

# **Vehicle Standard (Australian Design Rule 34/02 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2012 Amendment 2**

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

## **Explanatory Statement**

Issued by the authority of the Assistant Minister to the Deputy Prime Minister

**November 2018**

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## **1. LEGISLATIVE CONTEXT**

Vehicle Standard (Australian Design Rule 34/02 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2012 Amendment 2 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 34/02 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2012 (ADR 34/02) was originally determined in 2012 and has since been amended once.

## **2. CONTENT AND EFFECT OF ADR 34/02 – CHILD RESTRAINT ANCHORAGES AND CHILD RESTRAINT ANCHOR FITTINGS**

### **2.1. Overview of the ADR**

This vehicle standard prescribes requirements for top tether anchorages and their fittings so that child restraints may be adequately secured to the vehicle. It specifies a standard package of fitting hardware and accessibility requirements to facilitate correct installation and interchangeability of child restraints. It also specifies requirements for any ISOFIX lower anchorages to which the lower portion of a child restraint may be attached on a vehicle seat.

ISOFIX is a system for attaching child restraints to vehicles, which has been adopted internationally by the United Nations World Forum for the Harmonization of Vehicle Regulations.

### **2.2. Effect of the Amendment**

This amendment replaces each reference to “ADR 5/...” with a reference to “ADR 5/05”. This does not affect the original intent of the standard, but is essential to ensure ongoing correct interpretation and operation of ADR 34/02 after the commencement of ADR 5/06.

## **3. BEST PRACTICE REGULATION**

### **3.1. Benefits and Costs**

This amendment will have a neutral regulatory impact, including in terms of both the benefits and costs of regulation.

### 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 and 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 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, Regional Development and Cities (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

This amendment was proposed, discussed and supported during 2018 at meetings of the AMVCB, TLG and SVSEG. It was acknowledged that these groups are at the appropriate level to consider this type of change. A draft of this amendment was also provided in June 2018 as part of the consultation process to the AMVCB and the TLG.

The Department consulted with the OBPR within the Department of Prime Minister and Cabinet on this standard. A Regulation Impact Statement is not required, as the decision maker is not the Australian Government's Cabinet, and this amendment will have a neutral regulatory impact. The OBPR reference number is 24187.

## 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 34/02, replaces each reference to “ADR 5/...” with a reference to “ADR 5/05”. It does not affect the original intent or operation of the standard.

### 4.2. Human Rights Implications

This amendment to ADR 34/02 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 34/02 is compatible with human rights, as it does not raise any human rights issues.