

MOTOR VEHICLE STANDARDS ACT 1989

Vehicle Standard (Australian Design Rule 79/02 — Emission Control for Light Vehicles) 2005 Amendment 3

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Infrastructure and Transport

September 2011

1. Legislative Context for ADR 79/02

Vehicle Standard (Australian Design Rule 79/02 — Emission Control for Light Vehicles) Amendment 3 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 79/02 Amendment 3

ADR 79/02 prescribes the exhaust and evaporative emissions requirements for light vehicles in order to reduce air pollution.

Schedule 1 amends the applicability clauses of ADR 79/02 to automatically exempt vehicles that comply with the new, more stringent requirements in ADR 79/03 or ADR 79/04 from the requirements of this standard.

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 (OBPR) 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.

¹ ATC's work will be subsumed into the work program of the Standing Council on Transport and Infrastructure (SCOTI).
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3.2 Specific Arrangements for this Standard

The amendments outlined in Section 2 of this explanatory statement represent consequential changes arising from the determination of new standards, which do not change the intent or stringency of the ADR.

As the amendment to ADR 79/02 is of an administrative nature, clearance by the Office of Best Practice Regulation was not required.