



Australian Government

Department of Infrastructure and Transport

Vehicle Standard (Australian Design Rule 58/00 – Requirements for Omnibuses Designed for Hire and Reward) 2006 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

March 2012

CONTENTS

1.	LEGISLATIVE CONTEXT	3
2.	CONTENT AND EFFECT OF ADR 58/00 AND THE AMENDMENT.....	3
2.1	Overview of the ADR	3
2.2	Effect of the ADR	3
3.	BEST PRACTICE REGULATION.....	3
3.1	Business Cost Calculator	3
3.2	General Consultation Arrangements.....	3
3.3	Specific Consultation Arrangements for this Vehicle Standard	4
3.4	Regulation Impact Statement (RIS).....	4
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 58/00 — Requirements for Omnibuses Designed for Hire and Reward) 2006 Amendment 1 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards for 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 58/00 — Requirements for Omnibuses Designed for Hire and Reward) 2006 was originally determined in 2006.

2. CONTENT AND EFFECT OF ADR 58/00 AND THE AMENDMENT

2.1 Overview of the ADR

ADR 58/00 specifies requirements for the construction of omnibuses designed for and intended for licensing, hire and reward.

2.2 Effect of the ADR

The proposed change to the ADR is to include an alternative standard which allows manufacturers of small omnibuses, having a capacity not exceeding 15 seating positions, including the driver, to comply with the technical requirements of United Nations - Economic Commission for Europe Regulation No. 52 - Uniform Provisions Concerning the Approval of M2 and M3 Small Capacity Vehicles with Regard to their General Construction.

3. BEST PRACTICE REGULATION

3.1 Business Cost Calculator

Any additional cost that may be incurred by the proposed amendment is at the manufacturers' discretion to either comply vehicles with the ADR or with the alternative standard. There is a negligible education cost to industry as a result of the proposed compliance options.

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 (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).
- 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 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 minor amendment was discussed within the TLG at its December 2007 meeting. The proposal to amend ADR 58/00 as outlined was agreed to by all members.

As the amendment is minor in nature, and does not increase the stringency of the ADR, there is no need for further consultation through TISOC, SCOTI, or the public comment process.

3.4 Regulation Impact Statement (RIS)

As the proposed amendment does not increase the stringency of the ADR, a Regulation Impact Statement is not required. The Office of Best Practice Regulation requirements have been met for this regulatory proposal (OBPR Reference No. 10685).

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 58/00 specifies requirements for the construction of omnibuses designed for and intended for licensing, hire and reward.

4.2 Human Rights Implications

ADR 58/00 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 58/00 is compatible with human rights as it does not raise any human rights issues.