	3
4.3.	Option 3: Delete the ADR	3
4.4.	Option 4: Non-regulatory Option	4
5.	ANALYSIS.....	4
5.1.	Option 1: Take No Action	4
5.2.	Option 2: Adopt the Proposed Minor Amendments	4
6.	IMPACTS	4
6.1.	Cost to business	4
6.2.	Benefits	5
7.	CONSULTATION	5
8.	CONCLUSIONS AND RECOMMENDATIONS	5
9.	IMPLEMENTATION AND REVIEW	6
10.	REFERENCES	6
	APPENDIX 1.....	7

1. Introduction

The Australian Government provides protection for new vehicle consumers through the *Motor Vehicle Standards Act 1989 (C'th)* (MVSA).

The MVSA provides mandatory vehicle safety, emission and anti-theft standards which apply when new vehicles are supplied to the Australian market. These are national standards and are known as the Australian Design Rules (ADRs).

Australian Design Rule 61/02 – Vehicle Markings, specifies requirements for vehicle markings on road vehicles. The standard covers requirements for the following:

- Vehicle Identification Number for all vehicles.
- Vehicle Identification Plate for all vehicles.
- Engine Numbers
- Vehicle Plate for ME, NC and T group vehicles.
- Registration Plates and Label Holders for all vehicles.
- Visibility of Tray for vehicles fitted with tray bodies.

Industry has proposed a minor amendment to allow small TA (O1) category trailers, having an overall width not more than 980 mm, to utilise the L – Group (motor cycle) sized registration plate and label holder provisions in ADR 61/02.

This Regulation Impact Statement (RIS) examines the case for government intervention.

2. Background

2.1. The Problem

Small single wheeled TA category trailers that are towed behind motor cycles have demonstrated a deficiency in the current standard for the registration plate provisions. If the larger motor vehicle registration plate is fitted to narrow trailers this plate can be a safety hazard as it could overhang the sides on curved narrow bodied trailers, which can affect the vehicle user and other road users that are likely to be in close proximity to the overhanging registration plate.

As there is no justification to prohibit the use of small single wheeled trailers on the basis of a lack of compliance with the current provisions of ADR 61/02, it is proposed to adopt the motor cycle sized registration plates and label holder provisions that apply to L – Group vehicles to also apply to small single wheeled trailers. Furthermore, so as not to exclude two wheeled small trailers from utilising the same provisions, it is proposed to apply these provisions to all small (TA Category) trailers having a width of not more than 980 mm.

3. Objectives

The first objective of the identified problem is to allow trailer manufacturers to choose either the large or small registration plate and motor cycle label holder provisions for small TA category trailers, having a width of not more than 980 mm.

The second objective is to eliminate a safety hazard that is caused when large registration plates are used on curved narrow bodied trailers.

The third objective is to reduce the need for special consideration by the state and territory transport authorities for the use of the smaller motor cycle size registration plate and label holders on small TA category trailers.

The final outcome is to ensure the proposed amendments be implemented such that vehicles compliant with the regulation prior to the amendment being made will continue to comply after the fact without the need for minor and inconsequential non-compliant approvals.

4. Options

4.1. Option 1: Take No Action

Under this option, trailer manufacturers would be required to continue to comply small TA Category trailers with the current ADR 61/02 requirements.

This option would continue to require the larger registration plate provisions to be applied to narrow curved bodied trailers with the result that when the larger registration plate is fitted a potential safety hazard could be created by the plate overhanging the sides of the trailer.

The option would also continue to require special consideration by the state and territory transport authorities to authorise the use of the smaller motor cycle registration plate on narrow curved bodied trailers.

4.2. Option 2: Adopt the Proposed Minor Amendments

This option would enable small TA category trailer manufacturers to utilise motor cycle registration plate and label holder provisions and remove a potential safety hazard when the current large registration plate is used on curved narrow bodied trailers.

The option would also remove the need for special consideration by the state and territory transport authorities for the use of the smaller motor cycle size registration plate and label holders on small trailers.

The proposed amendments to ADR 61/02 would be implemented such that vehicles compliant with the regulation prior to the amendment being made would continue to comply after the fact without the need for minor and inconsequential non-compliant approvals.

4.3. Option 3: Delete the ADR

Under this option, vehicles would no longer be required to continue to comply with ADR 61/02 requirements.

The ADRs are subject to a full review every ten years. This ensures that they remain relevant, cost effective and do not become a barrier to the importation of safer vehicles and vehicle components. The broader issue of whether to retain or delete the

entire ADR, or any of the requirements therein, has already been considered and rejected as part of the full review. Therefore, this option has not been considered any further in the RIS.

4.4. Option 4: Non-regulatory Option

Under this option, non-regulatory options such as suasion (publicity, social pressure etc), pure market approaches (property rights) and economic approaches (taxes, charges, fees, or subsidies) would be considered that would have the same effect as the proposal for this minor amendment. As with Option 3, non-regulatory options have already been considered and rejected as part of the full review. Therefore, this option has not been considered any further in the RIS.

5. Analysis

5.1. Option 1: Take No Action

This option would maintain the status quo with trailer manufacturers having to make provisions for the use of large registration plates on small TA category trailers with the result that a potential safety hazard could be created when the larger plate is used on curved narrow bodied trailers. It would also continue to require special consideration by the state and territory transport authorities to allow the use of smaller motor cycle registration plate and label holders on small TA category trailers.

5.2. Option 2: Adopt the Proposed Minor Amendments

Under this option, small TA Category trailers, having a width of not more than 980 mm, would be permitted to comply with motor cycle registration plate and label requirements thereby, removing the potential safety hazard that the larger plate could create. It would also make the current special practices of the state and territory transport authorities unnecessary for this vehicle type which would save time and additional costs in providing registration services.

This option would meet all of the objectives set out above.

6. Impacts

6.1. Cost to business

The current new vehicle certification system administered by the Department imposes several costs on industry. Before a new vehicle can be issued an identification plate (allowing it to be supplied to the market) test evidence must be provided to show that the vehicle meets all relevant ADRs. Primarily this evidence consists of summaries of tests performed on various components or the whole vehicle. Many of these tests are destructive (not an issue for these new provisions) and require specialist training, equipment and facilities.

Option 1, would preserve the status quo and not impose any additional cost on vehicle manufacturers.

Option 2, would not dramatically change the compliance cost of registration plate and label holder requirements and amending these requirements to accommodate small TA Category trailers, having a width of not more than 980 mm, provides greater

choice of options for the trailer manufacturer and would reduce design costs by permitting the use of motor cycle size registration plate mounting requirements.

6.2. Benefits

Option 2 would allow the use of the smaller registration plate to be fitted to narrow trailers and this would remove the safety hazard that is caused by the fitting the larger registration plate on curved narrow bodied trailers.

7. Consultation

Development of the Australian Design Rules (ADRs) under the *Motor Vehicle Standards Act 1989* (C'th) (MVSA) is the responsibility of the Vehicle Safety Standards Branch of the Department of Infrastructure, Transport, Regional Development and Local Government. It is carried out in consultation with representatives of the Australian Government, state and territory governments, manufacturing and operating industries, road user groups and experts in the field of road safety.

The Department undertakes public consultation on significant proposals. Under Part 2, section 8 of the MVSA the Minister may consult with state and territory agencies responsible for road safety, organizations and persons involved in the road vehicle industry and organizations representing road vehicle users before determining a design rule.

The Technical Liaison Group (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. The full membership of TLG is shown at Appendix 1.

The proposed minor amendments were discussed within the TLG at its 22 May 2008 meeting, where the proposal to amend ADR 61 as outlined was agreed to by all members. This vote was carried at the same time when the ADR 13 lighting provisions for small trailers was discussed.

As the amendments are minor in nature, and do not raise the stringency of the ADR, TLG members agreed that further consultation was not necessary through the public comment process. The state and territory representatives were also confident that they represented the views of their jurisdictions and that there was no need for further consultation through the Transport Agency Chief Executives (TACE) or the Australian Transport Council (ATC).

8. Conclusions and Recommendations

Option 2, adopt the proposed minor amendments, is regarded as the most effective solution in terms of achieving the stated objectives. Under this option the ADR will be amended to utilise motor cycle sized registration plate and label holder provisions on small TA category trailers. Additionally, the amendments will be implemented such that vehicles compliant with the regulation prior to the amendment being made will continue to comply after the fact without the need for minor and inconsequential non-compliant approvals.

Option 1, taking no action, does not meet any of the stated objectives and continues to perpetuate the inadequacies of the current ADR. As such it not regarded as a viable solution.

The TLG agreed that Option 2, to adopt the proposed minor amendments, is the preferred option. As industry and regulatory agencies are fully supportive of the minor amendments and that there are no disadvantages to consumers, this option is recommended.

9. Implementation and Review

The amendments to the relevant ADRs would be determined by the Minister for Infrastructure, Transport, Regional Development and Local Government under section 7 of the *Motor Vehicle Standards Act 1989*. The determination process generally takes approximately 28 days.

10. References

Australian Design Rules are available from

http://www.Infrastructure.gov.au/roads/motor/design/adr_online.aspx

- Vehicle Standard (Australian Design Rule 61/02 – Vehicle Markings) 2005
-

APPENDIX 1

Membership of the Technical Liaison Group (TLG)

Manufacturer and Industry Representatives

Australian Road Transport Suppliers Association
Commercial Vehicle Industry Association
Federal Chamber of Automotive Industries (including the Federation
of Automotive Product Manufacturers)
Australian Trucking Association
Bus Industry Confederation
Truck Industry Council

Consumer Representatives

Australian Automobile Association
Motorcycle Council of Australia

Government Representatives

Australian Government Department of Infrastructure, Transport,
Regional Development and Local Government
Department of Transport , South Australia
Queensland Transport
Roads and Traffic Authority, New South Wales
VicRoads, Victoria
Department for Planning and Infrastructure, Western Australia
ACT Office of Transport
Department of Planning and Infrastructure, Northern Territory
Department of Infrastructure, Energy and Resources, Tasmania

Inter Governmental Agency

National Road Transport Commission
