

Vehicle Standard (Australian Design Rule 14/02 – Rear Vision Mirrors) 2006 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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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 14/02 – Rear Vision Mirrors) 2006 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 14/02 – Rear Vision Mirrors) 2006 (ADR 14/02) was originally determined in 2006.

2. CONTENT AND EFFECT OF ADR 14/02 – REAR VISION MIRRORS

2.1. Overview of the ADR

The function of ADR 14/02 is to specify requirements for devices that provide indirect vision such as rear vision mirrors or cameras. The standard includes the technical content of United Nations (UN) Regulation No. 46 (R 46) and Regulation No. 81(R 81).

2.2. Effect of the ADR Amendment

ADR 14/02 currently incorporates technical content that is based on UN R 46/02 in Appendix A and UN R 81/00 in Appendix B, and lists UN R 46/02 and R 81/00 as alternative standards. This amendment updates the technical content of Appendix A of the ADR to that of UN R 46/04 and will allow for UN R 46/03 and 46/04 as alternative standards. It also includes published amendments to UN R 81/00 in Appendix B that are editorial in nature.

UN R 46 was updated to the 04 series in November 2013, which includes additional requirements for new devices for indirect vision such as cameras, requirements and definitions for new class VII mirrors used by two or three wheeled vehicles with bodywork, and multiple changes to the required field of vision for class I to VI and VII mirrors including increased field of vision on the passenger side for large vehicles excluding omnibuses.

These changes do not increase the stringency of the ADR, as an alternative standard clause within ADR 14/02 will continue to provide the option of complying with earlier versions of UN R 46.

The principal changes being made to Appendix A of ADR 14/02 were first introduced in UN R 46 as follows:

Revisions to the 02 Series:

- Rephrased and clarified the scope of the regulation and introduced a new class of mirrors, namely Class VII mirrors which are used on two and three wheeled

vehicles with bodywork. Requirements for these mirrors include their stability, allowable dimensions, a new bending test for protective housings for the mirrors, and the required field of vision the mirrors must achieve;

- Updated requirements to the minimum number of mirrors required for two and three wheeled vehicles with bodywork;
- Added definitions for “vision support system” and “surveillance camera-monitor-recording device”;
- Changed definitions for “field of vision”;
- Exterior wide-angle and close-proximity mirrors are made compulsory for medium goods vehicles less than 7.5 tonnes under certain conditions;
- Changed the definition of “vehicle in running order” to the definition provided in the UN Consolidated Resolution on the Construction of Vehicles; and
- Changed the requirements for windows light transmittance. The regulation now refers to UN R 43 to determine light transmittance of windows.

03 Series:

- Changed the definition of “critical object” to a cylindrical object with a height of 0.50 m and a diameter of 0.30 m. The critical object is used in multiple tests in the regulation and this change provides a better representation of real world objects;
- Changed the definition of “critical perception”, and “detection distance”;
- A new camera-monitor device test to ensure the device can function well when sunlight falls on the camera’s surface. This replaces the requirement used to determine camera performance under low sunlight conditions;
- Added new tests for the “calculation of the detection distance” and “the determination of the displayed object size”;
- Added definitions for “smear” and removed definitions for “critical field of vision” and “viewing reference points” as they are no longer used;
- When a Class I interior rear-view mirrors protrudes out of its protective housing, there is no longer a requirement which specifies that the mirror must be returned to the housing under a force of 50 N. Instead the radius of curvature on the perimeter of the protruded reflective surface must be no less than 2.5 mm; and
- A new method to measure projection of a mirror with a non-convex surface is introduced to ensure accurate measurement.

04 Series:

- An increase in the required field of vision for class V close-proximity mirrors for certain large vehicles excluding omnibuses. The increased field of vision can be achieved by a combination of a certain set of direct and indirect vision devices.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

It is estimated that this amendment will provide savings of \$1.46 million.

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 *Australian Government Guide to Regulation* and the Council of Australian Government's *Best Practice Regulation: A Guide for Ministerial Councils and Standard-Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

The proposal for amendment to ADR 14/02 relating to UN R 46 was provided to AMVCB and TLG members in March 2014 and to SVSEG members in May 2014. No objections were subsequently 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 17193).

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 incorporates technical content that is based on UN R 46/04 into ADR 14/02 and allows UN R 46/03 and 46/04 as alternative standards. It also includes published amendments to UN R 81/00 that are editorial in nature.

4.2. Human Rights Implications

This amendment to ADR 14/02 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 14/02 is compatible with human rights as it does not raise any human rights issues.