

Vehicle Standard (Australian Design Rule 31/01 Brake Systems for Passenger Cars) 2005 Amendment 1

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

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

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 31/01 —Brake Systems for Passenger Cars 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 31/01 Brake Systems for Passenger Cars) 2005 (ADR 31/01) was originally determined in 2005.

2. CONTENT AND EFFECT OF ADR 31/01 AND AMENDMENTS

2.1. Overview of the ADR

The function of this vehicle standard is to specify braking system requirements for passenger cars. The standard also contains provisions for some other light passenger/commercial vehicles.

2.2. Effect of the ADR Amendment

This amendment implements transition arrangements from this vehicle standard to a later vehicle standard. It also allows a later version of an alternative standard and a relaxation in certification arrangements. It corrects seven minor drafting errors. The changes are as follows:

- The provision of a transitional arrangement such that compliance to the new standard ADR 31/02 exempts a manufacturer from having to comply with ADR 31/01.
- The allowing of a later version of the referenced UNECE regulation as an alternative standard. Australia is harmonising with these international standards where possible.
- The relaxation of a requirement for the manufacturer to provide information, at the time of certification, relating to the referenced UNECE regulation and regarding complex electronic systems.
- The correction of seven typographical errors. This would not affect the requirements of the ADR.

Overall, this amendment is expected to improve the ease of use of the ADR.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is no expected increase in cost to manufacturers, as the proposed amendments do not affect the requirements of the ADR.

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 amendment was mainly related to the introduction of ADR 31/02, plus some minor corrections. As these are minor in nature, and do not affect the requirements of the ADR, further consultation was not considered necessary and so not carried out for this part of the amendment.

The changes to allow a later version of the referenced UNECE regulation as an alternative standard and for the relaxation of the requirement for the manufacturer to provide information on complex electronic systems were both requested by industry and were agreed at the 30th TLG meeting. As they are minor in nature, and do not affect the requirements of the ADR, further consultation was not considered necessary.

3.4. Regulation Impact Statement

As the proposed amendment does not affect the requirements of the ADR, 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 proposal is not considered significant, the Office of Best Practice Regulation requirements have been met for this regulatory proposal (OBPR Reference No. 10826).