

Vehicle Standard (Australian Design Rule – Harmonisation) 2012 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 – Harmonisation) 2012 Amendment 1 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 – Harmonisation) 2012 (ADR – Harmonisation) was originally determined in 2012.

2. CONTENT AND EFFECT OF ADR HARMONISATION AND THE AMENDMENT

2.1. Overview of the ADR

The function of ADR – Harmonisation is to implement the harmonisation and mutual recognition elements of the United Nations Economic Commission for Europe (UNECE) 1958 Agreement within Australia.

2.2. Effect of the ADR Amendment

This amendment is being made to correct an error in order to better align the operation of ADR – Harmonisation with its intended operation as detailed in the original Regulation Impact Statement (RIS) for the determination of ADR – Harmonisation. It does not affect the original intent of the standard and is expected to improve the clarity of the ADR.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is no expected increase in cost to manufacturers, as the proposed amendments do not affect the requirements of the ADR as detailed in the original RIS.

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 (RIS) meeting the requirements of the Office of Best Practice Regulation 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

This amendment is to correct an error and it does not vary the intent of the vehicle standard. Further consultation was not considered necessary and so not carried out.

3.4. Regulation Impact Statement

As the proposed amendment is administrative in nature, a RIS is not required.

Since the decision is made by the Minister/Parliamentary Secretary for Infrastructure and Transport without reference to the 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. 13769).

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

This amendment is being made to correct an error in order to better align the operation of ADR – Harmonisation with its intended operation as detailed in the original RIS for the determination of ADR – Harmonisation. It does not affect the original intent of the standard and is expected to improve the clarity of the ADR.

4.2. Human Rights Implications

This amendment 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

The amendment to ADR – Harmonisation is compatible with human rights as it does not raise any human rights issues.