

Vehicle Standard (Australian Design Rule 4/04 – Seatbelts) 2006

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 4/04 — Seatbelts) 2006 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) 4/04 is being made to replace ADR 4/03, which was originally determined in *Road Vehicle (National Standard) Determination 2 of 1997* and was subsequently remade to comply with the requirements of the *Legislative Instruments Act 2003* (LIA). It is necessary to make a new standard rather than an amendment as the text as last determined has been substantially altered.

Vehicle Standard (Australian Design Rule 4/04 – Seatbelts) 2006 is being made under the Australian Design Rule review program as part of a structures package comprising ADRs 2/00, 3/02, 4/03, 5/04 and 22/00. The prime objectives of the review are to preserve or improve Australia's road safety performance while minimising compliance costs to industry, harmonising with international standards where possible, and reflecting the best current operating practices in industry.

2. CONTENT AND EFFECT OF ADR 4/04 - SEATBELTS

2.1. Overview of the ADR

The function of this vehicle standard is to specify requirements for seatbelts to restrain vehicle occupants under impact conditions, to facilitate fastening and correct adjustment, to assist the driver to remain in the driver's seat and thus maintain control of the vehicle in an emergency situation, and to provide protection against ejection in an accident situation.

2.2. Effect of the ADR

This vehicle standard is being made to remove unique Australian requirements and fully adopt international standards that are a common and current approach to a solution to the worldwide problem of road crashes. This is expected to maintain Australia's road safety performance and lead to savings for both business and government in the long term.

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*.

3.2. Specific Consultation Arrangements for this Vehicle Standard

Consultation was carried out through the TLG, with a final Regulatory Impact Statement (RIS) and draft ADR being released for public comment between September and December 2005. The RIS was subsequently cleared by the Office of Regulation Review under the reference number 7498.

At the June 2005 ATC meeting, transport Ministers endorsed a recommendation that broadly supported, non-contentious, United Nations Economic Commission for Europe (UNECE) harmonised proposals could proceed directly to determination following public consultation. The RIS established that this ADR falls in to such a category and so the consultation is considered to have been completed.

The RIS is attached at Appendix A.
