

Vehicle Standard (Australian Design Rule 61/03 – Vehicle Marking) 2020

Made under section 12 of the *Road Vehicle Standards Act 2018*

Explanatory Statement

Approved by the Hon Michael McCormack MP, Deputy Prime Minister
and Minister for Infrastructure, Transport and Regional Development

September 2020

CONTENTS

1.	LEGISLATIVE AUTHORITY	3
2.	PURPOSE AND OPERATION	3
2.1.	Overview.....	3
2.2.	Vehicle Identification Number	3
2.3.	Secure Vehicle Identification Marking.....	3
2.4.	Vehicle Plate	4
2.5.	Engine Number	4
2.6.	Registration Plates	4
2.7.	Visibility of Tray	4
3.	MATTERS INCORPORATED BY REFERENCE	5
3.1.	Acts and/or Legislative Instruments	5
3.2.	Other Documents	5
4.	CONSULTATION	6
4.1.	General Consultation Arrangements.....	6
4.2.	Specific Consultation Arrangements	7
5.	REGULATORY IMPACT	7
5.1.	Benefits and Costs	7
5.2.	Regulation Impact Statement.....	7
6.	STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS	8
6.1.	Overview.....	8
6.2.	Human Rights Implications	8
6.3.	Conclusion	8

1. LEGISLATIVE AUTHORITY

Vehicle Standard (Australian Design Rule 61/03 – Vehicle Marking) 2020 (ADR 61/03) is made under the *Road Vehicle Standards Act 2018* (the Act). The Act enables the Australian Government to establish nationally uniform standards that apply to new road vehicles or road vehicle components when they are provided to the market in Australia. The Act applies to such vehicles or components 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 12, which empowers the Minister to “determine standards for road vehicles or road vehicle components”.

2. PURPOSE AND OPERATION

2.1. Overview

ADR 61/03 applies to all categories of vehicles, as are defined in the Australian Design Rule – Definitions and Vehicle Categories, from the commencement of section 15 of the Act. Under the *Road Vehicle Standards Rules 2019*, new vehicles must meet the applicable national road vehicle standards (the Australian Design Rules or ADRs) to satisfy the requirements for entry on the Register of Approved Vehicles via the type approval pathway¹. As this vehicle standard is made under the *Road Vehicle Standards Act 2018*, it only applies to vehicles subject to this Act.

ADR 61/03 prescribes requirements for vehicle and engine identification numbers, secure vehicle identification, information to be included on a vehicle plate for heavy omnibuses and trailers, registration plate mounts, and visibility from the rear of vehicles with a body of the tray type.

2.2. Vehicle Identification Number

Section 5 requires each vehicle to have a unique Vehicle Identification Number (VIN). The format, content, location and marking/attachment of the VIN on the vehicle must meet the requirements of the ISO standards as specified in clause 5.1 (parts (a), (b) and (c))², or the technical requirements from the US Code of Federal Regulations as specified in clause 5.2.1.

The VIN is the primary means used to identify a vehicle, including for registration, insurance and anti-theft purposes.

2.3. Secure Vehicle Identification Marking

Section 6 prescribes requirements for at least one item of Secure Vehicle Identification (SVI) Marking on vehicles. This must display at least the name of the Manufacturer or the Vehicle Make (i.e. the name of the road vehicle type approval holder, or the marque or brand name applied to the vehicle); and the VIN.

¹ Except where subsection 15(2) of the *Road Vehicle Standards Rules 2019* applies to the vehicle.

² Except that it is permissible to locate the ‘VIN’ on the left-hand side of the vehicle, and clause 4.2 of ISO 4030:1983 is not applicable in Australia.

A manufacturer can meet the Vehicle Make component of the SVI Marking in a number of different ways. For example, a manufacturer may include on the SVI Marking the vehicle marque or brand name only, or a company or production facility name that is associated with the manufacturer and includes the vehicle marque or brand name. In the case of a vehicle subject to a second stage of manufacture, the name of the Manufacturer or the Vehicle Make of the first-stage vehicle shall be deemed sufficient to satisfy this requirement (meaning the second-stage manufacturer does not need to fit an additional item of SVI to that already provided by the first-stage manufacturer).

SVI Marking will provide a secondary and readily visible means to identify vehicles. The requirements for SVI Marking, together with the entry of compliance data on a Register of Approved Vehicles, have been introduced to replace the compliance and anti-theft roles previously played by Identification Plates (otherwise known as Compliance Plates).

In the case of heavy omnibuses (ADR category ME vehicles) and trailers (ADR category TA, TB, TC and TD vehicles), the requirements for SVI Marking can (at the option of the manufacturer) be met through the fitment of a single Vehicle Plate meeting the requirements of both Section 6 and Section 7.

2.4. Vehicle Plate

Section 7 prescribes requirements for a Vehicle Plate on heavy omnibuses (ADR category ME vehicles) and trailers (ADR category TA, TB, TC and TD vehicles). The purpose of these requirements is to ensure that additional information needed for the safe and legal operation of these vehicles (e.g. seating capacity for buses, aggregate trailer mass, gross trailer mass etc.) is readily available and visible on the vehicle to operators and enforcement agencies, including in areas where there is limited or no internet coverage.

2.5. Engine Number

Section 8 prescribes requirements for the marking, location and visibility of the engine identification number. This number is used to identify the engine fitted to a vehicle, including for registration, insurance and anti-theft purposes.

2.6. Registration Plates

Section 9 prescribes requirements for registration plate mounts on vehicles. The purpose of these requirements is to ensure that standard dimension number plates can be easily affixed and appropriately located on vehicles, so that each vehicle can be readily identified in use.

2.7. Visibility of Tray

Section 10 prescribes requirements to improve the visibility from the rear of vehicles fitted with a body of the tray type.

3. MATTERS INCORPORATED BY REFERENCE

3.1. Acts and/or Legislative Instruments

Clauses 1.2.1, 3.1 and 5.2.1 include references to the *Road Vehicle Standards Act 2018*. This Act will (when fully implemented) regulate the importation and provision of road vehicles, as well as the provision of certain road vehicle components, in Australia.

Clause 4.1 includes a reference to the Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005 (which may also be cited as the Australian Design Rule – Definitions and Vehicle Categories). This sets out definitions for many terms used in the ADRs, including the vehicle categories used in ADR applicability tables.

Clause 7.2.1 includes a reference to the Australian Design Rule 59/... – Standards For Omnibus Rollover Strength. This ADR prescribes minimum rollover strength requirements for omnibuses.

Clause 7.4.5 includes a reference to the Australian Design Rule 63/... – Trailers Designed for Use in Road Trains. This ADR prescribes specific requirements for trailers designed for use in Road Train combinations.

Clause 10.1 includes a reference to the Australian Design Rule 13/... – Installation of Lighting and Light Signalling Devices on other than L-Group Vehicles. This ADR prescribes requirements for the number and mode of installation of lighting and light signalling devices on all road vehicles, except for mopeds, motor cycles and motor tricycles.

The Act and the ADRs may be freely accessed online through the Federal Register of Legislation. The website is www.legislation.gov.au.

In accordance with subsection 12(2)(b) of the *Road Vehicle Standards Act 2018*, each of these Acts and the ADRs are incorporated as in force or existing from time to time. In the case of the ADRs, the ellipses (...) indicates the version(s) (e.g. 00, 01 etc.) of the ADR in force at the time.

3.2. Other Documents

ADR 61/03 incorporates references to a number of technical standards that are routinely accessed by vehicle manufacturers as part of their professional library, including to ensure that vehicles comply with existing vehicle identification requirements in many other countries/regions of the world.

Clause 5.1 includes references to ISO 3779:2009 (Road Vehicles – Vehicle identification number (VIN) – Content and structure), ISO 3780:2009 (Road Vehicles – World manufacturer identifier (WMI) code), and ISO 4030:1983 (Road Vehicles – Vehicle identification number (VIN) – Location and attachment). ISO 3779:2009 specifies the content and structure of a uniform vehicle identification numbering system for road vehicles. ISO 3780:2009 specifies the content and structure of a worldwide identifier code for road vehicle manufacturers, which forms the first three characters of the VIN described in ISO 3779:2009. ISO 4030:1983 specifies requirements for the location and marking of the VIN on road vehicles. These standards are all available for purchase only through the International Organization for Standardization (ISO) and various associated national standards bodies. While not freely available, these standards are all readily accessible and widely used by vehicle

manufacturers, and the Department of Infrastructure, Transport, Regional Development and Communications (the Department) is investigating options to make them available free of charge.

Clause 5.2.1 includes a reference to Part 565 (Vehicle Identification Number (VIN) Requirements) of Title 49 of the US Code of Federal Regulations (49 CFR 565), 1 October 2019 edition. This document specifies requirements for the format, content, location and marking of the VIN on road vehicles. It is incorporated as an alternative to the ISO standards referenced in clause 5.1, and may be freely accessed online through the US Government Publishing Office. The website is www.govinfo.gov/help/cfr (note: to retrieve the 1 October 2019 edition of Part 565, users should input ‘Code of Federal Regulations’ for the collection, ‘2019’ for the year, ‘49’ for the title number, and ‘565’ for the part).

Clause 6.4.3 includes a reference to the Commission Regulation (EU) No 19/2011. This document specifies type-approval requirements for the manufacturer’s statutory plate and for the vehicle identification number of motor vehicles and trailers in all of the Member States of the European Union. Only the requirements for the location of the manufacturer’s statutory plate are relevant for the purposes of the reference in clause 6.4.3 of this vehicle standard. This document may be freely accessed online through the Publications Office of the European Union. The website is eur-lex.europa.eu/homepage.html.

In accordance with subsections 14(1)(b) and 14(2) of the *Legislation Act 2003*, each of these documents are incorporated as in force on the date this vehicle standard is made.

4. CONSULTATION

4.1. 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 Safe Vehicles Theme Group (SVTG), the Infrastructure and Transport Senior Officials’ Committee (ITSOC) and the Infrastructure and Transport Ministers’ Meeting.

- 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.
- ITSOC consists of state and territory infrastructure and/or transport Chief Executive Officers (CEOs) (or equivalents), the CEO of the National Transport Commission, New Zealand and the Australian Local Government Association.
- The Infrastructure and Transport Ministers' Meeting consists of the Australian, state/territory and New Zealand Ministers with responsibility for infrastructure and/or transport matters.

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 Regulatory Impact Analysis* and the Council of Australian Governments' *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*.

4.2. Specific Consultation Arrangements

ADR 61/03 was developed over the period 2019-2020 in consultation with the SVSEG. Two separate drafts of the ADR were circulated to the SVSEG for comment as part of the consultation. The first of these was provided in June 2019 and the second in June 2020.

5. REGULATORY IMPACT

5.1. Benefits and Costs

ADR 61/03 is expected to have a neutral impact in terms of vehicle safety and secure marking (i.e. anti-theft) benefits to the community.

There is a cost reduction of \$14.5 million per annum associated with the replacement of Vehicle Identification Plates with the entry of compliance data on a Register of Approved Vehicles and a requirement for SVI Marking. There is no significant increase or decrease in cost relative to business as usual (i.e. under the current ADR 61/02) associated with the VIN, Vehicle Plate, engine number, registration plate and visibility of tray requirements. The implementation of this vehicle standard together with the establishment of the Register of Approved Vehicles under the Road Vehicle Standards legislation is therefore expected to reduce regulatory burden by approximately \$14.5 million per annum.

5.2. Regulation Impact Statement

A Regulation Impact Statement was prepared in regard to the replacement of the *Motor Vehicle Standards Act 1989* with what would become the *Road Vehicle Standards Act 2018*. This RIS is included in the Explanatory Memorandum for the *Road Vehicle Standards Act 2018* and also covers the replacement of Identification Plates with the entry of compliance data on the Register of Approved Vehicles and a requirement for SVI Marking. The OBPR reference number for the RIS is 17240.

6. STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

The following Statement is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

6.1. Overview

ADR 61/03 is made to replace ADR 61/02. It prescribes requirements for vehicle and engine identification numbers, secure vehicle identification, information to be included on a vehicle plate for heavy omnibuses and trailers, registration plate mounts, and visibility from the rear of vehicles with a body of the tray type.

6.2. Human Rights Implications

ADR 61/03 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*.

6.3. Conclusion

ADR 61/03 is compatible with human rights, as it does not raise any human rights issues.