

Vehicle Standard (Australian Design Rule 34/02 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2012

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

(includes a complementary amendment to Vehicle Standard (Australian Design Rule –
Definitions and Vehicle Categories) 2005)

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

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 34/02 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 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 34/02 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2012 (ADR 34/02) is being made to replace Vehicle Standard (Australian Design Rule 34/01 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2005 (ADR 34/01), which was originally determined in 2005.

2. CONTENT AND EFFECT OF ADR 34/02

2.1. Overview of the ADR

The function of this vehicle standard is to specify requirements for top tether anchorages and their fittings so that child restraints may be adequately secured to the vehicle. It specifies a standard package of fitting hardware and accessibility requirements to facilitate correct installation and interchangeability of child restraints. It also specifies requirements for any lower anchorages, other than a vehicle seatbelt assembly, to which the lower portion of a child restraint may be attached on a vehicle seat (such as ISOFIX low anchorages).

2.2. Effect of the ADR

This vehicle standard is being made to set safety requirements for any ISOFIX based child restraint anchorages that are fitted to a vehicle.

ISOFIX is a system for attaching child restraints to vehicles which has been adopted internationally by the United Nations Economic Commission for Europe (UNECE). ISOFIX child restraints currently cannot be purchased in Australia. This is because the Australian and New Zealand Standard (AS/NZS) 1754 does not allow ISOFIX child restraints. AS/NZS 1754 is a consumer product safety standard mandated under the *Competition and Consumer Act 2010* that all child restraints used in Australia must meet.

This new standard will allow vehicle manufacturers the option of providing and testing child restraint anchorages of the ISOFIX type. This in turn will clear the way for AS/NZS 1754 to allow for ISOFIX based child restraints in addition to existing child restraints, giving greater consumer choice. The requirement to have the existing Australian child restraint anchorages (that utilise the seatbelt and top tether strap) fitted to vehicles will remain.

Although it will not be mandatory to fit ISOFIX anchorages, it is necessary to make a new standard rather than an amendment in order to prescribe design and strength requirements for any ISOFIX anchorages that are optionally fitted by a manufacturer.

This standard will apply to new vehicles starting from 1 November 2012 for new vehicle models and then 1 November 2013 for all vehicle models.

A minor complementary amendment is being made to Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 to introduce a definition for the term '*Upper Anchor Fitting Package*'. This new definition is needed to make a distinction between requirements for top tether anchorages and requirements for ISOFIX anchorages in ADR 34/02.

Overall, this standard will allow manufacturers to provide vehicles with child restraint anchorages that are more closely aligned with the international child restraint system and provide consumers with a greater choice in child restraint design.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There may be some increase in certification costs for manufacturers who wish to supply ISOFIX anchorages in their vehicles as they will have to be tested. However, vehicle manufacturers have indicated that these costs will be outweighed by the benefits of being able to offer a wider range of child restraint designs.

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 Best Practice Regulation (OBPR) 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 the ADR were subsequently agreed with industry, complementing the work by Standards Australia on AS/NZS 1754. Some minor changes were also made to the draft ADR to better facilitate the use of ISOFIX systems in convertible vehicles.

In parallel with this, the draft Regulation Impact Statement (RIS) and draft ADR were issued for limited public consultation. Again, no objections were raised.

The state and territory members of SVSEG 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 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 11918.

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

ADR 34/02 is being made to replace ADR 34/01. It introduces safety requirements for any ISOFIX based child restraint anchorages that are fitted to a vehicle. This will allow

vehicle manufacturers the option of providing and testing additional anchorages of the ISOFIX type.

4.2. Human Rights Implications

ADR 34/02 does not engage any of 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 34/02 is compatible with human rights as it does not raise any human rights issues.