

# **Vehicle Standard (Australian Design Rule 74/00 – Side Marker Lamps) 2006 Amendment 1**

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

## **Replacement Explanatory Statement**

Issued by the authority of the Minister for Urban Infrastructure and Cities

**February 2018**

## CONTENTS

1.	LEGISLATIVE CONTEXT .....	3
2.	CONTENT AND EFFECT OF ADR 74/00 AND THE AMENDMENT .....	3
2.1.	Overview of the ADR .....	3
2.2.	Effect of the ADR Amendment .....	3
2.3.	Incorporated Documents .....	3
3.	BEST PRACTICE REGULATION .....	4
3.1.	Business Cost Calculator .....	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 .....	6
4.3.	Conclusion .....	6

## **1. LEGISLATIVE CONTEXT**

Vehicle Standard (Australian Design Rule 74/00 – Side Marker Lamps) 2006 Amendment 1 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".

Australian Design Rule (ADR) 74/00 was originally determined in *Road Vehicle (National Standards) Determination 1 of 2001*, and was remade to comply with the requirements of the *Legislative Instruments Act 2003* in 2006.

## **2. CONTENT AND EFFECT OF ADR 74/00 AND THE AMENDMENT**

### **2.1. Overview of the ADR**

The function of Australian Design Rule (ADR) 74/00 is to prescribe the photometric requirements of side marker lamps which are used to increase the visibility of the sides of road vehicles.

### **2.2. Effect of the ADR Amendment**

This amendment incorporates the latest version of United Nations (UN) Regulation No. 91 (from the 00 series of amendments and including up to the 03 series of amendments), which permit LED light modules, amongst other typographical and clarifying changes.

This amendment also incorporates alternative Australian-specific requirements for side marker lamps. These requirements were previously contained within ADR 45/01 – Lighting and Light Signalling Devices not Covered by ECE Regulations, and have been removed from that ADR by a parallel amendment.

Finally, the amendment improves the quality of the ADR by removing typographical and layout errors.

This amendment corrects typographical and layout errors and is part of a package of introductions and amendments to ADRs associated with vehicle lighting generally, with the aims of addressing parking and cornering lamps more explicitly and clearly, and improving the quality of the lighting ADR suite.

### **2.3. Incorporated Documents**

This amendment does not introduce additional references to the documents already incorporated in the ADRs.

The amended Clause 8 maintains an existing reference to UN Regulation No. 91 - UNIFORM PROVISIONS CONCERNING THE APPROVAL OF SIDE MARKER LAMPS FOR MOTOR VEHICLES AND THEIR TRAILERS. Applicable sections of

UN Regulation No. 91 in turn reference UN Regulation Nos. 1, 3, 6, 7, 8, 23, 37, 38, 48, 91, 128 and International Electrical Commission (IEC) Publication 60061.

While these standards are highly technical in nature and typically accessed by manufacturers and test facilities as part of their professional library, the UN regulations are accessible free of charge via the UN World Forum for the Harmonization of Vehicle Regulations (WP.29) website at <https://www.unece.org/trans/main/welcwp29.html>. IEC publications are available for purchase at <https://webstore.iec.ch/?ref=menu>.

In accordance with subsections 14(1)(b) and 14(2) of the Legislation Act 2003, referenced standards are incorporated as in force at the commencement of the Determination.

### **3. BEST PRACTICE REGULATION**

#### **3.1. Business Cost Calculator**

There is no significant cost or saving associated with this ADR amendment as it has no significant effect on stringency.

#### **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 incorporation of UN Regulations for parking and cornering lamps which drives this amendment was discussed and agreed at SVSEG meeting 9 in 2014. The specifics of this amendment were discussed with and agreed by TLG in September 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 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 and Cities 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 21346).

## 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 version of the incorporated UN Regulation, and incorporates alternative side marker lamp requirements which were previously held in another ADR.

#### 4.2. Human Rights Implications

This amendment to ADR 74/00 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 74/00 is compatible with human rights as it does not raise any human rights issues.