

MOTOR VEHICLE STANDARDS ACT 1989

**Vehicle Standard (Australian Design Rule 79/04 —
Emission Control for Light Vehicles) 2011
Amendment 1**

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Infrastructure and Transport

May 2012

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 subsection 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 based on the technical requirements of UN Regulation 83/06 (*Euro 5*) for all new vehicles produced on or after 1 November 2016.

Schedule 1 of Amendment 1 amends ADR 79/04 to allow all flex fuel ethanol vehicles regardless of vehicle class to comply with the hydrocarbon emission limits applicable to the heaviest category of light commercial vehicles when performing the Type VI (low temperature cold start) test on ethanol (E75). This amendment was developed in recognition of the technical difficulties manufacturers have stated for flex fuel ethanol vehicles in meeting the requirements of the Type VI test on ethanol, as currently required under ADR 79/04.

The amendment also adds an ethanol (E75) reference fuel specification for flex fuel ethanol vehicles to use for the purposes of the Type VI test, based on the specifications in European (EC) Regulation 566/2011. The current version of UN Regulation 83/06 adopted in ADR 79/04 does not specify an ethanol reference fuel for the purposes of the Type VI test, but is expected to incorporate the European reference fuel specifications in the near future.

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 cooperation between the Australian and the state/territory governments, as well as consultation with industry and consumer groups. 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.

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*.

3.2 Specific Arrangements for this Standard

When the Minister for Infrastructure and Transport announced on 11 June 2011 that Australia would implement the *Euro 5* and *Euro 6* air pollutant emission standards for light vehicles, 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.

The amendments outlined in section 2 of this explanatory statement represent minor changes which do not significantly change the intent or stringency of the ADR.

The Office of Best Practice Regulation has confirmed that a Regulation Impact Statement is not required for this amendment (OBPR ref no. 2012/13672).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Vehicle Standard (Australian Design Rule 79/04 — Emission Control for Light Vehicles) 2011 Amendment 1

This Legislative Instrument 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*.

Overview of the Legislative Instrument

ADR 79/04 prescribes future emission limits for new light vehicles, and the standard test methods for measuring those emissions for all new vehicles produced on or after 1 November 2016.

Schedule 1 of Amendment 1 amends ADR 79/04 to allow all flex fuel ethanol vehicles to comply with the hydrocarbon emission limits applicable to the heaviest category of light commercial vehicles when performing the Type VI (low temperature cold start) test on ethanol (E75), and adds an ethanol (E75) reference fuel specification for flex fuel ethanol vehicles to use for the purposes of the Type VI test.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Anthony Albanese MP

Minister for Infrastructure and Transport