

Vehicle Standard (Australian Design Rule 35/06 – Commercial Vehicle Brake Systems) 2018 Amendment 1

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

Explanatory Statement

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 35/06 – Commercial Vehicle Brake Systems) 2018 Amendment 1 (ADR 35/06 Amendment 1) is made under section 12 of the *Road Vehicle Standards Act 2018* (the RVSA). Section 12 of the RVSA allows the Minister to determine National Road Vehicle Standards.

2. PURPOSE AND OPERATION

2.1. Overview of the regulatory framework

The RVSA 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 which comply with appropriate standards are suitable for provision to the market in Australia. The Australian Design Rules (ADRs) 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.

Under the RVSA, the ADRs are National Road Vehicle Standards intended to make vehicles safe to use, control the emission of gas, particles or noise, secure vehicles against theft, provide for the security marking of vehicles and promote the saving of energy. The ADRs are applied to vehicles as criteria for approval under various regulatory pathways set out in the Road Vehicle Standards legislation. Vehicles approved under these regulatory pathways can be provided to the market in Australia for use in transport. ADRs apply equally to imported and locally manufactured vehicles.

2.2. Overview of the ADR

The function of this vehicle standard is to ensure safe braking for commercial vehicles and large passenger vehicles under normal and emergency conditions. The standard also contains provisions for some light passenger and light goods vehicles.

2.3. Effect of the Amendment

This amendment implements transition arrangements from this vehicle standard (ADR 35/06) to a later vehicle standard (ADR 35/07). Under these arrangements, vehicles certified as complying to the new standard ADR 35/07 are not required to comply with ADR 35/06.

This change does not affect the original intent of ADR 35/06, but is essential to allow its correct operation in conjunction with ADR 35/07.

3. MATTERS INCORPORATED BY REFERENCE

3.1. Legislative Instruments

Clause 3.10 includes a reference to the Australian Design Rule 35/07 – Commercial Vehicle Brake Systems (ADR 35/07). ADR 35/07 prescribes braking requirements on ADR category LEG, MB, MC, NA, NB, and NC vehicles, to ensure safe braking under normal and emergency conditions.

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) of the RVSA, this ADR 35/07 is incorporated as in force or existing from time to time.

3.2. Other Documents

This amendment does not incorporate any other documents by reference.

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.

Proposals that are regarded as significant need to be supported by a Regulation Impact Statement (RIS) meeting the requirements of the Office of Best Practice Regulation (OBPR) as published in the *Australian Government Guide to Regulatory Impact Analysis* or the *Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies*.

4.2. Specific Consultation Arrangements

This amendment is related to the introduction of ADR 35/07. As it is minor in nature, and does not affect the requirements of the ADR, further consultation was not considered necessary and so not carried out.

5. REGULATORY IMPACT

5.1. Regulation Impact Statement

As the amendment is purely administrative in nature and does not increase the stringency of the ADR, a RIS is not required.

5.2. Benefits and Costs

As this amendment does not affect the requirements of the ADR, there are no expected changes in the benefits or costs for society.

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 allows for a transition between ADR 35/06 and the later version ADR 35/07. It does not affect the original intent or operation of the standard.

6.2. Human Rights Implications

This amendment to ADR 35/06 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 ADR 35/06 is compatible with human rights, as it does not raise any human rights issues.