

Vehicle Standard (Australian Design Rule 33/00 – Brake Systems for Motorcycles and Mopeds) 2007

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 33/00 – Brake Systems for Motorcycles and Mopeds) 2007 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) 33/00 was originally determined in *Determination of Motor Vehicle Standards – Order No. 1 of 1989*.

2. CONTENT AND EFFECT OF ADR 33/00 – BRAKE SYSTEMS FOR MOTORCYCLES AND MOPEDS

2.1. Overview of the ADR

The function of this vehicle standard is to ensure safe braking under normal and emergency conditions for motorcycles and mopeds.

2.2 Changes to the ADR

The following changes have been made to the ADR:

- United Nations Economic Commission for Europe (UNECE) Regulation 78 has been included in the document at Appendix A.
- The technical text of the original ADR 33 has been moved to Appendix B.
- A typographical error has been corrected in Table 1 in Appendix B.
- The Alternative Standards clause has been moved to clause 7 of the contents.

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
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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 processed by the Department of Transport and Regional Services. This approach is only used 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

A working group was established from TLG members to consider proposals under the review of this vehicle standard. A final Regulatory Impact Statement (RIS) and draft ADR were released for public comment between March and May 2000. As the public consultation was carried out in 2000, further consultation was undertaken in May 2006 with local certification agents who were actively testing motorcycles and mopeds. From this later consultation it was recommended to retain ADR 33/00 with the acceptance of the alternative standard UNECE R78. The RIS was subsequently cleared by the Office of Regulation Review under the reference number 1937.

At the June 2005 ATC meeting, transport Ministers endorsed a recommendation that broadly supported non-contentious UNECE harmonised proposals could proceed directly to determination following public consultation. The public comment process confirmed that this proposal falls into such a category therefore no further consultation was undertaken.

The RIS is attached.
