

**Vehicle Standard (Australian Design Rule 13/00
– Installation of Lighting and Light Signalling
Devices on other than L-Group Vehicles) 2005
Amendment 6**

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

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 13/00 – Installation of Lighting and Light Signalling Devices on other than L-Group Vehicles) 2005 Amendment 6 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 13/00 – Installation of Lighting and Light Signalling Devices on other than L-Group Vehicles) 2005 was originally determined in 2005.

2. CONTENT AND EFFECT OF ADR 13/00 AND THE AMENDMENT

2.1. Overview of the ADR

The function of Australian Design Rule (ADR) 13/00 is to prescribe requirements for the number and mode of installation of lighting and light signalling devices on road vehicles other than L-group (motorcycles and mopeds) vehicles. This includes main-beam and dipped-beam headlamps, fog, direction indicator, position, stop, reversing, parking, daytime running and cornering lamps, hazard warning signals and retroreflectors. The standard includes the technical content of United Nations (UN) Regulation No. 48.

2.2. Effect of the ADR Amendment

This amendment removes clauses associated with Australian-specific lighting types where those are now covered under UN regulations. It also includes clauses to address new ADRs for cornering and parking lamps.

Additionally, this amendment clarifies driving lamp permitted locations, and allows for amber and white external cabin lamps as requested by the Australian Motor Vehicle Certification Board.

Finally, this amendment incorporates the latest version of UN Regulation No. 48 (supplement 6 to the 06 series of amendments). As UN Regulation No. 48 is already applied by Australia, this change has no significant effect on stringency apart from clarifying Australia's vehicle lighting requirements.

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.

2.3. Incorporated Documents

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

The amended Clause 11 continues to incorporate a reference to UN Regulation No. 48 - UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES WITH REGARD TO THE INSTALLATION OF LIGHTING AND LIGHT-SIGNALLING DEVICES. This standard specifies the equivalent test methods and standards to Appendix A of the ADR. Applicable sections of UN Regulation No. 48 in turn reference UN Regulation Nos. 3, 4, 6, 7, 13, 13-H, 19, 23, 37, 38, 45, 70, 77, 87, 88, 91, 97, 98, 104, 107, 112, 116, 119, 121 and 123. Additionally the UN regulations reference the Commission Internationale de l'Eclairage (CIE) publications - CIE Publication 15.2, 1986 Colorimetry; CIE 1931 standard colorimetric observer; and CIE Publication No. 70, Vienna 1987. CIE publications are available for purchase at <http://www.cie.co.at/>.

In addition, the Guide to Meteorological Instruments and Methods of Observation, Sixth Edition is referenced in the UN regulations and is available, free of charge via: http://www.wmo.int/pages/index_en.html

While these standards are highly technical in nature and typically accessed by manufacturers and test facilities as part of their professional library. 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>.

Clause 11 also continues to incorporate an updated reference to Federal Motor Vehicle Safety Standards (FMVSS) 108 Lamps, Reflective Devices and Associated Equipment (amended by Amendment(s) up to that published February 8, 2016). FMVSS 108 is accessible free of charge via the U.S. Government Publishing Office website at <https://www.gpo.gov/fdsys/search/showcitation.action>.

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 removes clauses associated with Australian-specific content related to requirements for lighting and light-signalling devices not covered by UN Regulations, improves the quality of the ADR and incorporates the latest version of the UN Regulation.

4.2. Human Rights Implications

This amendment to ADR 13/00 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 13/00 is compatible with human rights as it does not raise any human rights issues.