

Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 Amendment 4

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Parliamentary Secretary for Infrastructure and Transport

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule — Definitions and Vehicle Categories) 2005 Amendment 4 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 — Definitions and Vehicle Categories) 2005 (ADR) was originally determined in 2005 and was subsequently amended once in 2006 and twice in 2007.

2. CONTENT AND EFFECT OF ADR AND AMENDMENTS

2.1. Overview of the ADR

The function of this vehicle standard is to set out matters, such as definitions of key terms, which apply in common to particular ADRs.

2.2. Effect of the ADR Amendment

This amendment adds an alternative ADR definition of an off-road passenger vehicle, which aligns with the definition used by the United Nations Economic Commission for Europe (UNECE). It also adds a new definition to allow the use of environmentally friendly gearboxes and changes the criteria for differentiating between motorcycle and passenger type three wheeled vehicles.

The changes are as follows:

- Adds an alternative definition of an off-road passenger vehicle as specified under Category G - Off-Road Vehicles within the UNECE Consolidated Resolution on the Construction of Vehicles (R.E.3). This would align with international practice and would not increase the stringency of the ADR.
- Adds of a new definition for “Engine Start Control” to allow for the use of environmentally friendly gearboxes where the engine stop/start mechanism may be automatically controlled.
- Removes the 450 kg mass break point that is currently used to differentiate between motorcycle and passenger type three wheeled vehicles.

There are minor differences between the current ADR and UNECE definitions for off-road passenger vehicles. These differences involve the geometric characteristics which ensure such vehicles could travel over undulating terrain without snubbing the front on rising surfaces (approach angle), grounding the underbody when the front and rear

wheels are on opposite sides of a mound (ramp/breakover angle) and grounding the axles on rutted, rock strewn roads (axle clearance). The differences are:

- UNECE requirement for approach angle (25 degrees) is less stringent than the current ADR requirement (28 degrees).
- UNECE requirement for ramp (breakover) angle (20 degrees) is more stringent than the current ADR requirement (14 degrees).
- The UNECE requirement for front and rear axle clearance (180mm) is more stringent than the current ADR requirement (175 mm).

While the differences are minor, persisting with the current ADR definition could exclude off-road passenger vehicles manufactured for the world market from the Australian market.

The addition of the definition “Engine Start Control” will cater for environmentally gearboxes that automatically switch the engine off instead of wasting fuel during idling. The engine is automatically switched on when the driver depresses the accelerator pedal when ready to move off.

In relation to the 450 kg mass break point, under the broad category of three wheeled vehicles are three sub categories; motorcycles, passenger vehicles and goods vehicles depending on whether the seating arrangements, steering equipment and surrounding structure resemble motorcycles, passenger cars or goods carrying vehicles.

In addition, three wheeled motorcycle and passenger type vehicles are differentiated on the basis of whether they weigh less or more than 450kg respectively. There are a number of three-wheeled vehicles on the world market built on modified motorcycle frames weighing in at more than 450kg which would therefore be regarded as passenger type vehicles under the ADR categorisation code. However, such vehicles would be unable to meet the necessary passenger vehicle ADRs and would therefore be unable to enter the Australian market. This criterion is historical in nature and is no longer relevant to modern three wheeled motorcycles or passenger vehicles. There has never been any restriction on the mass of two wheeled motorcycles.

This amendment removes the 450kg mass limit from the criteria for differentiating between motor cycle and passenger type three wheelers and opens the way for a greater selection of three wheeled, motorcycle type vehicles to enter the Australian market. There are no safety implications.

These amendments do not increase the stringency 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 Government 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), Standing Committee on Transport (SCOT), 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).
- SCOT 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.

Although at the time of writing the TLG is in the process of being reconstituted under a higher level Strategic Vehicle Safety and Environment Group (SVSEG), its role in ADR development will continue as before. It was agreed that amendments approved by the old TLG would be seamlessly carried forward.

Editorial changes and changes to correct errors are processed by the Department of Infrastructure and Transport. 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 (RIS) meeting the requirements of the Office of Best Practice Regulation (OBPR) 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 where the proposal to amend ADR *Definitions and Vehicle Categories* 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 Standing Committee on Transport (SCOT) or the Australian Transport Council (ATC).

3.4. Regulation Impact Statement

As these amendments do not increase the stringency of the ADR, a RIS is not required. The OBPR reference numbers are 11028, 11850 and 10389.
