

Vehicle Standard (Australian Design Rule 2/01 – Side Door Latches and Hinges) 2006 Amendment 2

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

Explanatory Statement

Issued by the authority of the Minister for Urban Infrastructure

September 2016

CONTENTS

1.	LEGISLATIVE CONTEXT	3
2.	CONTENT AND EFFECT OF ADR 2/01 AND THE AMENDMENT	3
2.1.	Overview of the ADR	3
2.2.	Effect of the ADR Amendment.....	3
3.	BEST PRACTICE REGULATION	4
3.1.	Business Cost Calculator.....	4
	Savings under the Commonwealth’s Regulatory Burden Measurement framework will only be realised after the introduction of International Whole Vehicle Type Approval (IWVTA) in 2017	4
3.2.	General Consultation Arrangements	4
3.3.	Specific Consultation Arrangements for this Vehicle Standard.....	5
3.4.	Regulation Impact Statement	5
4.	STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS	5
4.1.	Overview of the Legislative Instrument.....	5
4.2.	Human Rights Implications.....	5
4.3.	Conclusion.....	5

1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 2/01 – Side Door Latches and Hinges) 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 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 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 2/01 – Side Door Latches and Hinges) 2006 (ADR 2/01) was originally determined in 2006 and was amended in 2012.

2. CONTENT AND EFFECT OF ADR 2/01 AND THE AMENDMENT

2.1. Overview of the ADR

The function of Australian Design Rule (ADR) 2/01 is to specify the requirements for side door retention components including latches, hinges, and other supporting means to minimize the likelihood of occupants being thrown from a vehicle as a result of impact.

2.2. Effect of the ADR Amendment

The amendment will include the technical requirements of the current version of United Nations Regulation (UN R) No. 11 - Uniform provisions concerning the approval of vehicles with regard to door latches and door retention components, incorporating up to the 04 series of amendments.

The following changes have been made to the ADR:

- Spelling and grammar. Several typographical errors have been corrected;
- Updating the reference to UN R 11 in Clause 7 to the latest version, UN R11/04;
- Inclusion of the latest version of UN Regulation 11/04 within Annex A;
- The inclusion of previous versions of UN R11 as Alternative Standards.

It is the intent of the Department of Infrastructure and Regional Development (the Department) to apply UN Regulation No. 11. This application will mean that all future updates to UN Regulation 11 will flow through automatically to the ADRs. This will allow for future vehicles with the latest technology in side door retention components to be introduced into the Australian market as quickly as possible, providing savings to industry and consumers.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

Savings under the Commonwealth's Regulatory Burden Measurement framework will only be realised after the introduction of International Whole Vehicle Type Approval (IWVTA) in 2017

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 *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 harmonisation of this vehicle standard with the latest version of the UN R was agreed by AMVCB and TLG members in October 2014 and by SVSEG members for inclusion in the ADR Development Program 2011-20. This is considered to satisfy the requirements for consultation on this amendment.

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 Minister for Urban Infrastructure without reference to the TIC and the proposal is not considered significant, the Office of Best Practice Regulation requirements have been met for this regulatory proposal (OBPR Reference ID 20797).

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 11/04 into ADR 2/01 and allows UN R 11/04 as an alternative standard.

4.2. Human Rights Implications

This amendment to ADR 2/01 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 2/01 is compatible with human rights as it does not raise any human rights issues.