

Vehicle Standard (Australian Design Rule 4/05 – Seatbelts) 2012 Amendment 1

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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CONTENTS

1.	LEGISLATIVE CONTEXT	3
2.	CONTENT AND EFFECT OF ADR 4/05 AND THE AMENDMENT	3
2.1.	Overview of the ADR	3
2.2.	Effect of the ADR Amendment	3
3.	BEST PRACTICE REGULATION	4
3.1.	Business Cost Calculator	4
3.2.	General Consultation Arrangements.....	4
3.3.	Specific Consultation Arrangements for this Vehicle Standard	5
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 4/05 – Seatbelts) 2012 Amendment 1 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 4/05 – Seatbelts) 2012 (ADR 4/05) was determined in 2012.

2. CONTENT AND EFFECT OF ADR 4/05 AND THE AMENDMENT

2.1. Overview of the ADR

The function of ADR 4/05 is to specify requirements for seatbelts to restrain vehicle occupants under impact conditions, to facilitate fastening and correct adjustment, to assist the driver to remain in the driver's seat and thus maintain control of the vehicle in an emergency situation, and to provide protection against ejection in an accident. It contains requirements for seatbelts and restraint systems as well as requirements for the installation of seatbelts and restraint systems in vehicles.

The technical content of ADR 4/05 is based on the international standard United Nations (UN) Regulation No. 16 (R 16).

2.2. Effect of the ADR Amendment

This amendment does not increase the stringency of the ADR. The main effect of this amendment is to ensure that the ADR directly reflects the appropriate UN alternative standards. This will improve alignment with UN regulations and provide greater clarity for industry.

ADR 4/05 currently lists UN R 16/05 and UN R 16/06 as alternative standards. This amendment provides for more clear and comprehensive recognition of the equivalency of UN R 16/05 with the technical requirements of ADR 4/05. It also allows UN R 16/04 from supplement 12 onwards, up to and including UN R 16/06 as further alternative standards with regard to technical requirements for seatbelt and restraint system components. The other alternative standards with regard to installation in the vehicle remain unchanged.

Seatbelts meeting the technical requirements of UN R 16/04 are essentially already allowed via another alternative standard in the ADR, Australian/New Zealand Standard (AS/NZS) 2596:2003 – Seat belt assemblies for motor vehicles, which is largely based on the text of UN R 16/04 up to the supplement 12 level.

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.

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 Transport and Infrastructure Council.

- SVSEG consists of senior representatives of government agencies (Australian and state/territory), the National Transport Commission and the National Heavy Vehicle Regulator, 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 technical representatives of government regulatory authorities (Australian and state/territory) that deal with ADR and other general vehicle issues, and the National Transport Commission and the National Heavy Vehicle Regulator.
- TLG consists of technical representatives of government agencies (Australian and state/territory), the National Transport Commission and the National Heavy Vehicle Regulator, 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.
- The Transport and Infrastructure Council 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 Regulation Impact Statement meeting the requirements of the Office of Best Practice Regulation (OBPR) as published in the *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 change to allow UN R 16/04 as an alternative standard for seatbelts was requested by vehicle manufacturers. Out of session consultation with AMVCB members was conducted during November 2013. No objections were raised.

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, the Transport and Infrastructure Council, 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 Assistant Minister for Infrastructure and Regional Development without reference to the Transport and Infrastructure Council and the proposal is not considered significant, the Office of Best Practice Regulation requirements have been met for this regulatory proposal (OBPR Reference ID 14837).

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 allows an earlier version of UN R 16 as a further alternative standard for seatbelts. Although this version is essentially already allowed via another alternative standard in the ADR, referencing it directly will provide greater clarity for industry and improve alignment with UN regulations.

4.2. Human Rights Implications

This amendment to ADR 4/05 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 4/05 is compatible with human rights as it does not raise any human rights issues.