

# **Vehicle Standard (Australian Design Rule 14/02 – Rear Vision Mirrors) 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 14/02 — Rear Vision Mirrors) 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) 14/02 was originally determined in *Road Vehicle (National Standards) Determination 2 of 1992* and has been amended in two subsequent determinations. ADR 14/02 is being remade to comply with the requirements of the *Legislative Instruments Act 2003* (LIA) and to enable its registration in accordance with the requirements of the Federal Register of Legislative Instruments. The ADR is also being amended as a result of its review under the Australian Government's Business Review Agenda.

## **2. IMPACT OF THE LEGISLATIVE INSTRUMENTS ACT 2003**

Until now ADRs have been determined in "packages", that is, a single determination will create, amend and repeal multiple ADRs. In example, Determination 1 of 1991 amended 32 ADRs and Determination 2 of 2003 created one new ADR and amended 13. The determination is the legislative instrument, not the ADR itself.

The intent of the LIA is to allow easy access to all legislative instruments and to be able to track their history and changes. The current form of determination used to create vehicle standards does not allow for this as it is difficult to isolate the change history of individual ADRs and the legislative instruments (the determinations) do not contain the information of importance to those using the ADRs – the vehicle standards.

In consultation with the Attorney General's Department it has been agreed that the most effective solution is to remake each ADR as a separate vehicle standard determined under section 7 of the Act. In doing this, there is no need to backcapture the old determinations and the new layout better fits the intent of the LIA. With each ADR as a separate vehicle standard it will be possible for interested parties to view the ADR and its change history on the Federal Register of Legislative Instruments.

## **3. CONTENT AND EFFECT OF ADR 14/02 - REAR VISION MIRRORS**

### **3.1. Overview of the ADR**

The function of this vehicle standard is to specify requirements for rear vision mirrors to provide the driver with a clear and reasonably unobstructed view to the rear. As a result of the ADR review program, this standard has been updated to include the technical content of UNECE R46 and R81, providing additional options for manufactures to certify to the existing ADR standard or the UNECE standard.

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### 3.2. Changes to the ADR

Due to the changes being made the clause numbering has been changed to reflect the standard used in current ADRs.

The text of clause 1 has been provided by the Attorney General's Department to facilitate remaking each ADR as a separate legislative instrument. This text repeals and replaces each ADR as a vehicle standard independently of the Determination under which it was made. Once all ADRs made under a particular Determination have been remade, that Determination is repealed. .

Changes to clause 5 have been made to reference the ADR Definitions and Vehicle Categories as remade for the LIA requirements and the definitions sections of the attached UNECE standards.

Three certification options are now offered in this ADR. Appendix A is UNECE R46 which covers devices for indirect vision for four wheeled vehicles, Appendix B, UNECE R81 rear vision mirrors for 2 wheel vehicles and Appendix C, the existing ADR 14/02 requirements. For Appendix A and B sections 6 and 7 set out which clauses may be disregarded. As Australia has a different certification system to the UNECE several sections of the UNECE standards are not relevant.

Initially only Appendix A and B were to be used in the new ADR but during public consultation several heavy vehicle manufactures indicated that removal of the existing ADR requirement would pose an increase in cost to them. For this reason the existing requirements have been retained as Appendix C.

### 3.3. 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>.
    - Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 (s Appendix C.1.1)
  - UNECE Regulations are available from their website, <http://www.unece.org/trans/main/wp29/wp29regs.html>.
    - UNECE R46 UNIFORM PROVISIONS CONCERNING THE APPROVAL OF DEVICES FOR INDIRECT VISION REAR VIEW MIRRORS, AND OF MOTOR VEHICLES WITH REGARD TO THE INSTALLATION OF THESE DEVICES, up to and including the /02 series of amendments entered into force 23 June 2005 (s8.1)
    - For L group vehicles, UNECE R81 UNIFORM PROVISIONS CONCERNING THE APPROVAL OF REAR VIEW MIRRORS AND OF TWO WHEELED POWER DRIVEN VEHICLES WITH OR WITHOUT SIDE CAR, WITH REGARD TO THE INSTALLATION OF REAR VIEW MIRRORS ON HANDLEBARS, up to and including
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Supplement 1 to the original version of the Regulation - Date of entry into force: 3 January 1998 (s8.2)

- Society of Automotive Engineers documents can be purchased from their website <http://www.sae.org>.
  - J964a "Test Procedure for Determining Reflectivity of Rearview Mirror", August, 1974 (s2.5.1)

#### **4. CONSULTATION ARRANGEMENTS**

##### 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 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

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non-contentious and therefore would not require further consultation beyond public comment.

#### 4.2. Specific Consultation Arrangements for this Vehicle Standard

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 14 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 7522). As this ADR has not gone before the ATC the RIS has been approved as an Australian Government RIS not a COAG RIS.

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