

Vehicle Standard (Australian Design Rule 4/05 – Seatbelts) 2012

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

(includes a complementary amendment to Vehicle Standard (Australian Design Rule
69/00 – Full Frontal Impact Occupant Protection) 2006)

Issued by the authority of the Parliamentary Secretary for Infrastructure and Transport

January 2012

CONTENTS

1.	LEGISLATIVE CONTEXT.....	3
2.	CONTENT AND EFFECT OF ADR 4/05	3
2.1.	Overview of the ADR	3
2.2.	Effect of the ADR	3
3.	BEST PRACTICE REGULATION	4
3.1.	Business Cost Calculator	4
3.2.	General Consultation Arrangements	4
3.3.	Specific Consultation Arrangements for this Vehicle Standard	5
3.4.	Regulation Impact Statement	5
4.	STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS	5
4.1.	Overview of the Legislative Instrument	5
4.2.	Human Rights Implications	5
4.3.	Conclusion	5

1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 4/05 – Seatbelts) 2012 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 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 4/05 – Seatbelts) 2012 (ADR 4/05) is being made to replace Vehicle Standard (Australian Design Rule 4/04 – Seatbelts) 2006 (ADR 4/04), which was originally determined in 2006 and since amended in two subsequent determinations. It is necessary to make a new standard rather than an amendment as the requirements have increased in stringency.

2. CONTENT AND EFFECT OF ADR 4/05

2.1. Overview of the ADR

The function of this vehicle standard is to specify requirements for seatbelts to restrain vehicle occupants under impact conditions, to facilitate fastening and correct adjustment, to assist the driver to remain in the driver's seat and thus maintain control of the vehicle in an emergency situation, and to provide protection against ejection in an accident. The technical content of the standard is based on the international standard United Nations Economic Commission for Europe (UNECE) Regulation No. 16 (R 16).

2.2. Effect of the ADR

This vehicle standard is being made to re-align ADR 4 with the latest version of the international standard for seatbelts, UNECE R 16/06. It differs from the previous version in that it adopts the technical requirements of UNECE R 16/06 and lists UNECE R 16/06 as an alternative standard. This introduces a requirement for advanced seatbelt reminder systems to be fitted to the driver's seat in passenger cars, passenger vans and Sports Utility Vehicles (SUVs) (ADR vehicle categories of MA, MB and MC). These systems use visual and audible warning signals to alert the driver should they begin to operate the vehicle without first fastening their seatbelt. It also updates the requirements for seatbelts, including those for folding seats, and brings in a minor test relaxation.

This standard will apply to new vehicles starting from 1 July 2013 for new vehicle models and then 1 July 2015 for all vehicle models of other than MC category and 1 November 2015 for all vehicle models of MC category.

This new standard will not only ensure that the ADR provisions do not present a technical barrier to vehicle manufacturers wishing to supply Australia with new vehicles meeting the latest international standard, but also reduce the road trauma arising from unrestrained vehicle occupants (those not wearing their seatbelt).

A minor complementary amendment is being made to Vehicle Standard (Australian Design Rule 69/00 – Full Frontal Impact Occupant Protection) 2006 (ADR 69/00) which, in addition to specifying crashworthiness requirements for vehicles in a full frontal crash, also contains requirements for visual seatbelt warning systems. The new ADR 4/05 will require a more advanced type of system that produces a visual and audible signal and is more persistent. This complementary amendment adds in a clause to ensure that vehicles meeting the seatbelt reminder requirements of ADR 4/05 will continue to comply with ADR 69/00.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is a cost associated with the requirement to fit seatbelt reminder systems to the driver's position of passenger cars, passenger vans and SUVs but the Regulation Impact Statement (RIS) shows that there is expected to be an annual net benefit of \$276,219 (based on a period of effectiveness of 15 years).

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 and of representative organisations of consumers and road users (the same organisations as represented in SVSEG).
- 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 proposed standard was provided out of session to SVSEG/TLG members in August 2011 and no objections were raised. Suitable lead times for implementing ADR 4/05 were subsequently agreed with industry. Some minor changes were also made to the draft ADR to better reflect the transitional arrangements of UNECE R 16.

As the changes are considered minor in nature, SVSEG members agreed that further consultation through the public comment process was not necessary. The state and territory members represented the views of their jurisdictions and so there was no need for further consultation through TISOC or SCOTI.

3.4. Regulation Impact Statement

A RIS has been prepared. Since the decision is made by the Minister/Parliamentary Secretary for Infrastructure and Transport without reference to the SCOTI, it conforms to the requirements established by the Office of Best Practice Regulation (OBPR) in relation to regulatory proposals where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator. The OBPR reference number is 11243.

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

As stated above this amendment is to require the fitting of seatbelt reminders (safety-belt reminders) for the driver's position of passenger cars and Sports Utility Vehicles (SUVs) and for seatbelt requirements for folding seats.

4.2. Human Rights Implications

This means ADR 4-05 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 4-05 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.