

Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 2005 Amendment 3

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

Explanatory Statement

Approved by the Hon Michael McCormack MP, Deputy Prime Minister
and Minister for Infrastructure, Transport and Regional Development

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1. LEGISLATIVE AUTHORITY

Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 2005 Amendment 3 (ADR 61/02 Amendment 3) 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 provided 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 road vehicle components”.

2. PURPOSE AND OPERATION

2.1. Overview

The Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 2005 (ADR 61/02) prescribes requirements for vehicle and engine identification numbers, Identification Plates (otherwise known as Compliance Plates), information to be included on a Vehicle Plate for heavy omnibuses and trailers, registration plate mounts, and visibility from the rear of vehicles with a body of the tray type.

ADR 61/02 was originally determined in 2005 and has since been amended by two separate legislative instruments. It applies to all categories of vehicles, as are defined in the Australian Design Rule – Definitions and Vehicle Categories.

2.2. Effect of the Amendment

This amendment implements minor editorial changes together with transition arrangements from this vehicle standard to a later vehicle standard. Under these arrangements, vehicles satisfying the requirements of an entry pathway under the *Road Vehicle Standards Act 2018*, from the commencement of that Act, are not required to comply with this vehicle standard. Such vehicles will instead be required to comply with a new ADR 61/03, which will only apply to vehicles subject to the *Road Vehicle Standards Act 2018*.

This amendment does not affect the original intent of the standard, but is essential to allow its correct operation in conjunction with the new ADR 61/03.

3. MATTERS INCORPORATED BY REFERENCE

3.1. Acts and/or Legislative Instruments

Clauses 3.2 includes a reference to the *Road Vehicle Standards Act 2018*. This Act will (when fully implemented) regulate the importation and provision of road vehicles, as well as the provision of certain road vehicle components, in Australia.

Clause 6.1 includes a reference to the *Motor Vehicle Standards Act 1989*. This Act currently regulates the importation and provision of road vehicles in Australia. It is to be repealed and replaced by the *Road Vehicle Standards Act 2018* from the commencement of section 15 of that Act. A 12-month transitional period is set to commence on repeal of the *Motor Vehicle Standards Act 1989*.

Clause 10.1 includes a reference to the Australian Design Rule 13/... – Installation of Lighting and Light Signalling Devices on other than L-Group Vehicles. This ADR prescribes requirements for the number and mode of installation of lighting and light signalling devices on all road vehicles, except for mopeds, motor cycles and motor tricycles.

These Acts and the above ADR may be freely accessed online through the Federal Register of Legislation. The website is **www.legislation.gov.au**.

In accordance with subsection 7(A)(b) of the *Motor Vehicle Standards Act 1989*, each of these Acts and the ADR are incorporated as in force from time to time. In the case of the ADR, the ellipses (...) indicates the version(s) (e.g. 00, 01 etc.) of the ADR in force at the time.

3.2. Other Documents

No other documents are incorporated by reference through this amendment.

4. CONSULTATION

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

- 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.
- ITSOC consists of state and territory infrastructure and/or transport Chief Executive Officers (CEOs) (or equivalents), the CEO of the National Transport Commission, New Zealand and the Australian Local Government Association.

- The Infrastructure and Transport Ministers' Meeting consists of the Australian, state/territory and New Zealand Ministers with responsibility for infrastructure and/or transport matters.

Editorial changes and changes to correct errors are processed by the Department of Infrastructure, Transport, Regional Development and Communications (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 Regulatory Impact Analysis* and the Council of Australian Governments' *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*.

4.2. Specific Consultation Arrangements

This amendment was developed in consultation with the SVSEG. The Department provided a draft of this amendment (in compilation form) to the SVSEG in June 2020 as part of the consultation process.

5. REGULATORY IMPACT

5.1. Benefits and Costs

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

5.2. Regulation Impact Statement

A Regulation Impact Statement is not required, as the decision maker is not the Australian Government's Cabinet, and this amendment will have a neutral regulatory impact.

6. STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

6.1. Overview

This amendment implements minor editorial changes and allows for a transition between ADR 61/02 and the later version ADR 61/03. It does not affect the original intent or operation of the standard.

6.2. Human Rights Implications

This amendment to ADR 61/02 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*.

6.3. Conclusion

This amendment to ADR 61/02 is compatible with human rights, as it does not raise any human rights issues.