

MOTOR VEHICLE STANDARDS ACT 1989

Vehicle Standard (Australian Design Rule 79/03 — Emission Control for Light Vehicles) 2011 Amendment 1

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Infrastructure and Transport

May 2012

1. Legislative Context for ADR 79/03 Amendment 1

Vehicle Standard (Australian Design Rule 79/03 — Emission Control for Light Vehicles) 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 subsection 7 which empowers the Minister to "determine vehicle standards for road vehicles or vehicle components".

2. Content and Effect of ADR 79/03 Amendment 1

ADR 79/03 prescribes emission limits for new light vehicles, and the standard test methods for measuring those emissions for new model vehicles produced on or after 1 November 2013.

Schedule 1 of Amendment 1 amends ADR 79/03 to correct a minor drafting error in clause 5.6 to clarify the petrol reference fuel that flex fuel ethanol vehicles are required to use for the Type VI test.

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 cooperation between the Australian and the state/territory governments, as well as consultation with industry and consumer groups. 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.

Proposals that are regarded as significant need to be supported by a Regulation Impact Statement meeting the requirements of the Office of Best Practice Regulation (OBPR) as published in the *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*.

3.2 Specific Arrangements for this Standard

The amendments outlined in section 2 of this explanatory statement represent minor changes which do not change the intent or stringency of the ADR.

The Office of Best Practice Regulation has confirmed that a Regulation Impact Statement is not required (OBPR ref no. 2012/13672).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Legislative Instrument 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*.

Overview of the Legislative Instrument

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Schedule 1 of Amendment 1 amends ADR 79/03 to correct a minor drafting error in clause 5.6 to clarify the petrol reference fuel that flex fuel ethanol vehicles are required to use for the Type VI test.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Anthony Albanese MP

Minister for Infrastructure and Transport