

**Vehicle Standard (Australian Design Rule 42/04 –
General Safety Requirements) 2005
Amendment 6**

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 42/04 — General Safety Requirements) 2005 Amendment 6 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards for 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 (ADR) 42/04 – General Safety Requirements) 2005 was originally determined under subsection 7 (1) of the *Motor Vehicle Standards Act 1989* on 29th November 2005, and has subsequently been amended in 2007, 2011, 2014 and 2015.

2. CONTENT AND EFFECT OF ADR 42/04 AND THE AMENDMENT

2.1. Overview of the ADR

The function of ADR 42/04 is to specify general design and construction requirements to ensure the safe operation of motor vehicles. These requirements include exhaust outlets, wheel guards (mudguards), windows and ventilation, and tyre and rim selection.

2.2. Effect of the ADR Amendment

This amendment will remove the requirement to paint the rear bumpers of semi-trailers white. This amendment does not increase the stringency of the ADR.

The amendment was requested by the industry to reduce regulatory burden as manufacturers are required to paint the rear bumper of semi-trailers a different colour to that of the main trailer body.

This amendment is minor in nature. It will remove a cost impost on 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 \$1.24 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 (the 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, Ministry of Transport in New Zealand and the Australian Local Government Association.
- The 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

This amendment to ADR 42/04 was proposed at AMVCB and TLG in March 2014. Following full consideration of technical issues and further consultation, the proposal was agreed in August 2015.

As this 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 19690).

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 removes the requirement to paint the rear bumper bar of semi-trailers white.

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.