

**Vehicle Standard (Australian Design Rule 45/01
– Lighting and Light Signalling Devices not
Covered by ECE Regulations) 2006 Amendment
1**

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 45/01 – Lighting and Light Signalling Devices not Covered by ECE Regulations) 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 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 45/01 – Lighting and Light Signalling Devices not Covered by ECE Regulations) 2006 (ADR 45/01) was originally determined in 2006.

2. CONTENT AND EFFECT OF ADR 45/01 AND THE AMENDMENT

2.1. Overview of the ADR

The function of Australian Design Rule (ADR) 45/01 is to specify the photometric requirements for lighting and light-signalling devices not covered by United Nations (UN) Regulations.

2.2. Effect of the ADR Amendment

This amendment will remove Australian-specific content which has been determined to be unused after discussion with industry, and which is now covered by United Nations (UN) Regulations referenced by lighting installation ADRs including ADR 13/00, ADR 19/02 and ADR 67/00.

This amendment will also remove certain requirements which will be placed into ADRs specifically for those lighting types, such as side marker lamps and cornering lamps.

Finally, this amendment will improve the quality of the ADR, by correcting typographical errors, referring to ADR 13/00 for current chromaticity requirements, and adding wording to allow for modern lighting solutions including LED modules.

Whilst this ADR now only covers a single lighting type, it has been decided not to update the title of this ADR to leave open the possibility for future additions of other lighting types not covered by United Nations regulations.

This amendment 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.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is no significant cost or saving associated with this ADR amendment as it seeks only to remove unused Australian-specific requirements.

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 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 removes Australian-specific content related to requirements for lighting and light-signalling devices not covered by UN Regulations.

4.2. Human Rights Implications

This amendment to ADR 45/01 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 45/01 is compatible with human rights as it does not raise any human rights issues.