

MOTOR VEHICLE STANDARDS ACT 1989

**Vehicle Standard (Australian Design Rule 79/04 — Emission
Control for Light Vehicles) 2011**

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Infrastructure and Transport

September 2011

1. Legislative Context for ADR 79/04

Vehicle Standard (Australian Design Rule 79/04 — Emission Control for Light Vehicles) 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 79/04

ADR 79/04 prescribes future emission limits for new light vehicles, and the standard test methods for measuring those emissions. ADR 79/04 will significantly lower emission levels of air pollutants from new light vehicles and will align Australian standards with the latest international standards adopted by the United Nations Economic Commission for Europe (UNECE).

ADR 79/04 adopts the *Euro 5* requirements of the UNECE Regulation 83/06 for new light petrol, diesel and gaseous fuelled vehicles. The full text of this Regulation is included as Appendix A to ADR 79/04.

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).

3.2 Specific Arrangements for this Standard

In the case of ADR 79/04, the Department of Infrastructure and Transport managed the public consultation and comment process for the review of *Euro 5* and *Euro 6* emission standards for light vehicles. The Review involved extensive consultation including:

- public release of a draft Regulation Impact Statement (RIS) in January 2010;
- direct consultations with key stakeholders; and
- consideration of stakeholder submissions to the draft RIS.

A cost benefit analysis was commissioned as part of the Review. A copy of the final RIS is at Attachment A to this Explanatory Statement. Chapter 5 of the RIS details the consultation arrangements. The OBPR has endorsed the final RIS as meeting the necessary requirements (Ref No 10854).

As part of the consultation process, it was agreed that the Department of Infrastructure and Transport would continue to work with affected manufacturers to develop agreed procedures for cold start testing of flex fuel ethanol vehicles under this standard by the end of 2011. To enable manufacturers with vehicles that meet the full *Euro 5* requirements to certify to ADR 79/04 without the need to initially certify to ADR 79/02 or ADR 79/03, it was agreed that the most appropriate course of action was to initially determine ADR 79/04 adopting the full *Euro 5* requirements as written in UNECE Regulation 83/06 and determine an amendment to this standard at a later date, once the alternative cold start test procedures for flex fuel ethanol vehicles have been resolved.