

Vehicle Standard (Australian Design Rule – Harmonisation) 2012

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Parliamentary Secretary for Infrastructure and Transport

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule – Harmonisation) 2012 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards that apply to new 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 imported.

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".

Vehicle Standard (Australian Design Rule – Harmonisation) 2012 is a new standard and is not being made to replace any other standard.

2. CONTENT AND EFFECT OF ADR - HARMONISATION

2.1. Overview of the ADR

This vehicle standard facilitates the automatic acceptance of the latest version of United Nations Economic Commission for Europe (UNECE) regulations that have been adopted as alternative standards within the ADRs and have been “applied” by Australia under the UNECE 1958 Agreement.

2.2. Effect of the ADR

This vehicle standard is being made to streamline the harmonisation process between the ADRs and UNECE regulations.

As a Contracting Party to the 1958 Agreement for developing UNECE regulations, Australia has applied 29 UNECE regulations. This means that Australia has voting rights on amendments to these regulations but also that it must maintain alignment of its related ADRs with these regulations.

This new standard will ensure Australia’s compliance with the 1958 Agreement by maintaining alignment between ADRs and applied UNECE regulations in an administratively efficient manner. This will ensure that vehicle manufacturers and importers wishing to supply Australia with new vehicles meeting the latest version of applied UNECE regulations will be able to do so immediately.

This standard will not increase the stringency of any ADRs that reference applied UNECE regulations as the alternative standards clause will also continue to provide the option of meeting earlier versions of these regulations.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There would be no additional costs imposed on either businesses or governments. Rather, the Regulation Impact Statement (RIS) shows that there is expected to be an overall cost reduction associated with a reduction in administrative resources required to maintain alignment of the relevant ADRs.

3.2. 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 Strategic Vehicle Safety and Environment Group (SVSEG), Technical Liaison Group (TLG), Transport and Infrastructure Senior Officials' Committee (TISOC) and the Standing Council on Transport and Infrastructure (SCOTI).

- SVSEG consists of senior 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).
- TLG consists of technical 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).
- TISOC consists of state and territory transport and/or infrastructure Chief Executive Officers (CEO) (or equivalents), the CEO of the National Transport Commission, New Zealand and the Australian Local Government Association.
- SCOTI consists of the Australian, state/territory and New Zealand Ministers with responsibility for transport and infrastructure issues.

Editorial changes and changes to correct errors are processed by the Department of Infrastructure and Transport. This approach is only used where the amendments do not vary the intent of the vehicle standard.

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 *Best Practice Regulation Handbook* and the Council of Australian Governments *Principles and Guidelines for National Standard Setting and Regulatory Action for Ministerial Councils and Standard-Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

The proposed standard was provided out of session to SVSEG and TLG members in August 2011. No objections were subsequently raised.

As the proposal is non-contentious and will not result in an increase in stringency, SVSEG and TLG members agreed that further consultation was not necessary through the public comment process. The state and territory members represented the views of their jurisdictions and so there was no need for further consultation through the Transport and Infrastructure Senior Officials' Committee (TISOC) or the Standing Council on Transport and Infrastructure (SCOTI).

3.4. Regulation Impact Statement

A RIS has been prepared. Since the decision is made by the Minister/Parliamentary Secretary for Infrastructure and Transport without reference to the SCOTI, it conforms to the requirements established by the Office of Best Practice Regulation (OBPR) in relation to regulatory proposals where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator. The OBPR reference number is 12269.

4. STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

The following Statement is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The ADR - Harmonisation in its nature and contents, is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Therefore, the ADR - Harmonisation does not engage any of the applicable human rights or freedoms and it is compatible with human rights as it does not raise any human rights issues.