

Vehicle Standard (Australian Design Rule 19/01 – Installation of Lighting and Light Signalling Devices on L-Group Vehicles) 2007 Amendment 1

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 19/01 – Installation of Lighting and Light Signalling Devices on L-Group Vehicles) 2007 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards for 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".

Australian Design Rule (ADR) 19/01 was originally determined in *Road Vehicle (National Standard) Determination No 3 of 1990*. It has been amended in four subsequent determinations and more recently remade as *Vehicle Standard (Australian Design Rule 19/01 – Lighting and Light-Signalling Devices) 2006* to meet the requirements of the *Legislative Instrument Act 2003*. It was most recently amended in 2007.

2. CONTENT AND EFFECT OF THE ADR AND THE AMENDMENT

2.1. Overview of the ADR

ADR 19/01 sets out the design and installation requirements for lighting and light-signalling devices (stop lamps, direction indicators and others) for two and three wheeled road vehicles (motorcycles and motor tricycles).

2.2. Effect of the ADR Amendment

ADR 19/01 applicability table column entitled 'Vehicles manufactured on or after' currently lists the application date 1 Jan 1997. This is incorrect and the correct date is 1 March 1992.

The proposed change to ADR 19/01 is to amend the applicability table to reflect the date 1 March 1992.

The original ADR text will remain unchanged. As this amendment is intended to correct an error, the stringency of the ADR will not be increased.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is no expected change in cost to manufacturers, as the proposed amendment does not change 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 (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. 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 error of the incorrect date in the applicability table was raised by an AMVCB member in July 2014. As the amendment is minor in nature, is intended only to correct an error, and does not increase the stringency of the ADR, there is no need for further consultation through representative groups, TISOC, TIC, 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 TIC and the proposal is not considered significant, the Office of Best Practice Regulation (OBPR) requirements have been met for this regulatory proposal (OBPR Reference ID 19577).

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 corrects the date 1 Jan 1997 to 1 March 1992 in the applicability table of ADR 19/01.

4.2. Human Rights Implications

This amendment to ADR 19/01 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 19/01 is compatible with human rights as it does not raise any human rights issues.