

Vehicle Standard (Australian Design Rule 2/01 – Side Door Latches and Hinges) 2006 Amendment 1

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 2/01 – Side Door Latches and Hinges) 2006 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards that apply to new 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.

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 2/01 – Side Door Latches and Hinges) 2006 (ADR 2/01) was originally determined in 2006.

2. CONTENT AND EFFECT OF ADR 2/01 AND THE AMENDMENT

2.1. Overview of the ADR

ADR 2/01 specifies requirements for side door retention components including latches, hinges, and other supporting means to minimise the likelihood of occupants being thrown from a vehicle as a result of impact. Its technical content is based on United Nations Economic Commission for Europe (UNECE) Regulation No. 11 (R 11).

2.2. Effect of the ADR

ADR 2/01 currently lists UNECE R 11/02 as an alternative standard. UNECE R 11 was updated to the 03 series in June 2007 in order to align it with Global Technical Regulation No.1 - Door Locks and Door Retention Components, which is also referenced as an alternative standard within the ADR. This update revises the hinge and door latch testing procedures, extends these from doors on the side of the vehicle only, to doors that open in a vertical direction and to any door at the back of the vehicle that is used for passenger entry. It also sets requirements for door lock operation. More detail of the equipment required for each test is provided.

This amendment involves the following changes:

- allowing UNECE R 11/03 as an alternative standard;
- updating the technical content of the ADR to allow for the latest version of UNECE R 11 to be fully reflected within the text; and
- updating references to include the latest clause numbering.

These changes do not increase the stringency of the ADR, as an alternative standard clause will continue to provide the option of complying with UNECE R 11/02. The main effect of the amendment will be to provide industry with the option of complying with the latest version of UNECE R 11.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is no expected increase in cost to manufacturers, as the proposed amendments do not increase the stringency 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 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 Strategic Vehicle Safety and Environment Group (SVSEG), Technical Liaison Group (TLG), Transport and Infrastructure Senior Officials' Committee (TISOC) and the Standing Council on Transport and Infrastructure (SCOTI).

- SVSEG consists of senior 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).
- TLG consists of technical 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).
- TISOC consists of state and territory transport and/or infrastructure Chief Executive Officers (CEO) (or equivalents), the CEO of the National Transport Commission, New Zealand and the Australian Local Government Association.
- SCOTI consists of the Australian, state/territory and New Zealand Ministers with responsibility for transport and infrastructure issues.

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 meeting the requirements of the Office of Regulation Review 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 change to allow the latest version of UNECE R 11 as an alternative standard was requested by vehicle manufacturers. The proposed amendment was provided out of session to AMVCB members on 7 December 2011. No objections were subsequently raised.

As the amendment is minor in nature, and does not increase the stringency of the ADR, there is no need for further consultation through TISOC, SCOTI, or the public comment process.

3.4. Regulation Impact Statement

As the proposed amendment does not increase the stringency of the ADR, a Regulation Impact Statement is not required.

Since the decision is made by the Parliamentary Secretary for Infrastructure and Transport without reference to SCOTI and the proposal is not considered significant, the Office of Best Practice Regulation requirements have been met for this regulatory proposal (OBPR Reference No. ID 13380).

4. STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

The following Statement is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

4.1. Overview of the Legislative Instrument

Under the *Motor Vehicle Standards Act 1989* Australian Design Rules (ADRs) are published to provide national standards for vehicle safety, anti-theft and emissions.

ADR 2/01 was published to specify requirements for side door retention components, including latches, hinges, and other supporting means, to minimise the likelihood of occupants being thrown from a vehicle as a result of impact.

4.2 Human Rights Implications

ADR 2/01 Amendment 1 in its nature and contents, is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

4.3 Conclusion

ADR 2/01 Amendment 1 does not engage any of the applicable human rights or freedoms and it is compatible with human rights as it does not raise any human rights issues.