

Vehicle Standard (Australian Design Rule 84/00 – Front Underrun Impact Protection) 2009 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 84/00 – Front Underrun Impact Protection) 2009 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".

Vehicle Standard (Australian Design Rule 84/00 – Front Underrun Impact Protection) 2009 was originally determined in 2009.

2. CONTENT AND EFFECT OF ADR 84/00 AND THE AMENDMENT

2.1. Overview of the ADR

The function of Australian Design Rule (ADR) 84/00 – Front Underrun Impact Protection is to specify the design, construction and performance requirements of underrun protection devices fitted additionally or incorporated into the design of rigid and articulated heavy goods vehicles. The requirements are that the front structures of these vehicles are designed in such a way that, in the event of a frontal collision with a light vehicle, they enable the occupant protection measures of the light vehicle to be fully engaged.

These requirements cover all new heavy goods vehicles (NC Category) manufactured on or after 1 January 2011 and all heavy goods vehicles (NC Category) after 1 January 2012.

2.2. Effect of the ADR Amendment

This amendment removes ambiguity and reduces stringency by removing the requirement for manufactures of Front Underrun Protection Devices (FUPDs) to comply with the requirements of structurally integrated Front Underrun Protection (FUP).

2.3. Incorporated Documents

The ADR incorporates references to United Nations Regulation No. 93 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF:

- I. FRONT UNDERRUN PROTECTIVE DEVICES (FUPDs)
- II. VEHICLES WITH REGARD TO THE INSTALLATION OF AN FUPD OF AN APPROVED TYPE
- III. VEHICLES WITH REGARD TO THEIR FRONT UNDERRUN PROTECTION (FUP)

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

United Nations (UN) regulations may be freely accessed online through the UN World Forum for the Harmonization of Vehicle Regulations (WP.29). The WP.29 website is <https://www.unece.org/trans/main/welcwp29.html>.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

This amendment removes the cost imposed on FUPD manufacturers in interpretation and complying with paragraph 6.4 of ADR 84/00. It is estimated that the cost benefit to the industry will be approximately \$250,000 annually.

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 Technical Liaison Group (TLG) and the Australian Motor Vehicle Certification Board (AMVCB), the Strategic Vehicle Safety and Environment Group (SVSEG) and the Austroads Safe Vehicles Theme Group (SVTG), the 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). AMVCB consists of the government members of TLG.
- 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). SVTG consists of the government members of SVSEG.
- 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 Regulation Impact Statement (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 Government's *Best Practice Regulation: A Guide for Ministerial Councils and Standard-Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

This amendment was requested by the Australian Trucking Association (ATA) at AMVCB meeting 221 and TLG meeting 41 in 2015. Following full review and consideration of technical issues and consultations, the proposals was agreed in January 2017.

As the amendment is to provide exemption to the stringency of ADR 84/00 paragraph 6.4, there is no need for further consultation through TISOC, the Council or the public comment process.

3.4. Regulation Impact Statement

As the proposed amendment does not increase the stringency of the ADR, a RIS 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, OBPR requirements have been met for this regulatory proposal (OBPR Reference ID 21984).

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 to ADR 84/00 removes ambiguity and reduces stringency by removing the requirement for manufactures of FUPDs to comply with the requirements of structurally integrated FUP. It does not affect the original intent or operation of the standard.

4.2. Human Rights Implications

This amendment to ADR 84/00 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 84/00 is compatible with human rights as it does not raise any human rights issues.