

# **Vehicle Standard (Australian Design Rule 80/03 – Emission Control for Heavy Vehicles) 2006 Amendment 2**

Made under section 7 of the *Motor Vehicle Standards Act 1989*

## **Explanatory Statement**

Issued by the authority of the Minister for Infrastructure and Transport

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## **1. LEGISLATIVE CONTEXT**

Vehicle Standard (Australian Design Rule 80/03 – Emission Control for Heavy Vehicles) 2006 Amendment 2 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish national 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 80/03 – Emission Control for Heavy Vehicles) 2006 (ADR 80/03) was originally determined in 2006.

## **2. CONTENT AND EFFECT OF ADR 80/03 AND THE AMENDMENT**

### **2.1. Overview of the ADR**

ADR 80/03 specifies emission limits for new heavy duty vehicles and the standard test methods for measuring those emissions for vehicles produced on or after 1 January 2011. Its technical content is based on the Euro V emission standards, but also accepts the US EPA 2007 and Japanese New Long Term emission standards as equivalent alternative standards.

### **2.2. Effect of the ADR Amendment**

Since ADR 80/03 was determined, more stringent emission standards have been implemented in the European Union, United States and Japan. The amendment removes technical barriers that would prevent engines that meet the latest European (Euro VI), US (EPA 2010) and Japanese (Post New Long Term) emission standards from being installed in heavy vehicles in Australia.

This amendment achieves this through the following changes:

- Recognising Euro VI (as applied under EC Regulations 595/2009 and 582/2011) and UN Regulation 49/05 (the UN version of Euro V) as alternative standards;
- Allowing extensions of approvals from ADR 79/03 and ADR 79/04 to eligible variants (over 3.5 tonnes) of light vehicles (under 3.5 tonnes) certified to these standards;
- Allowing engines complying with the US EPA standards to use a reagent (such as AdBlue) to meet emission requirements, if the engine is equipped with an on-board diagnostic system with an inducement strategy (which forces drivers to take corrective action to maintain emission controls by derating engine power) approved by the US EPA for the 2012 or later model years; and
- Allowing engines complying with Japanese standards to use an on-board diagnostic system that complies with the latest Japanese technical guideline for engines using a reagent to control emissions.

These changes do not increase the stringency of the ADR, as the minimum standard accepted in ADR 80/03 has not changed.

### **3. BEST PRACTICE REGULATION**

#### **3.1. Business Cost Calculator**

There is no expected increase in cost to manufacturers, as the proposed amendment does not increase the stringency of the ADR. On the contrary, the amendment will allow manufacturers to supply engines meeting later standards without the need for retesting or modification.

#### **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 cooperation between the Australian, state and 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, depends on the degree of impact the new or amended standard is expected to have on industry or road users.

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 was prepared in consultation with truck and bus industry stakeholders.

#### **3.4. Regulation Impact Statement**

As the proposed amendment is machinery in nature and does not increase the stringency of the ADR, a RIS is not required. The Office of Best Practice Regulation requirements have been met for this regulatory proposal (OBPR Reference No. 2012/14467).

#### **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**

Vehicle Standard (Australian Design Rule 80/03 – Emission Control for Heavy Vehicles) 2006 Amendment 2 removes technical barriers that would prevent engines meeting the latest European (Euro VI), US (EPA 2010) or Japanese (Post New Long Term) emission standards from being installed in heavy vehicles in Australia, by recognising the latest technical requirements of these standards as equivalent alternative standards under ADR 80/03.

##### **4.2. Human Rights Implications**

This amendment does not engage any of the applicable rights and freedoms.

##### **4.3. Conclusion**

The amendment to ADR 80/03 is compatible with human rights as it does not raise any human rights issues.