

Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 Amendment 6

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 — Definitions and Vehicle Categories) 2005 Amendment 6 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 — Definitions and Vehicle Categories) 2005 (ADR for Definitions and Vehicle Categories) was originally determined in 2005 and was subsequently amended once in 2006, twice in 2007, once in 2011 and once in 2012.

2. CONTENT AND EFFECT OF THE ADR AND AMENDMENTS

2.1. Overview of the ADR

The function of this vehicle standard is to set out matters, such as definitions of key terms, which apply in common to particular ADRs.

2.2. Effect of the ADR Amendment

This amendment adds an alternative ADR definition of a Power-Assisted Pedal Cycle (AB Category) to include vehicles meeting European Committee for Standardization EN 15194:2009 or EN 15194:2009+A1:2011 Cycles - Electrically power assisted cycles - EPAC Bicycles. These vehicles are now defined within the ADR as '*Pedalecs*'.

EN 15194 is becoming internationally accepted as the standard for power-assisted pedal cycles. When compared to the existing ADR definition, it increases the allowable power from 200 to 250 watts and specifies this as a continuous rating. It also restricts the top speed to 25 kilometres per hour, requires the rider to pedal to access the power and sets a number of construction safety requirements.

Recognition of power-assisted pedal cycles that are built to EN 15194 will provide access to safe machines from world markets.

This amendment does not increase the stringency of the ADR.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is no expected increase in cost to manufacturers, as the proposed amendment does not affect the requirements of the ADR.

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

Following on from release of a public consultation paper in 2008 by the then NSW Roads and Traffic Authority (RTA), the RTA held forums on power-assisted pedal cycles in 2008 and 2009. Further work was carried out by the Australian Motor Vehicle Certification Board (AMVCB) and also Austroads (the association of Australian and New Zealand road transport and traffic authorities and the Australian Local Government Association, providing information and advice to governments and promoting research in the Australasian road and road transport sectors). The amendment was then discussed within the TLG and SVSEG, receiving final endorsement by SVSEG in May 2012.

As the amendment does not raise the stringency of the ADR, further consultation is not necessary through the public comment process. 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

As the amendment does not increase the stringency of the ADR, a Regulation Impact Statement is not required. The OBPR reference number is 12912.

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 adds an alternative definition within the ADR for Definitions and Vehicle Categories of a Power-Assisted Pedal Cycle (AB Category) that includes vehicles meeting European Committee for Standardization EN 15194.

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 the ADR for Definitions and Vehicle Categories is compatible with human rights as it does not raise any human rights issues.