

Explanatory Statement

Vehicle Standard (Australian Design Rule) Amendment Instrument 2021 (No.1)

Approved by The Hon Kevin Hogan MP, Assistant Minister to the Deputy Prime Minister

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1. LEGISLATIVE AUTHORITY

Vehicle Standard (Australian Design Rule) Amendment Instrument 2021 (No.1) (the Amendment Instrument) is made under section 7 of the *Motor Vehicle Standards Act 1989* (MVSA). Section 7 of the MVSA allows the Minister to determine vehicle standards for road vehicles or vehicle components.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides, in part, that the power to amend instruments is conferred by the same power to make the instrument.

2. PURPOSE AND OPERATION

Overview of the MVSA and Australian Design Rules

The MVSA establishes a regulatory framework to regulate the importation and first supply of road vehicles to the market in Australia. The core principle of this framework is that vehicles that comply with appropriate standards are suitable for importation and supply to the market in Australia. The Australian Design Rules have set out those standards since the early 1970s. At that time, they were applied cooperatively by the Australian Motor Vehicle Certification Board representing the Commonwealth and State and Territory Governments. In 1989, this arrangement was replaced by the MVSA and the Australian Design Rules were determined as national standards.

Australian vehicle sales represent less than 1% of the global vehicle market. As a result, the Australian Government's policy has been where possible to harmonise with international regulations adopted by the United Nations. This policy provides access for Australians to the safest vehicles at the lowest price.

Once a vehicle has been supplied to the market, responsibility for regulation passes to the relevant state or territory government. States and territories have adopted model law into their own legislation that requires vehicles to maintain compliance with the Australian Design Rules that were applicable to the vehicle at the time it was originally manufactured and supplied to the market in Australia. For this reason, it is important that the Australian Design Rules are maintained, even though the Rule may have been superseded by a new Rule with more stringent requirements.

Operation of the Amendment Instrument

The amendment instrument is intended to amend the following instruments:

- Vehicle Standard (Australian Design Rule 2/00 - Side Door Latches and Hinges) 2006, corrections to clause number 2.1.0 to 2.2.0.
- Vehicle Standard (Australian Design Rule 3/02 – Seats and Seat Anchorages) 2005, amends the applicability table to state MD3, MD4 and ME vehicle categories are not applicable.
- Vehicle Standard (Australian Design Rule 5/04 – Anchorages for Seatbelts) 2005, clause 11.1.1, formatting correction to identify ADR Definitions correctly.
- Vehicle Standard (Australian Design Rule 6/00 – Direction Indicators) 2005, (1) Correction to cover page title, and (2) Grammatical correction to Appendix A, paragraph 1.1 omit “letter’s” and substitute “latter’s”.

- Vehicle Standard (Australian Design Rule 23/00 – Passenger Car Tyres) 2006, omit clauses 23.4, 23.4.1 and substitute with clause 23.3.5.3 for high-speed testing requirements.
- Vehicle Standard (Australian Design Rule 25/02 – Anti-Theft Lock) 2006, clause 6.1.4 identify that only PART I of UN R116 applies.
- Vehicle Standard (Australian Design Rule 31/02 – Brake Systems for Passenger Cars) 2009, clause 0.1.1, correction to the year stated in the clause 2005 to 2009.
- Vehicle Standard (Australian Design Rule 31/03 – Brake Systems for Passenger Cars) 2013, numbered applicability table as clause 2.8.
- Vehicle Standard (Australian Design Rule 34/01 - Child Restraint Anchorages and Child Restraint Anchor Fittings) 2005, clause 34.3.1.2, formatting correction to identify ADR Definitions correctly.
- Vehicle Standard (Australian Design Rule 35/00 – Commercial Vehicle Brake Systems) 2006, clause 35.6.1.6.2 correction to formatting the unit of measurement 288o 0C to 288°C.
- Vehicle Standard (Australian Design Rule 35/02 – Commercial Vehicle Brake Systems) 2007, clause 4.7.5.2, correction to incorrect reference to clause number 7.17 to 7.12.
- Vehicle Standard (Australian Design Rule 35/03 – Commercial Vehicle Brake Systems) 2009, clause 4.7.5.2, correction to incorrect reference to clause number 7.17 to 7.12.
- Vehicle Standard (Australian Design Rule 42/04 – General Safety Requirements) 2005, Table 1.1, correction to the number of pin connectors 14 Pin to 12 Pin.
- Vehicle Standard (Australian Design Rule 44/02 – Specific Purpose Vehicle Requirements) 2006, (1) clause 44.8.3 correction to referenced clause 44.2.5 to 44.4.5, (2) clause 44.9.8 formatting change to bold as a subheading, (3) insert optional LPG Fuel System Standard AS1425.
- Vehicle Standard (Australian Design Rule 82/00 – Engine Immobilisers) 2006, clause 7.3, identify that only PART IV of UN R116 applies.
- Vehicle Standard (Australian Design Rule 84/00 – Front Underrun Impact Protection) 2009, clause 1.1.1 corrects year referenced 2007 to 2009.
- Vehicle Standard (Australian Design Rule 86/00 – Parking Lamps) 2016, Clause 7.1, correction to the title of UN R 77 Cornering Lamps to Parking Lamps.
- Vehicle Standard (Australian Design Rule 87/00 – Cornering Lamps) 2016, clause 7.1, correction to the title of UN R119 Parking Lamps to Cornering Lamps.

3. MATTERS INCORPORATED BY REFERENCE

The Amendment Instrument inserts into Vehicle Standard (Australian Design Rule 44/02 – Specific Purpose Vehicle Requirements) 2006 references to the following standard, as permitted by section 7A(b) of the MVSA:

Australian Standard 1425 LP Gas for Fuel Systems for Vehicle Engines (AS 1425) as amended from time to time. AS 1425, is available from SAI Global and Techstreet for a fee. Subject to copyright conditions, the Department will make a copy of the standard available for viewing at its offices in Canberra.

This amendment also continues to list the following existing referenced standards:

- Society of Automotive Engineers (SAE) document J826, “Manikins For Use In Defining Vehicle Seating Accommodation”, November 1962,
- SAE document J826a “Devices for Use in Defining and Measuring Vehicle Seating Accommodation”, August 1970
- United Nations Regulation No. 30 - UNIFORM PROVISIONS CONCERNING THE APPROVAL OF PNEUMATIC TYRES FOR MOTOR VEHICLES AND THEIR TRAILERS
- United Nations Regulation No. 77 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF PARKING LAMPS FOR POWER-DRIVEN VEHICLES
- United Nations Regulation No. 116 UNIFORM TECHNICAL PRESCRIPTIONS CONCERNING THE PROTECTION OF MOTOR VEHICLES AGAINST UNAUTHORIZED USE
- United Nations Regulation No. 119 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF CORNERING LAMPS FOR POWER-DRIVEN VEHICLES

SAE Technical Standards are available for a fee from SAI Global and Techstreet. Subject to copyright conditions, the Department will also make a copy of the standard available for viewing at its offices in Canberra.

SAI Global’s website is www.infostore.saiglobal.com/en-au/.

Techstreet’s website for technical standards is www.techstreet.com/pages/home.

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

4. CONSULTATION

It has been a longstanding practice to consult widely on proposed new or amended vehicle standards. For many years, there has been an 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, depending on the degree of impact the new or amended standard is expected to have on industry or road users.

In this case, the Department consulted on the proposed amendments through the Technical Liaison Group. 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 representative organisations of consumers and road users (particularly through the Australian Automobile Association).

On 30 September 2020, the Department presented the proposed amendments to a meeting of the TLG seeking endorsement. The proposed amendments were endorsed without change.

5. REGULATORY IMPACT

The Department considered these amendments to be minor in nature and consulted with the OBPR on the requirement for a RIS. The OBPR advised that the Amendment Instrument does not warrant the preparation of a RIS because the proposed regulatory changes in the Amendment Instrument are minor and machinery in nature. The reference number for OBPR's assessment is OBPR ID 43171.

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*.

The Department has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

The amendment instrument does not raise any human rights issues.