

**Vehicle Standard (Australian Design Rule 42/04
— General Safety Requirements) 2005
Amendment 3**

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 2013

CONTENTS

1.	LEGISLATIVE CONTEXT.....	3
2.	CONTENT AND EFFECT OF ADR 42/04 AND AMENDMENTS.....	3
2.1.	Overview of the ADR.....	3
2.2.	Effect of the ADR Amendment.....	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	5
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 42/04 — General Safety Requirements) 2005 Amendment 3 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 are 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 42/04 — General Safety Requirements) 2005 (ADR 42/04) was originally determined in 2005 and was subsequently amended in 2007 and 2011.

2. CONTENT AND EFFECT OF ADR 42/04 AND AMENDMENTS

2.1. Overview of the ADR

The function of this Australian Design Rule is to specify design and construction requirements to ensure safe operation of vehicles.

2.2. Effect of the ADR Amendment

This amendment deletes the exhaust outlet requirements for light and medium goods vehicles (ADR categories NA and NB) and amends the concession for semi-trailer rear bumper requirements by allowing that only one of two conditions need be met instead of both. 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 amendments do not increase the stringency 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 Government 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), Australian Motor Vehicle Certification Board (AMVCB), 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).
- AMVCB consists of representatives of government regulatory authorities (Australian and state/territory) that deal with ADR certification and other general vehicle safety issues.
- 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 Regulation Review 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 AMVCB and was agreed to by all members. This was on the basis that:

- The location of the exhaust outlet is not generally specified for NA and NB vehicles in other markets and no safety issues have arisen in relation to this; and
- The two conditions for the concession to semi-trailer rear bumper requirements originated in the Consolidated Draft Regulations which pre-dated the Australian Design Rules and did not require that both conditions be met.

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

As the proposed amendment does not increase the stringency of the ADR a Regulation Impact Statement is not required.

Since the decision is made by the Parliamentary Secretary for Infrastructure and Transport without reference to 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. ID 13636).

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 deletes the exhaust outlet requirements for light and medium goods vehicles (ADR categories NA and NB).

4.2. Human Rights Implications

This amendment to ADR 42/04 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

This amendment to ADR 42/04 is compatible with human rights as it does not raise any human rights issues.