

**MOTOR VEHICLE STANDARDS ACT 1989**

**Vehicle Standard (Australian Design Rule 79/01 —  
Emission Control for Light Vehicles) 2005 Amendment**

**1**

**EXPLANATORY STATEMENT**

**Issued by the authority of the Minister for Local Government,  
Territories and Roads**

**March 2007**

## **1. Legislative Context for ADR79/01 Amendment 1**

*Vehicle Standard (Australian Design Rule 79/01 — Emission Control for Light Vehicles) 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) 79/01 was lodged on the Federal Register of Legislative Instruments as *Vehicle Standard (Australian Design Rule 79/01 — Emission Control for Light Vehicles) 2005*. Amendment 1 to ADR 79/01 modifies clauses in the lodged version which unintentionally increased its stringency relative to the text of ADR79/01 as determined in September 2002.

## **2. Content and Effect of ADR 79/01 Amendment 1**

### **2.1 Overview**

ADR 79/01 prescribes the emission limits for light vehicles, and the standard test methods for measuring those emissions. ADR 79/01 has significantly lowered emission levels of air pollutants from new light vehicles and has brought Australian standards into closer alignment with international standards set by the United Nations (UN).

ADR 79/01 adopts the Euro 3 requirements of the UN Economic Commission for Europe (ECE) Regulation 83/05 for light petrol and gaseous fuelled vehicles, and the Euro 4 requirements of R83/05 for light diesel vehicles. The full text of this Regulation is included as Appendix A to ADR 79/01.

The amendment will change and add several clauses to ADR 79/01. These changes will remove the unintended increase in stringency of ADR 79/01(2005) relative to the 2002 text.

### **2.2 Changes to the ADR**

The changes in Amendment 1 have the following effect:

- [1] amends clause 5.2 to expand its application to more vehicle types and includes a reference to ADR80/02;
- [2] amends clause 5.3 to include a reference to ADR80/02; and
- [3] renumbers clause 5.6 and adds three new clauses (5.6, 5.7 & 5.8), which relax the application of particular emissions tests and allow the use of an alternative test fuel specification.

### **3. Consultation Arrangements**

#### **3.1 General 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 Australian 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.

A Memorandum of Understanding (MOU) between the National Transport Commission (NTC) and the National Environment Protection Council (NEPC) sets out the consultative arrangements governing the development of vehicle emissions and noise standards and other vehicle/environmental issues. The MOU established the Land Transport Environment Committee (LTEC) (consisting of four representatives each from transport and environment agencies), to undertake an agreed work program consistent with the MOU.

Depending on the nature of the proposed changes, consultation may involve the Transport Emissions Liaison Group (TELG), Transport Agencies Chief Executives (TACE), National Environment Protection Council Committee (NEPC Committee), Environment Protection and Heritage Council (EPHC) and the Australian Transport Council (ATC).

TELG is the main consultative group that supports LTEC. It contains representatives of:

- transport and environment agencies ;
- the manufacturing arms of the vehicle and fuels industry (including the Federal Chamber of Automotive Industries, the Truck Industry Council and the Australian Institute of Petroleum);
- road user organisations (the Australian Automobile Association and the Australian Trucking Association); and
- the National Environment Consultative Forum.

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

ATC consists of the Commonwealth, State/Territory and New Zealand Ministers with responsibility for transport issues. NEPC consists of Commonwealth and State/Territory Ministers with responsibility for environment issues.

Editorial changes and changes to correct errors are settled by agreement between the Department of Transport and Regional Services and the NTC. This process is only invoked where the amendments do not vary the intent of the national 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 Arrangements for this Amendment**

The variations between the previously gazetted version of ADR79/01 and the 2005 version listed on the Federal Register of Legislative Instruments were brought to the attention of DOTARS by the Federal Chamber of Automotive Industries (FCAI) which represents vehicle manufacturers. The subsequent amendments were developed and agreed in consultation with the FCAI.

No wider formal consultation was undertaken, as the requirements are of a relatively minor nature and do not increase the stringency of the standard. The Office of Regulation Review has advised the Department of Transport and Regional Services that a RIS is not required for these amendments.