

# **Vehicle Standard (Australian Design Rule 43/04 – Vehicle Configuration and Dimensions) 2006 Amendment 2**

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

## **Explanatory Statement**

Issued by the authority of the Minister for Territories, Local Government and  
Major Projects

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## **1. LEGISLATIVE CONTEXT**

Vehicle Standard (Australian Design Rule 43/04 – Vehicle Configuration and Dimensions) 2006 Amendment 2 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 as new or second hand vehicles.

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 43/04 – Vehicle Configuration and Dimensions) 2006 (ADR 43/04) was originally determined in 2006 and was subsequently amended in one previous determination in October 2007.

## **2. CONTENT AND EFFECT OF ADR 43/04 AND THE AMENDMENT**

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

The function of this ADR is to address vehicle dimensions including maximum permissible length, width, height and ground clearance.

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

This amendment increases the maximum width allowable for two wheeled (LC category) motorcycles from 1,000 mm to 1,100 mm. It also increases the maximum width allowable for motorcycles with side cars (LD category), three wheeled mopeds (LB category) and motor tricycles (LE category) from 1,850 mm to 2,000 mm. This amendment does not increase the stringency of the ADR.

The amendment was requested by the industry to reduce regulatory burden as some manufacturers that supply vehicles to other markets need to modify the same vehicles, to reduce width, for the Australian market.

This amendment is minor in nature. It will remove a cost impost on some motorcycle manufacturers and consumers, without reducing safety.

## **3. BEST PRACTICE REGULATION**

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

It is estimated that this amendment will provide savings of \$1.6 million a year for industry and consumers.

### **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 (TIC).

- 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 TIC 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 Governments' *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 43/04 was provided to and subsequently agreed in-principle by AMVCB and TLG members in March 2014 and by SVSEG members

in May 2014. Following full consideration of technical issues and more detailed consultation, the proposal was finally agreed in March 2015.

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 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 Minister for Territories, Local Government and Major Projects without reference to the 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 17321).

### 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 increases the maximum width allowable for motorcycles, motorcycles with side, three wheeled mopeds and motor tricycles.

#### 4.2. Human Rights Implications

This amendment to ADR 43/04 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 43/04 is compatible with human rights as it does not raise any human rights issues.