

# **Vehicle Standard (Australian Design Rule 33/01 – Brake Systems for Motorcycles and Mopeds) 2017**

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 33/01 .....	3
2.1.	Overview of the ADR.....	3
2.2.	Effect of the ADR.....	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
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 33/01 – Brake Systems for Motorcycles and Mopeds) 2017 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 33/01 – Brake Systems for Motorcycles and Mopeds) 2017 (ADR 33/01) replaces ADR 33/00 2007.

## 2. CONTENT AND EFFECT OF ADR 33/01 – BRAKE SYSTEMS FOR MOTORCYCLES AND MOPEDS

### 2.1. Overview of the ADR

The function of this standard is to ensure safe braking under normal and emergency conditions for motorcycles (ADR categories LC, LD and LE) and mopeds (ADR categories LA and LB). It will apply to new model vehicles of these categories from 1 November 2019 and all new vehicles of these categories from 1 November 2021.

The standard is based upon United Nations Regulation No. 78.

### 2.2. Effect of the ADR

The standard is being made to set mandatory requirements for advanced braking systems. Advanced braking systems include Anti-lock Braking Systems (ABS) and Combined Braking Systems (CBS).

The standard is expected to reduce the cost of road trauma, particularly in relation to serious and fatal motorcyclist injury.

### 2.3. Incorporated Documents

The ADR incorporates references to international standards United Nations Regulation No 78 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES OF CATEGORIES L1, L2, L3, L4 AND L5 WITH REGARD TO BRAKING and United Nations Global Technical Regulation No. 3 – MOTORCYCLE BRAKE SYSTEMS. These standards specify equivalent requirements and test methods to Appendix A of the ADR.

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.

The standards may be freely accessed online through the United Nations 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**

There are costs associated with mandating the ADR but as indicated by the Regulation Impact Statement (RIS) these are significantly outweighed by benefits. Overall, the new ADR will provide a reduction in road trauma estimated at a total of 580 lives saved from a 15 year period of regulation. Net benefits will be \$1.66 billion.

#### **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 Commonwealth 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 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 Governments' *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*.

### 3.3. Specific Consultation Arrangements for this Vehicle Standard

State and territory governments, industry and road user groups have been consulted using the established consultation mechanisms for the development of the ADRs. In addition, the Department conducted preliminary consultation meetings with motorcycling interest groups to discuss the results of commissioned research on the topic. The Department subsequently released a public discussion paper for comment.

In accordance with OBPR requirements, a consultation RIS was then released for a six-week public consultation period in May 2017. The RIS conforms to requirements established by the OBPR for regulatory proposals where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator. The OBPR reference number for the RIS is 22202.

## 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

ADR 33/01 is a new standard. It sets mandatory requirements for advanced braking systems to ensure safe braking under normal and emergency conditions for motorcycles (ADR categories LC, LD and LE) and mopeds (ADR categories LA and LB).

### 4.2. Human Rights Implications

ADR 33/01 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

ADR 33/01 is compatible with human rights as it does not raise any human rights issues.