

MOTOR VEHICLE STANDARDS ACT 1989

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006 Amendment 1

EXPLANATORY STATEMENT

**Issued by the authority of the Minister for Infrastructure
and Transport**

December 2010

1. Legislative Context for ADR 80/03

Vehicle Standard (Australian Design Rule 80/03 – Emission Control for Heavy Vehicles) 2006 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".

2. Content and Effect of ADR 80/03 Amendment 1

Australian Design Rule (ADR) 80/03 prescribes the exhaust emissions requirements for engines used in heavy vehicles. Schedule 1 of Amendment 1 amends ADR80/03 to enable truck manufacturers and importers who choose the Japanese standards route to satisfy the on board diagnostics (OBD) elements of the ADR by meeting the requirements specified in the Japanese 05 OBD Standard (JE05 OBD). Allowing JE05 OBD "as written", will allow the Japanese emission standard (Japan 05) to be used without modification.

3. Consultation Arrangements

3.1 General 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 Australian 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.

New standards, or significant changes that increase the stringency of existing standards, are subject to consideration by Ministers of the Australian Transport Council (ATC), with the Minister for Infrastructure and Transport having ultimate responsibility to determine the new or amended standards under the Act. 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.

In November 2005, ATC agreed to streamlined arrangements for processing ADRs which removed the need for a formal ATC vote where the ADR proposals are non-controversial and harmonised with international regulations.

3.2 Specific Arrangements for this ADR

The amendments outlined in section 2 of this explanatory statement represent minor changes which do not change the intent or stringency of the ADR.

The Office of Best Practice Regulation has confirmed that a Regulation Impact Statement is not required (OBPR ref no. 2010/11927).