

MOTOR VEHICLE STANDARDS ACT 1989

**Vehicle Standard (Australian Design Rule 81/02 —
Fuel Consumption Labelling for Light Vehicles) 2008
Amendment 6**

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Infrastructure and Transport

May 2012

1. Legislative Context for ADR 81/02

Vehicle Standard (Australian Design Rule 81/02 – Fuel Consumption Labelling for Light Vehicles) 2008 Amendment 6 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 81/02 Amendment 6

Australian Design Rule (ADR) 81/02 prescribes the fuel consumption labelling requirements for light vehicles and the test procedures for determining the fuel consumption and carbon dioxide emission results reported on the label.

Schedule 1 of Amendment 6 amends ADR 81/02 to allow manufacturers to submit fuel consumption and carbon dioxide emissions data based on the technical requirements of the latest versions of UN Regulation 101 and UN Regulation 83, which are based on *Euro 5* test procedures.

The amendment adds a consolidated version of UN Regulation 101 incorporating all amendments up to and including the 01 series of amendments as Appendix C to ADR 81/02. Appendix C also includes updated cross references to UN Regulation 83 incorporating the 06 series of amendments, as applied under ADR 79/03 and 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 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 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 ADR

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

The Office of Best Practice Regulation has confirmed that a Regulation Impact Statement is not required (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 81/02 — Fuel Consumption Labelling for Light Vehicles) 2008 Amendment 6

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

Australian Design Rule (ADR) 81/02 prescribes the fuel consumption labelling requirements for light vehicles and the test procedures for determining the fuel consumption and carbon dioxide emission results reported on the label.

Schedule 1 of Amendment 6 amends ADR 81/02 to allow manufacturers to submit fuel consumption and carbon dioxide emissions data based on the technical requirements of the latest versions of UN Regulation 101 and UN Regulation 83 based on *Euro 5* test procedures.

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