

Vehicle Standard (Australian Design Rule 83/00 – External Noise) 2005 Amendment 3

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Assistant Minister for Infrastructure and Regional Development

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 83/00 – External Noise) 2005 Amendment 3 (ADR 83/00 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 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 83/00 – External Noise) 2005 (ADR 83/00) was originally determined in 2005.

2. CONTENT AND EFFECT OF ADR 35/04 – COMMERCIAL VEHICLE BRAKE SYSTEMS

2.1. Overview of the ADR

ADR 83/00 sets limits on external noise generated by motor vehicles, motor cycles and mopeds in order to limit the contribution of motor traffic to community noise and the relevant test procedures for demonstrating compliance to these limits.

2.2. Effect of the ADR Amendment

To align with the relevant start dates for vehicle emission standards (ADR 79/01 for light vehicles and ADR 80/02 for heavy vehicles), the applicability dates for M and N category vehicles (passenger and goods carrying vehicles with four or more wheels) under ADR 83/00 varied according to the vehicles fuel type.

However, as ADR 83/00 did not explicitly specify an applicability date for M and N category vehicles with an engine that operates on a fuel other than petrol, diesel, liquefied petroleum gas or natural gas, it was unclear as to when this standard applied to such vehicles.

With the arrival of electric motorcycles to the Australian market, it was also unclear how the ADR applied to electric motorcycles, as certain requirements of this standard applicable to motorcycle depended on a motorcycles 'engine cylinder capacity' and electric motors do not have cylinders.

This ADR amendment clarifies the intent of the ADR in relation to these vehicles by:

1. Specifying an applicability date of 1 January 2014 for M and N category with an engine not fuelled by petrol, diesel, LPG or natural gas; and
2. Clarifying the noise limits and test procedures for electric motorcycles and mopeds.

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, but effectively formalises existing arrangements. The amendment may reduce compliance costs by providing greater legal certainty to vehicle manufacturers and importers.

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, 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 Australian, state, territory and New Zealand transport and/or infrastructure agency chief executives (or equivalents), the Chief Executive Officer of the National Transport Commission, 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 Regional Development. 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 RIS 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

This amendment was prepared in consultation with the Federal Chamber of Automotive Industries (representing light vehicle and motorcycle manufacturers), the Truck Industry Council (representing truck manufacturers) and the Bus Industry Confederation (representing bus manufacturers).

3.4. Regulation Impact Statement

As the proposed amendment is minor 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. 2013/16059).

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 83/00 Amendment 3 amends ADR 83/00 to clarify the applicability of ADR 83/00 to non-conventionally fuelled vehicles.

4.2. Human Rights Implications

ADR 83/00 Amendment 3 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 83/00 Amendment 3 is compatible with human rights as it does not raise any human rights issues.