

Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 Amendment 9

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 – Definitions and Vehicle Categories) 2005 Amendment 9 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".

Vehicle Standard (Australian Design Rule — Definitions and Vehicle Categories) 2005 (ADR – Definitions and Vehicle Categories) was originally determined in 2005 and was subsequently amended in 2006, 2007, 2011, 2012, 2014 and February 2016.

2. CONTENT AND EFFECT OF ADR – DEFINITIONS AND VEHICLE CATEGORIES AND AMENDMENTS

2.1. Overview of the ADR

The function of ADR – Definitions and Vehicle Categories is to specify matters, such as definitions of key terms, which apply in common to particular ADRs. It contains material that needs to be read in conjunction with particular ADRs in order to establish rights and obligations to which those rules give rise.

2.2. Effect of the ADR Amendment

This amendment aligns the definition for '*Point of Articulation*' (generally used to describe the configuration and dimensions of heavy trailers and heavy vehicle combinations) with the definition used in-service by the National Heavy Vehicle Regulator and other State and Territory registration authorities. This amendment supports a parallel amendment of ADR 43/04 – Vehicle Configuration and Dimensions, which clarifies the dimensional requirements on vehicles, and improves alignment with in-service requirements, including with regard to refrigerated trailers and drawbar length.

The amendment to ADR 43/04 which this amendment supports was requested by the industry to improve the clarity of the vehicle standard, and improve its alignment with in-service requirements, especially regarding heavy trailer and refrigerated trailer dimensions. This amendment to ADR – Definitions and Vehicle Categories is minor in nature, and does not work to increase the stringency of the vehicle standard.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There will be no significant regulatory saving associated with this amendment, as the change aligns the vehicle standard with in-service requirements and improves clarity.

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, Ministry of Transport in 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 *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 amendment to ADR 43/04 which this amendment supports was requested by the Australian Trucking Association. The request was agreed in-principle by the AMVCB and TLG in October 2015. Following full consideration of technical issues and more detailed consultation, it was determined that the proposal would also require the amendment of ADR – Definitions and Vehicle Categories, and this proposal was finally agreed in March 2016.

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 (OBPR) requirements have been met for this regulatory proposal (OBPR reference ID 20663).

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 updates the definition of ‘*Point of Articulation*’, aligning it with the definition used in-service.

4.2. Human Rights Implications

This amendment to ADR – Definitions and Vehicle Categories 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 – Definitions and Vehicle Categories is compatible with human rights as it does not raise any human rights issues.