

Vehicle Standard (Definitions and Vehicle Categories) 2005 Amendment 10

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

Explanatory Statement

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

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CONTENTS

| | | |
|------|--|---|
| 1. | LEGISLATIVE AUTHORITY | 3 |
| 2. | PURPOSE AND OPERATION | 3 |
| 2.1. | Overview..... | 3 |
| 2.2. | Effect of the Amendment..... | 3 |
| 3. | MATTERS INCORPORATED BY REFERENCE | 3 |
| 3.1. | Acts and/or Legislative Instruments | 3 |
| 3.2. | Other Documents | 4 |
| 4. | CONSULTATION | 4 |
| 4.1. | General Consultation Arrangements..... | 4 |
| 4.2. | Specific Consultation Arrangements | 5 |
| 5. | REGULATORY IMPACT | 5 |
| 5.1. | Benefits and Costs | 5 |
| 5.2. | Regulation Impact Statement..... | 5 |
| 6. | STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS | 5 |
| 6.1. | Overview..... | 5 |
| 6.2. | Human Rights Implications | 5 |
| 6.3. | Conclusion | 5 |

1. LEGISLATIVE AUTHORITY

Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 Amendment 10 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 provided 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 road vehicle components”.

2. PURPOSE AND OPERATION

2.1. Overview

The Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 (the Australian Design Rule – Definitions and Vehicle Categories) sets out definitions for many terms used in the Australian Design Rules (ADRs), including the vehicle categories used in ADR applicability tables.

This vehicle standard was originally determined in 2005 and has since been amended by nine separate legislative instruments.

2.2. Effect of the Amendment

This amendment implements a new definition for Secretary, together with revised definitions for Date of Manufacture, Identification Plate, and Manufacturer, to support the ongoing implementation of the ADRs under the *Road Vehicle Standards Act 2018*. These changes do not vary the intent of the ADRs, but are essential to ensure the ADRs will continue to apply in the same (or equivalent) way to road vehicles and road vehicle components under the *Road Vehicle Standards Act 2018*.

This amendment also implements new definitions for Component Type Approval Numbers 38/... and Vehicle Make, together with a revised definition for Vehicle Identification Number (VIN), to support the introduction of the Australian Design Rule 61/03 – Vehicle Marking under the *Road Vehicle Standards Act 2018*.

3. MATTERS INCORPORATED BY REFERENCE

3.1. Acts and/or Legislative Instruments

The definitions for Component Type Approval Numbers 38/..., Date of Manufacture, Manufacturer, and Secretary all include a reference 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.

The definitions for Identification Plate and Manufacturer include a reference to the *Motor Vehicle Standards Act 1989*. This Act currently regulates the importation and provision of road vehicles in Australia. It is to be repealed and replaced by the *Road Vehicle Standards Act 2018* from the commencement of section 15 of that Act. A 12-month transitional period is set to commence on repeal of the *Motor Vehicle Standards Act 1989*.

These Acts may be freely accessed online through the Federal Register of Legislation. The website is **www.legislation.gov.au**.

In accordance with subsection 7(A)(b) of the *Motor Vehicle Standards Act 1989*, each of these Acts are incorporated as in force from time to time.

3.2. Other Documents

No other documents are incorporated by reference through this amendment.

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 of Infrastructure, Transport, Regional Development and Communications (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

This amendment was developed in consultation with the SVSEG. The Department provided a draft of this amendment to SVSEG in June 2020 as part of the consultation process.

5. REGULATORY IMPACT

5.1. Benefits and Costs

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

5.2. Regulation Impact Statement

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.

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

This amendment implements new and revised definitions to support the implementation of the ADRs under the *Road Vehicle Standards Act 2018*, including the Australian Design Rule 61/03 – Vehicle Marking.

6.2. Human Rights Implications

This amendment to the Australian Design Rule – Definitions and Vehicle Categories 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

This amendment to the Australian Design Rule – Definitions and Vehicle Categories is compatible with human rights, as it does not raise any human rights issues.