

Vehicle Standard (Australian Design Rule 4/06 – Seatbelts) 2018

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

Replacement Explanatory Statement

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

October 2019

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1. LEGISLATIVE CONTEXT

The Vehicle Standard (Australian Design Rule 4/06 – Seatbelts) 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 4/06 – Seatbelts) 2018 (ADR 4/06) is being made to replace the Vehicle Standard (Australian Design Rule 4/05 – Seatbelts) 2012 (ADR 4/05), which was originally determined in 2012 and has since been amended by one subsequent determination.

2. CONTENT AND EFFECT OF ADR 4/06 – SEATBELTS

2.1. Overview of the ADR

This vehicle standard prescribes requirements for seatbelts to facilitate fastening and correct adjustment, to assist the driver to remain in the driver's seat and thus maintain control of the vehicle in an emergency, to restrain vehicle occupants under impact conditions, and to provide protection against ejection in an accident.

The technical content of this vehicle standard has been taken from the international standard, the United Nations (UN) Regulation No. 16 (R 16).

2.2. Effect of the ADR

The standard will apply to category LEP and LEG vehicles (motor tricycles), and all category M (passenger vehicles and omnibuses) and N vehicles (goods 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 4/05.

The main differences from the previous version (ADR 4/05) include new requirements for an airbag warning label, an update to Appendix A to incorporate up to Supplement 8 to the 06 series of amendments to the UN R 16, and the inclusion of UN R16/07 as an alternative standard.

2.3. Incorporated Documents

This standard incorporates references to a number of standards of a highly technical nature. These standards are typically accessed by vehicle manufacturers and test facilities as part of their professional library.

Clause 7 of this standard incorporates references to UN R 16, the Australian/New Zealand Standard (AS/NZS) 2596:2003, and the United States Federal Motor Vehicle Safety Standard No. 209 (FMVSS 209) – 10-1-17 edition.

Appendix A of this standard incorporates references to the Consolidated Resolution on the Construction of Vehicles (R.E.3.) – document ECE/TRANS/WP.29/78/Rev.3, Regulation No. 12 (R 12), Regulation No. 14 (R 14), Regulation No. 21 (R 21), Regulation No. 44 (R 44), Regulation No. 80 (R 80), Regulation No. 107 (R 107), Regulation No. 121 (R 121), Regulation No. 129 (R 129), ISO 105-B02 (1994/Amd2:2000), ISO 139 (2005), ISO 2575:2004, ISO 3560 (1975) ISO 3560:2013, ISO 6487 (2002), ISO 13216-1, ISO 17 373 (2005); ASTM Method D573 (ASTM D573), ASTM Method D735 (ASTM D735), ASTM Method D736 (ASTM D736), ASTM Method No. 1 Oil and ASTM Method No. 3 Oil.

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

The Consolidated Resolution on the Construction of Vehicles (R.E.3.) – document ECE/TRANS/WP.29/78/Rev.3, and the UN Regulations (including R 12, R 14, R 16 R 21, R 44, R 80, R 107, R 121 and R 129) may be freely accessed online through the UN World Forum for the Harmonization of Vehicle Regulations (WP.29). The WP.29 website is www.unece.org/trans/main/welcwp29.html.

AS/NZS 2596:2003 is available for purchase only through SAI Global. Vehicle manufacturers and test facilities access this standard as part of their professional library and it has been referenced in the ADRs since ADR 4/04 was introduced in 2006.

FMVSS 209 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 209 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 209 for the section).

ISO 105-B02 (1994/Amd2:2000), ISO 139 (2005), ISO 2575:2004, ISO 3560 (1975) ISO 3560:2013, ISO 6487 (2002), ISO 13216-1, and ISO 17 373 (2005) are all available for purchase only through the International Organization for Standardization (ISO) and various associated national standards bodies. These standards have been referenced national, regional and international vehicle standards for many years. Vehicle manufacturers, seatbelt suppliers and test facilities routinely access these standards as part of their professional library.

ASTM D573, ASTM D735 and ASTM D736 are available for purchase only through ASTM International. These standards have been referenced national, regional and international vehicle standards for many years. Manufacturers of polyurethane energy-absorber tube for seatbelt test labs, access these standards as part of their professional library.

ASTM Method No. 1 Oil and ASTM Method No. 3 Oil are standardised reference oils. IRM 901 Oil may be used as an alternative to ASTM Method No. 1 Oil, and IRM 903 Oil may be used as an alternative to ASTM Method No. 3 Oil.

3. BEST PRACTICE REGULATION**3.1. Benefits and Costs**

This vehicle standard will have no more than a minor regulatory impact, including in terms of both the benefits and costs of regulation.

While some of the standards referenced in the ADR are not yet available free of charge, the Department of Infrastructure, Transport, Cities and Regional Development (the Department) is currently investigating options to make them available free of charge.

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. 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 during 2018 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 June 2018 as part of the consultation process to the AMVCB and the TLG.

The Department consulted with the 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 no more than a minor regulatory impact. The OBPR reference number is 24523.

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 requirements for seatbelts to facilitate fastening and correct adjustment, to assist the driver to remain in the driver's seat and thus maintain control of the vehicle in an emergency, to restrain vehicle occupants under impact conditions, and to provide protection against ejection in an accident.

4.2. Human Rights Implications

ADR 4/06 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 4/06 is compatible with human rights as it does not raise any human rights issues.