Vehicle Standard (Australian Design Rule 8/01 – Safety Glazing Material) 2005 Amendment 1

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Minister for Transport and Regional Service

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1. **LEGISLATIVE CONTEXT**

*Vehicle Standard (Australian Design Rule 8/01 — Safety Glazing Material) 2005 Amendment 1* is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards for 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 are imported as new or second hand vehicles.

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".

Australian Design Rule (ADR) 8/01 was originally determined in *Vehicle Standard (Australian Design Rule 8/01 - Safety Glazing Material) 2005* and has not yet been amended. ADR 8/01 is being amended as a result of being reviewed under the Australian Government’s Business Review Agenda.

2. **CONTENT AND EFFECT OF ADR 8/01 - SAFETY GLAZING MATERIAL AMENDMENT 1**

2.1. Overview of this amendment

This amendment makes several changes to ADR 8/01. The acceptable materials standards are updated to the most recent version – this includes the combined Australian/New Zealand standard, United Nation Economic Commission for Europe and Japanese Industrial standard. The full text of UNECE R43 has been added and the status of motorcycle wind deflectors has been clarified.

2.2. Changes to the ADR

The following notes provide a more detailed explanation of the changes. Numbers refer to the item numbers in schedule 1 of the amendment.


[3] adds clarifying text indicating that the vehicle codes are represented both with and without subscript.

[4] adds a reference to the definitions set out in Appendix A.

[5] is an adjustment of the existing text to better clarify the various compliance options. As the text of the ECE regulation has been incorporated into the ADR this section needed to be changed.

[6] indicates which clauses of appendix A are not to be used. Although the technical provisions of UNECE R43 are used, the Australian Government uses its own certification system. The clauses to be disregarded are related to the administrative provisions used for obtaining and maintaining a UNECE approval. To insist on obtaining and maintaining a UNECE approval would add costs that could not be justified.
[7] has been adjusted to allow for the addition of Appendix A. The content is the same but presented in a new format. Clause 7.1 has been added to indicate that a motorcycle wind deflector is not to be considered safety glazing material. Previously in order to exclude a motorcycle wind deflector, it must have met the requirements of ANSI Z26.1. This change will allow more flexibility to manufacturers with regards to what a motorcycle wind deflector may be made of (a windscreen must be laminated glass while a wind deflector may be made of other glazing material). Note that ANSI Z26.1 is referenced as guidance material only.

[8] updates to the latest versions of existing material standards. This will allow glazing manufacturers to make use of more recent technological developments in their products. Section 8.6 retains the existing (older) standards. This has been done to prevent additional compliance costs to the industry. If the existing material standards were removed, it would constitute an increase in stringency, resulting in a new ADR 8/02. This would require manufacturers to recertify to this new standard – a cost with no real benefit (see the attached regulation impact statement for further details). Further consultation will be carried out with industry to determine if anyone is still using the older standards. If not they will be removed.

Schedule 2 contains the full text of UNECE R43. This has been included to further the process of harmonising the ADRs with the UNECE standards. The full text has been provided (rather than just the relevant technical provisions) at the request of industry. Inclusion of the full, unedited text allows other jurisdictions to see that products certified to the ADR do meet the technical requirements of the ECE regulation without any confusion or uncertainty that may result from using an altered version of the regulation.

2.3. Documents Incorporated by Reference

This section lists documents referenced in the vehicle standard and how they can be obtained.

- Australian Design Rules can be purchased on CD-ROM from the Department of Transport and Regional Services. As the ADRs are remade, they will also be available at [http://www.comlaw.gov.au](http://www.comlaw.gov.au).
  - Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 (s4.2)
  - Australian and New Zealand Standard AS/NZS 2080:1995 "Safety Glass for Land Vehicles" (s8.1)
  - Australian Standard AS 2080 -1983 -"Safety Glass for Land Vehicles" up to and including amendment No. 1 (s8.6.1)
  - New Zealand Standard NZ 5443-1987 (s8.6.6)
  - Japanese Industrial Standard - JIS R 3211-1998 “Safety Glazing Materials for Road Vehicles” (s8.2)
3. CONSULTATION ARRANGEMENTS

3.1. 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 Federal 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), Transport Agencies Chief Executives (TACE), and the Australian Transport Council (ATC).

- TLG consists of 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).

- TACE consists of the chief executives of Australian and State/Territory departments of transport and road vehicle administrations.

- ATC consists of the Australian, State/Territory and New Zealand Ministers with responsibility for transport issues.

Editorial changes and changes to correct errors are settled by agreement between the Department of Transport and Regional Services and the National Transport
Commission. This process is only invoked where the amendments do not vary the intent of the vehicle standard.

New standards, or significant changes that increase the stringency of existing standards, are subject to a vote by ATC Ministers. Unless disapproved by a majority of ATC Ministers, the Minister for Local Government, Territories and Roads, can then determine the new or amended standards, under the authority of the Minister for Transport and Regional Services. Proposals that are regarded as significant need to be supported by a Regulation Impact Statement meeting the requirements of the Office of Regulation Review as published in *A Guide to Regulation*.

In November 2005 the ATC considered options for streamlining the consultation process and agreed that proposals for fully harmonised ADRs (with the relevant UNECE regulations) that were fully supported by stakeholders could be regarded as non-contentious and therefore would not require further consultation beyond public comment.

3.2. Specific Consultation Arrangements for this Amendment

A Council of Australian Governments regulation impact statement (RIS) was prepared and put out for public comment between 8 October and 9 December 2005. Feedback was received from 13 different sources. As the feedback indicated this was a non-contentious issue, the streamlined process agreed to by ATC has been used. This streamlined approach allows the Department to bypass the TACE and ATC stages and present the ADR directly to the Minister for determination.

The final Australian Government RIS (attached to this explanatory statement) has been approved by the Office of Regulation Review (RIS ID 2433). As this ADR has not gone before the ATC the RIS has been approved as an Australian Government RIS not a COAG RIS.