

Vehicle Standard (Australian Design Rule 86/00 – Parking Lamps) 2016

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

Explanatory Statement

Issued by the authority of the Minister for Urban Infrastructure

November 2017

CONTENTS

1.	LEGISLATIVE CONTEXT	3
2.	CONTENT AND EFFECT OF ADR 86/00	3
2.1.	Overview of the ADR	3
2.2.	Effect of the introduction of the ADR	3
3.	BEST PRACTICE REGULATION	3
3.1.	Business Cost Calculator	3
3.2.	General Consultation Arrangements.....	3
3.3.	Specific Consultation Arrangements for this Vehicle Standard	4
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 86/00 – Parking Lamps) 2016 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".

2. CONTENT AND EFFECT OF ADR 86/00

2.1. Overview of the ADR

The function of Australian Design Rule (ADR) 86/00 is to specify requirements for parking lamps, used to draw attention to the presence of a stationary vehicle. This ADR incorporates the technical requirements of the current version of United Nations (UN) Regulation No. 77 - Uniform provisions concerning the approval of cornering lamps for power-driven vehicles in its original form.

2.2. Effect of the introduction of the ADR

Parking lamps compliant with the UN Regulation are already permitted through an ADR 13/00 reference to UN Regulation No. 77. Parking lamp installation is optional for Australian vehicles. Introducing this ADR incorporating the UN Regulation will clarify the requirements for vehicles fitted with parking lamps.

The introduction of this ADR 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.

It is the intent of the Department of Infrastructure and Regional Development (the Department) to apply UN Regulation No. 77. This application will mean that all future updates to UN Regulation No. 77 will flow through automatically to the ADRs. This will allow for future vehicles with the latest technology in parking lamps 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

There is no significant cost or saving associated with the introduction of this ADR, as it simply clarifies the current vehicle standards as relate to parking lamps and supports the application of the UN Regulation.

Any potential cost saving under the Commonwealth's Regulatory Burden Measurement framework would only be apparent and realised after the introduction of the 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 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 (the Council).

- 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 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. 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 explicit incorporation of UN Regulation No. 77 within the ADRs generally was discussed and agreed at SVSEG meeting 9 in 2014. The specific solution of creation of a new ADR was discussed with and agreed by TLG in September 2016.

As the introduction of this ADR will only have a minor administrative effect on vehicle standards, and does not increase the stringency of the ADRs generally, there is no need for further consultation through TISOC, The Council, or the public comment process.

3.4. Regulation Impact Statement

As the proposed introduction does not increase the stringency of the ADRs generally, a Regulation Impact Statement is not required.

Since the decision is made by the Minister for Urban Infrastructure without reference to the Council 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 ADR contains technical requirements covering parking lamps for fitment to road vehicles.

4.2. Human Rights Implications

The introduction of ADR 86/00 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

The introduction of ADR 86/00 is compatible with human rights as it does not raise any human rights issues.