

Vehicle Standard (Australian Design Rule 3/04 – Seats and Seat Anchorages) 2017

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

Explanatory Statement

Issued by the authority of the Minister for Urban Infrastructure

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 3/04 – Seats and Seat Anchorages) 2017 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 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 3/04 – Seats and Seat Anchorages) 2017 (ADR 3/04) is being made to replace Vehicle Standard (Australian Design Rule 3/03 – Seats and Seat Anchorages) 2006 (ADR 3/03), which was originally determined in 2006.

2. CONTENT AND EFFECT OF ADR 3/04 – SEATS AND SEAT ANCHORAGES

2.1. Overview of the ADR

This vehicle standard prescribes requirements for seats, their attachment assemblies, their installation and any head restraint fitted, to minimise the possibility of occupant injury due to forces acting on the seat as a result of vehicle impact.

The requirements of this standard are taken from the international standard UN Regulation No. 17, incorporating all amendments adopted by the UN as of September 2017.

2.2. Effect of the ADR

This standard is being made to fully harmonise the ADR with the international standard UN Regulation No. 17.

The standard will apply to ADR category LEP and LEG (motor tricycles), all category M vehicles (passenger vehicles and omnibuses) and all category N vehicles (goods vehicles). New model vehicles will need to be certified to this standard from 1 November 2019. There is no mandatory application date for all other vehicles. They may comply with this vehicle standard or continue to comply with earlier versions of this vehicle standard as applicable for particular vehicle categories.

ADR category LEP, MA, MB, MC, MD1, MD3, MD4 and ME vehicles certified to this standard will also need to be certified to ADR 34/03. The same will apply for ADR category MD2 and NA vehicles equipped with 'Upper Anchorages' (top tether anchorages) and/or ISOFIX anchorage systems. This will ensure a specific strength test (taken from the current ADR 3/03) will continue to apply for any vehicle top tether anchorages mounted on the seat back or more than 100 mm below the top of the seat back. A complementary explanatory statement is available for ADR 34/03.

3. BEST PRACTICE REGULATION

3.1. Benefits and Costs

This vehicle standard will have a neutral regulatory impact, including in terms of both the benefits and costs of regulation.

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 Commonwealth 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 Technical Liaison Group (TLG), Strategic Vehicle Safety and Environment Group (SVSEG), Transport and Infrastructure Senior Officials' Committee (TISOC) and the Transport and Infrastructure Council (the Council).

- TLG consists of technical representatives of government (Australian and state/territory), 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).
- SVSEG consists of senior representatives of government (Australian and state/territory), the manufacturing and operational arms of the industry and of representative organisations of consumers and road users (at a higher level within each organisation as represented in TLG).
- TISOC consists of state and territory transport and/or infrastructure Chief Executive Officers (CEOs) (or equivalents), the CEO of the National Transport Commission, 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 RIS 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 National Standard Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

This standard was proposed, discussed and supported during 2016-17 at meetings of AMVCB, TLG and SVSEG. It was acknowledged that these groups are at the appropriate level to consider this type of change. A draft ADR was also provided as part of this consultation process to AMVCB.

The Department of Infrastructure and Regional Development also consulted with the Office of Best Practice Regulation (OBPR) within the Department of Prime Minister and Cabinet on this standard. A Regulation Impact Statement is not required, as the decision maker is not the Australian Government's Cabinet, and this vehicle standard will have a neutral regulatory impact. The OBPR reference number is 22612.

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

ADR 3/04 is being made to replace ADR 3/03. It prescribes requirements for vehicle seats, their attachment assemblies, their installation and any head restraint fitted.

4.2. Human Rights Implications

ADR 3/04 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

ADR 3/04 is compatible with human rights, as it does not raise any human rights issues.