

Vehicle Standard (Australian Design Rule 42/05 – General Safety Requirements) 2018

Made under section 7 of the *Motor Vehicle Standards Act 1989*

Explanatory Statement

Issued by the authority of the Assistant Minister to the Deputy Prime Minister

October 2018

CONTENTS

1.	LEGISLATIVE CONTEXT	3
2.	CONTENT AND EFFECT OF ADR 42/05 – GENERAL SAFETY REQUIREMENTS	3
2.1.	Overview of the ADR	3
2.2.	Effect of the ADR	3
2.3.	Incorporated Documents	4
3.	BEST PRACTICE REGULATION	5
3.1.	Benefits and Costs	5
3.2.	General Consultation Arrangements	5
3.3.	Specific Consultation Arrangements for this Vehicle Standard	6
4.	STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS	6
4.1.	Overview of the Legislative Instrument	6
4.2.	Human Rights Implications	6
4.3.	Conclusion	6

1. LEGISLATIVE CONTEXT

The Vehicle Standard (Australian Design Rule 42/05 – General Safety Requirements) 2018, 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 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”.

The Vehicle Standard (Australian Design Rule 42/05 – General Safety Requirements) 2018 (ADR 42/05) is made to replace the Vehicle Standard (Australian Design Rule 42/04 – General Safety Requirements) 2005 (ADR 42/04), which was originally determined in 2005 and has since been amended by six subsequent determinations. It is made as part of a restructure of the ADR requirements for steering systems, rear underrun impact protection, external projections, forward field of view, audible warning, and tyres, to allow for certification to the international standards (UN Regulations) on each of these topics.

2. CONTENT AND EFFECT OF ADR 42/05 – GENERAL SAFETY REQUIREMENTS

2.1. Overview of the ADR

This vehicle standard prescribes general design and construction requirements to ensure safe operation of vehicles.

2.2. Effect of the ADR

The standard will apply to all categories of vehicles. New model vehicles will need to be certified to this standard from 1 July 2019. There is no mandatory application date for all other vehicles. They may comply with this vehicle standard, or continue to comply with ADR 42/04.

Vehicles certified to this standard will also need to be certified to a number of other new ADRs, as set out by ADR vehicle category in the tables under clause 3.9 of this standard. Complementary explanatory statements are available for these associated new ADRs 23/03 (Passenger Car Tyres), 90/00 (Steering System), 91/00 (Rear Underrun Impact Protection), 92/00 (External Projections), 93/00 (Forward Field of View), 94/00 (Audible Warning), 95/00 (Installation of Tyres) and 96/00 (Commercial Vehicle Tyres).

This standard includes updates to standards incorporated by reference for brake hose and brake tubing, power-operated windows, passenger car tyre rims, electrical connectors for the purpose of operating prescribed trailer lighting and light signalling devices, and electrical installations for connection to a power system other than that of a drawing vehicle.

2.3. Incorporated Documents

Clause 14 of this standard incorporates a reference to the United States Federal Motor Vehicle Safety Standard No. 118 (FMVSS 118) – 10-1-17 edition. This standard specifies requirements for power operated window, partition, and roof panel systems to minimize the likelihood of death or injury from their accidental operation.

Clause 19 of this standard incorporates references to ISO 4000-1:2015, the Tyre and Rim Association of Australia Standards Manual – 2018 edition, the European Tyre and Rim Technical Organisation Standards Manual – 2018 edition, the Japan Automobile Tyre Manufacturers Association, Inc. Year Book – 2018 edition, and the US Tyre and Rim Association, Inc. Year Book – 2018 edition. These standards specify dimensions, maximum inflation pressure, load-carrying capacity and rims for tyres by size designation.

Clause 21 of this standard incorporates references to AS 4177.5 – 2004, ISO 1185:2003, SAE J560 – 2016-04-01 version, AS 4735 – 2003, and AS/NZS 3001:2008. AS 4177.5 – 2004, ISO 1185:2003, SAE J560 and AS 4735 – 2003 are standards for electrical connectors used to power/operate prescribed lighting and light signalling devices on towed trailers. AS/NZS 3001:2008 specifies requirements for electrical installations intended to provide a power supply for transportable structures (e.g. caravans, motorhomes) by a socket-outlet and plug arrangement as well as the internal electrical wiring of transportable structures.

In accordance with subsections 14(1)(b) and 14(2) of the *Legislation Act 2003*, each of the above standards incorporated by reference, is incorporated as in force at the commencement of the Determination.

Clause 10 of this standard incorporates a reference to any edition of the United States Federal Motor Vehicle Safety Standard No. 106 (FMVSS 106) in force between 1 October 2010 and the commencement of this rule. This standard specifies labelling and performance requirements for motor vehicle brake hose, brake hose assemblies, and brake hose end fittings.

Clause 22 of this standard incorporates a reference to the Canadian Motor Vehicle Safety Standard (CMVSS) No. 505 as in force as of 1 October 2007. This standard specifies static stability requirements for three-wheeled vehicles (motor tricycles).

FMVSS 106 and FMVSS 118 may be freely accessed online through the US Government Publishing Office's Federal Digital System. The website is **www.gpo.gov/fdsys/** (note: to retrieve the 10-1-17 edition of FMVSS 118 by citation, users should input 'Code of Federal Regulations' for the collection, '2017' for the year, '49' for the title number, '571' for the part, and 118 for the section).

ISO 1185:2003 and ISO 4000-1:2015 are available for purchase only through the International Organization for Standardization (ISO) and various associated national standards bodies. Vehicle manufacturers, component suppliers and test facilities routinely access these standards as part of their professional library.

The tyre and rim standards manuals/year books referenced in clause 19 of this standard are available for purchase only through each respective regional or national tyre association. Vehicle manufacturers, tyre manufacturers and test facilities access these standards manuals as part of their professional library.

AS 4177.5 – 2004, AS 4735 – 2003 and AS/NZS 3001:2008 are available for purchase only through SAI Global. Vehicle manufacturers, component suppliers and test facilities access these standards as part of their professional library.

SAE J560 – 2016-04-01 version is available for purchase only through SAE International. Vehicle manufacturers, component suppliers and test facilities access this standard as part of their professional library.

CMVSS 505 as in force as of 1 October 2007 may be freely accessed online through Transport Canada at www.tc.gc.ca/eng/acts-regulations/menu.htm.

3. BEST PRACTICE REGULATION

3.1. Benefits and Costs

This vehicle standard will have a neutral regulatory impact, including in terms of both the benefits and costs of regulation.

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 Commonwealth and the state and 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) and the Australian Motor Vehicle Certification Board (AMVCB), the Strategic Vehicle Safety and Environment Group (SVSEG) and the Safe Vehicles Theme Group (SVTG), the Transport and Infrastructure Senior Officials' Committee (TISOC) and the Transport and Infrastructure Council (the Council).

- 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). AMVCB consists of the government members of TLG.
- SVSEG consists of senior representatives of government (Australian and state/territory), the manufacturing and operational arms of the industry and of representative organisations of consumers and road users (at a higher level within each organisation as represented in TLG). SVTG consists of the government members of SVSEG.
- TISOC consists of state and territory transport and/or infrastructure Chief Executive Officers (CEOs) (or equivalents), the CEO of the National Transport Commission, New Zealand and the Australian Local Government Association.
- The Council 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, Regional Development and Cities (the Department). 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 Best Practice Regulation (OBPR) as published in the *Australian Government Guide to Regulation* and the Council of Australian Government's *Best Practice Regulation: A Guide for Ministerial Councils and Standard-Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

This standard was proposed, discussed and supported over the period 2015-18 at meetings of the AMVCB, TLG and SVSEG. It was acknowledged that these groups are at the appropriate level to consider this type of change. A draft ADR was also provided in July 2018 as part of the consultation process to the AMVCB and the TLG.

The Department consulted with the Office of Best Practice Regulation (OBPR) within the Department of Prime Minister and Cabinet on this standard. A Regulation Impact Statement is not required, as the decision maker is not the Australian Government's Cabinet, and this vehicle standard will have a neutral regulatory impact. The OBPR reference number is 24176.

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*.

4.1. Overview of the Legislative Instrument

This vehicle standard prescribes general design and construction requirements to ensure safe operation of vehicles.

4.2. Human Rights Implications

ADR 42/05 does not engage any of the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

4.3. Conclusion

ADR 42/05 is compatible with human rights as it does not raise any human rights issues.