

MOTOR VEHICLE STANDARDS ACT 1989

**Vehicle Standard (Australian Design Rule 81/02 —
Fuel Consumption Labelling for Light Vehicles) 2008
Amendment 5**

EXPLANATORY STATEMENT

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

September 2011

1. Legislative Context for ADR 81/02

Vehicle Standard (Australian Design Rule 81/02 – Fuel Consumption Labelling for Light Vehicles) 2008 Amendment 5 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 81/02 Amendment 5

Australian Design Rule (ADR) 81/02 prescribes the fuel consumption labelling requirements for light vehicles and test procedures for determining the fuel consumption and carbon dioxide emission results reported on the label. Schedule 1 of Amendment 5 amends ADR 81/02 to allow vehicles certified to one of the new emissions ADRs (ADR 79/03 or ADR 79/04) to submit test results in accordance with the test procedures defined in the version of United Nations Economic Commission for Europe Regulation 83 adopted in those ADRs.

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)¹, 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 as published in the *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, 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.

As the amendment to ADR 81/02 is of an administrative nature, clearance by the Office of Best Practice Regulation was not required.

¹ ATC's work will be subsumed into the work program of the Standing Council on Transport and Infrastructure (SCOTI).