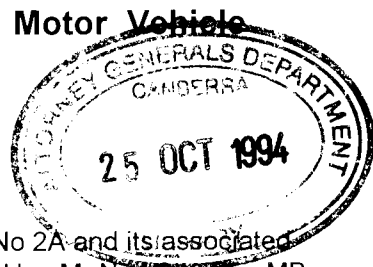




**Road Vehicle (National Standards) Determination  
No 2A of 1994**

**(A determination under section 7 of the Motor Vehicle  
Standards Act 1989)**



Three documents are published in this gazette. Determination No 2A and its associated explanatory statement were respectively made by, and approved by, Mr Neil O'Keefe, MP, Parliamentary Secretary to the Minister for Transport, on 10 October 1994. Determination No 2, referred to in Determination No 2A, was made by the Acting Minister for Transport on 22 June 1994 and was previously published in Government Notices Gazette No GN 25 dated 29 June 1994.

A guide to the texts of the determinations and explanatory statement, as published in this gazette, is as follows :

**Determination No 2A of 1994 (including Notes) - pages 2 to 4**

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Notes	page 3

**Explanatory Statement relating to Determination No 2A - pages 5 to 10**

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Part II - Content and Effect of Determination	page 8
Appendix - Summary of Amendments	page 10

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**COMMONWEALTH OF AUSTRALIA  
MOTOR VEHICLE STANDARDS ACT 1989**

**ROAD VEHICLE (NATIONAL STANDARDS) DETERMINATION NO 2A OF 1994**

**Determination of National Standards for Road Vehicles under Section 7 of  
the Motor Vehicle Standards Act 1989**

I, Neil Patrick O'Keefe, Parliamentary Secretary to the Minister for Transport, make the following determination under section 7 of the *Motor Vehicle Standards Act 1989*:

1. This determination may be cited as the *Road Vehicle (National Standards) Determination No 2A of 1994*.
2. The changes to the national standards made by *Road Vehicle (National Standards) Determination No 2 of 1994* are incorporated in, and are applied and adopted by, this determination.
3. The changes to the national standards set out in *Road Vehicle (National Standards) Determination No 2 of 1994*, as incorporated in this determination, take effect from the date on which that determination lapsed by virtue of subsection 48 (3) of the *Acts Interpretation Act 1901*.
4. Without prejudice to its effect apart from this clause, this present determination also has, by force of this clause, effect on and from the date on which it is notified in the Gazette.

Dated this 10<sup>th</sup> day of October 1994

  
.....  
for the Minister for Transport

## Notes:

### A. Terms Used

A1. Terms defined in the Motor Vehicle Standards Act are used in this determination and these notes as follows:

- "Administrator" - see section 22;
- "national standard" - see section 7;
- "nonstandard" - see section 5; and
- "road vehicle" - see section 5.

A2. In these notes:

- "ADR volume" means the publication prepared and distributed by the Administrator, known as the Australian Design Rules for Motor Vehicles and Trailers;
- "Second Edition ADRs" means the publication known as the Australian Design Rules for Motor Vehicle Safety and Emissions (Second Edition); and
- "Third Edition Standards" means the national standards published in the ADR volume, as revised from time to time.

### B. Gazettal of Determinations

B1. The initial determinations of national standards under section 7 of the Act were published as follows:

- . No 1 of 1989 - Gazette No S 264 dated 2 August 1989; and
- . No 2 of 1989 - Gazette No S 291 dated 1 September 1989;

B2. These determinations gave national standards status to the material then constituting the Third Edition Standards and the Second Edition ADRs.

B3. Subsequent amendments of, and additions to, the national standards, as constituted by the Third Edition Standards, have been published as follows:

- 1989 - No 3 of 1989, published in Gazette No GN 48 dated 13 December 1989;
- 1990 - No 1 of 1990, published in Gazette No GN 28 dated 18 July 1990;  
No 2 of 1990, published in Gazette No GN 41 dated 17 October 1990; and  
No 3 of 1990, published in Gazette No GN 1 dated 9 January 1991;
- 1991 - No 1 of 1991, published in Gazette No GN 21 dated 5 June 1991;  
No 2 of 1991, published in Gazette No GN 27 dated 17 July 1991; and  
No 3 of 1991, published in Gazette No GN 45 dated 20 November 1991;
- 1992 - No 1 of 1992, published in Gazette No GN 11 dated 18 March 1992;  
No 2 of 1992, published in Gazette No GN 20 dated 20 May 1992;  
No 3 of 1992, published in Gazette No GN 44 dated 4 November 1992; and  
No 4 of 1992, published in Gazette No GN 50 dated 16 December 1992;
- 1993 - No 1 of 1993, published in Gazette No GN 25 dated 30 June 1993;  
No 2 of 1993, published in Gazette No S 292 dated 29 September 1993; and  
No 3 of 1993, published in Gazette No S 398 dated 24 December 1993;
- 1994 - No 1 of 1994, published in Gazette No GN 12 dated 30 March 1994;  
No 2 of 1994, published in Gazette No GN 25 dated 29 June 1994; and  
No 3 of 1994, published in Gazette No P 30 dated 22 September 1994.

### C. Availability of Determinations

C1. Copies of the gazettes in which the determinations were published are available from the Australian Government Publishing Service and its bookshops.

C2. The gazettes in which the determinations have been published may be inspected at major public libraries and at the address in note E1.

### D. Publication of National Standards

D1. The national standards as constituted by the ADRs are published in three of the four parts of the ADR volume.

D2. The titles of the three Parts of the ADR volume constituting national standards are as follows:

- Part B : Definitions and Vehicle Categories
- Part C : Current-issue ADRs
- Part D : Prior-issue ADRs

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D3. Part A of the ADR volume (Information for Users) is not part of the national standards but contains useful background information for those using it.

**E. Inspection of National Standards**

E1. The national standards as amended by this and previous determinations, and the ADR volume as a whole, are available for inspection at the office of the Administrator of Vehicle Standards as follows:

Federal Office of Road Safety  
Level 5, Cox Building  
15 Mort Street  
Canberra City A.C.T.

E2. These standards may also be inspected at some State or Territory motor vehicle registries.

**F. Purchase of National Standards**

F1. The national standards as amended by this and previous determinations, and the ADR volume as a whole, are available for purchase over the counter from the office of the Administrator of Vehicle Standards at the above address.

F2. The national standards may be obtained by mail from the office of the Administrator by writing to:

ADR Subscriptions Service  
Federal Office of Road Safety  
GPO Box 594  
Canberra City ACT 2601

F3. Prices of particular national standards and of the ADR volume may vary from time to time. Up-to-date prices are available from the above addresses and by telephoning 06 - 274 7437.

F4. The current price of the ADR volume is \$95 for the first year, with a \$35 renewal fee for the amendment service. These prices include a set of Administrator's Circulars, and amendments thereto.

F5. A copying/postage fee may be charged for copies of individual ADRs or other material.

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## **MOTOR VEHICLE STANDARDS ACT 1989**

### **ROAD VEHICLE ( NATIONAL STANDARDS ) DETERMINATION NO. 2A OF 1994**

**Determination of National Standards for Road Vehicles  
under section 7 of the Motor Vehicle Standards Act 1989**

## **EXPLANATORY STATEMENT**

**Issued by the authority of the Minister for Transport**

**October 1994**

This is the seventh determination of National Standards under section 7 of the Motor Vehicle Standards Act 1989 to be tabled in the present Parliament, the Explanatory Statement being in two parts.

The first is a description of the legislative context within which such determinations are made.

The second is a description of the content and effect of the particular determination.

## PART I

# Determination of National Standards under the Motor Vehicle Standards Act 1989

### Overview

The *Motor Vehicle Standards Act 1989* (the Act) enables the Federal Government to establish nationally-uniform safety, environmental and anti-theft standards for road vehicles when they are first supplied to the market in Australia. The Act applies to such vehicles whether manufactured in Australia or imported as new or secondhand vehicles.

The making of the national standards necessary for the Act's effective operation is provided for in section 7. The section empowers the Minister to determine national standards for both road vehicles and vehicle components. Determinations are disallowable instruments subject to section 46A of the *Acts Interpretation Act 1901*.

All the national standards determined under section 7 of the Act have to this point been Australian Design Rules (ADRs). Parts B, C and D of the third edition of the Australian Design Rules for Road Vehicles are the main national standards under the Act.

The national standards so determined are kept under review by the Federal Office of Road Safety. In carrying out reviews the Office consults with other agencies and interests. These include State/Territory road safety authorities, the manufacturing and operational arms of the industry, and representative organisations of road users. In particular, consultation is carried out through the Technical Liaison Group on which all these interests are represented.

### Role and Functions of the Act

The role of the Act is summed up in section 3 which states that:

*The object of this Act is to achieve uniform vehicle standards to apply to road vehicles when they begin to be used in transport in Australia.*

Section 4 of the Act makes it clear that "road vehicles" include both motor vehicles and trailers. The term "motor vehicles" includes vehicles "permitted to be used on public roads" as well as those "designed solely or principally for ... transport on public roads" but does not include vehicles running on tracks or vehicles which are human or animal powered.

The functions of the Act are, in essence, to provide for :

- (a) the making of national standards, as described hereunder; and
- (b) the application and enforcement of those standards.

Some responsibilities in relation to the development of vehicle standards are also held by the National Road Transport Commission established under the *National Road Transport Commission Act 1991*. Procedures are in place which recognise the responsibilities of the Commission (NRTC) and the Ministerial Council for Road Transport, and the requirements of the Motor Vehicle Standards Act.

## Role of the Act in Relation to National Standards

The Act contains provisions of several sorts which jointly make the national standards system effective. These provisions address such matters as:

- formal declaration of vehicles which are not road motor vehicles for the purposes of the Act (section 5);
- formal determination of the standards which are to be applied (section 7);
- formal determination of procedures for ensuring that manufacturers comply with the standards (section 9);
- the fitting of "compliance plates" to vehicles complying with the standards (sections 10 to 13);
- the marketing and sale of both standard and nonstandard vehicles (sections 14 to 21);
- appointment of an Administrator of Vehicle Standards (section 22);
- inspections monitoring compliance with standards (sections 25 to 32);
- court proceedings associated with the standards system (sections 34 to 37).

## Process for Making National Standards

Section 7 of the Act empowers the Minister to "*determine vehicle standards for road vehicles or vehicle components*", and provides that the determinations are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act*.

The process for the making of national standards has two broad components. These components are:

- (a) settling the technical content of a proposed new or amended design rule; and
- (b) determining the rule as a national standard.

The major steps in the first of these components or stages (i.e. the settling of the technical content of a proposed new or amended design rule) are:

- (a) consulting with regulatory authorities (including the National Road Transport Commission), the industry and vehicle users;
- (b) examining relevant overseas standards (particularly ISO and ECE standards) in the interests of harmonisation; and
- (c) in the case of new or significantly amended rules for heavy vehicles, consideration by the Ministerial Council for Road Transport of a formal proposal put forward by the NRTC.

The major steps in the second of these components or stages (i.e. determining a proposed rule as a national standard) are:

- (a) approval by the federal Minister;
- (b) gazettal;
- (c) tabling in Parliament; and
- (d) scrutiny by the Parliament.

## PART II

### Content and Effect of the Determination

#### TOPICS ADDRESSED

The determination revises the national standards by re-activating changes to these standards previously provided for in determination no 2 of 1994. This previous determination was published in full in Gazette No GN 25 dated 29 June 1994 and was provided to the Senate Standing Committee on Regulations and Ordinances. It was tabled in the House of Representatives within the time required by paragraph 48 (1) (c) of the *Acts Interpretation Act 1901* but was one day late in being tabled in the Senate. By virtue of subsection 48 (3) of that Act the determination thereupon ceased to have effect.

The effect of the present determination is to confirm and to again give effect to the measures previously provided for in determination no. 2. These measures dealt with a range of issues. Three design rules and change to the vehicle category descriptions set out in Part B of the ADR volume containing the standards were involved.

A list of the amended standards, and of the changes made to each standard, is appended to this statement.

While none of the national standards amended will, on its own, have a dramatic affect on the road toll, when taken together the amended standards will further reduce the number of deaths and the severity of injuries resulting from road crashes.

#### CONSULTATIONS AND RESPONSES

There was a wide and thorough process of consultation in relation to determination no. 2. Those consulted included manufacturers, vehicle operators, regulatory authorities and representative organisations of road users.

There was also consultation with the National Road Transport Commission. The Commission concurred with the changes made.

#### TIMING OF INTRODUCTION OF CHANGES

The previous determination ceased to have effect as a result of subsection 48 (3) of the *Acts Interpretation Act* rather than as a result of disallowance under subsection 48 (4). The present determination has therefore been expressed to continue the effect of the previous determination. The determination also contains a provision which will bring it into force on the date of its gazettal, should this be necessary.

With respect to the specific changes made by the determination, additional lead-times for new design and production arrangements are not required.

Continuity of effect with the previous determination will be of wide benefit, particularly within the road vehicle industry, and no person or organisation which could in any way be disadvantaged can be identified. Taking in turn the specific changes made by the



determination, as set out in the determination and as described in the appendix to this statement, the provisions as determined in June and as now confirmed:

- (a) in relation to the changed definitions, reduce the the range of vehicles subject to detailed government control while maintaining opportunities for overall scrutiny to ensure the industry is operating in a safe manner;
- (b) in relation to the change made to ADR 42/02, are consequential on the foregoing modification and neither add to it nor subtract from it;
- (c) in relation to the change made to ADR 43/03, advantage the industry by increasing flexibility for manufacturers of heavy vehicles in terms of tray overhang at the rear of such vehicles;
- (d) in relation to the change made to ADR 68/00, simplify the test procedure to be utilised by bus manufacturers and increase the utility of such tests from the consumers' viewpoint.

## **THE PROVISIONS**

Clause 1 sets out the determination's short title and provides for its citation.

Clause 2 provides that the changes made to the national standards by the previous determination are incorporated in this determination as its substantive content matter.

Clause 3 specifies the date of the entry into force of the provisions of the previous determination by providing that they take effect under the present determination as from the date on which the previous determination lapsed by virtue of subsection 48 (3) of the Acts Interpretation Act.

Clause 4 provides that the present determination concurrently has the effect it would have had if it had been expressed to come into force on its date of gazettal.

## **THE NOTES**

The notes annexed to the Determination:

- (a) identify terms used in the determination or appended notes which have meanings specified in the Act;
- (b) explain terms used in the appended notes but not otherwise defined;
- (c) list the determinations under the section which established the national standards, including details of their gazettals;
- (d) list the subsequent determinations adding to, revising or amending, the national standards;
- (e) provide information on the availability of the determinations;
- (f) explain the structure of the Australian Design Rule volume and the standing of each of its parts;
- (g) explain where copies of current and previous national standards, and of the Australian Design Rule volume as a whole, can be inspected; and
- (h) explain how, and from where, copies can be purchased of current and previous national standards, and of the Australian Design Rule volume as a whole.

**APPENDIX**

**SUMMARY OF AMENDMENTS MADE UNDER SECTION 7 OF THE MOTOR VEHICLE  
STANDARDS ACT 1989 TO THE NATIONAL STANDARDS  
AS REPRESENTED BY PARTICULAR ADRs**

**PART B - DEFINITIONS AND RELATED MATERIAL**

The unladen mass limit of 3-wheeled vehicles - ie the limit at which they become subject to the national standards - has been increased from 400 kg to 450 kg in line with the distinctions commonly observed in the industry. Certain minor consequential adjustments to the vehicle descriptions have also been made.

**PART C - CURRENT-ISSUE ADRs**

**(1) *New National Standards***

nil

**(2) *New Versions of Existing National Standards***

nil

**(3) *Amended National Standards***

**ADR 42/02 General Safety Requirements**

A minor amendment has been made to this national standard to accommodate the adjustment made to the 3-wheeled vehicle specification in the vehicle category definitions referred to above.

**ADR 43/03 Vehicle Configuration and Dimensions**

The rear overhang requirements of the rule have been brought into line with those to be used in the proposed Road Transport Reform (Heavy Vehicle Standards) Regulations

**ADR 68/00 Occupant Protection in Buses**

The amendments vary the test procedure to recognise common industry standards in terms of the space between rows of seats. A manufacturer wishing to use closer seat spacing than currently envisaged by the test procedures in the rule will be required to carry out testing at that spacing. These changes will not prejudice the original intent or purpose of the rule in that the injury criteria and the seat strength criteria remain unchanged.

**PART D - PRIOR-ISSUE ADRs**

nil

\* \* \* \* \*

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**COMMONWEALTH OF AUSTRALIA**  
**MOTOR VEHICLE STANDARDS ACT 1989**

**ROAD VEHICLE (NATIONAL STANDARDS) DETERMINATION NO 2 OF 1994**

**Determination of National Standards for Road Vehicles under Section 7 of  
the Motor Vehicle Standards Act 1989**

I, Michael John Lee, Acting Minister for Transport, make the following determination under section 7 of the *Motor Vehicle Standards Act 1989*:

**1. Short Title and Citation**

This determination may be cited as the *Road Vehicle (National Standards) Determination No 2 of 1994*.

**2. Entry into Force**

This determination comes into force on the date on which it is published in the Gazette.

**3. Interpretation and Definitions**

(1) In this determination and in the notes annexed to it:

"ADR" means Australian Design Rule but does not include preliminary pages (numbered (i) and (ii) and headed "cover sheet") published at the front of any ADR.

(2) Clause headings form part of this determination and may be used in its interpretation.

(3) The notes annexed to this determination are for ease of reference and do not form part of it.

**4. Changes to National Standards - Part B : Definitions and Vehicle Categories**

In Part B of the national standards, the Details of Sub-categories of Vehicle Categories are amended as follows:

(a) by the insertion of the following subcategories as the first two entries under the heading "3 Wheeled L-Group Vehicles (LE)" -

"LE1 - one wheel at front, 2 at rear.

LE2 - 2 wheels at front, one at rear.";

(b) by the deletion of "400 kg" in the specifications of LEM1, LEM2, LEP1, LEP2, LEG1 and LEG2 sub-categories and the substitution of "450 kg";

(c) by the insertion of "- the driver's seat is not of a saddle type and/or" immediately preceding "- has more than two seating positions" in the specifications of LEP1 and LEP2 vehicles.

**5. Changes to National Standards - ADR 42/02**

Clause 42.14 of the national standard known as ADR No. 42/02, General Safety Requirements, is amended by the deletion of "400 kg" and the substitution of "450 kg".

**6. Changes to National Standards - ADR 43/03**

Clause 43.4.2.3 of the national standard known as ADR No. 43/03, Vehicle Configuration and Dimensions, is amended as follows:

- (a) by the deletion of "50 per cent" and the substitution of "60 per cent"; and
- (b) by the deletion of "3.2 metres" and the substitution of "3.7 metres".

**7. Changes to National Standards - ADR 68/00**

The national standard known as ADR No. 68/00, Occupant Protection in Buses, is amended as follows:

- (a) subclauses 7.2.2.1.2, 7.2.2.2.2 and 7.2.3.3 are amended by the deletion of "750 mm" and by the substitution of "800 mm"; and
- (b) new subclauses numbered respectively 7.2.2.1.3, 7.2.2.2.3, and 7.2.3.4 are inserted as follows:

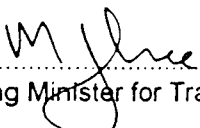
"notwithstanding the requirements of the preceding subclause, if "seats" are designed to be installed at a pitch of less than 800 mm, then tests are to be conducted at not more than the minimum design installation pitch."

- 8. The attachment to this determination shows the amended pages of the National Standards and indicates several minor editorial corrections that have been made.

**9. Clarifications and Savings**

The provisions of this determination do not render nonstandard any vehicle manufactured in conformity with the standards that applied at the time of its manufacture.

Dated this 22<sup>nd</sup> day of June 1994

  
.....  
Acting Minister for Transport

**Notes:**

**A. Terms Used**

A1. Terms defined in the Motor Vehicle Standards Act are used in this determination and these notes as follows:

- \*Administrator\* - see section 22;
- \*manufacture\* - see section 5;
- \*national standard\* - see section 7;
- \*nonstandard\* - see section 5; and
- \*road vehicle\* - see section 5.

A2. In these notes:

- \*ADR volume\* means the publication prepared and distributed by the Administrator, known as the Australian Design Rules for Motor Vehicles and Trailers;
- \*Second Edition ADRs\* means the publication known as the Australian Design Rules for Motor Vehicle Safety and Emissions (Second Edition); and
- \*Third Edition Standards\* means the national standards published in the ADR volume, as revised from time to time.

**B. Gazettal of Determinations**

B1. The initial determinations of national standards under section 7 of the Act were published as follows:

- . No 1 of 1989 - Gazette No S 264 dated 2 August 1989; and
- . No 2 of 1989 - Gazette No S 291 dated 1 September 1989;

B2. These determinations gave national standards status to the material then constituting the Third Edition Standards and the Second Edition ADRs.

B3. Subsequent amendments of, and additions to, the national standards, as constituted by the Third Edition Standards, have been published as follows:

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- 1990 - No 1 of 1990, published in Gazette No GN 28 dated 18 July 1990;  
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No 3 of 1990, published in Gazette No GN 1 dated 9 January 1991;
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No 2 of 1991, published in Gazette No GN 27 dated 17 July 1991; and  
No 3 of 1991, published in Gazette No GN 45 dated 20 November 1991;
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No 3 of 1993, published in Gazette No S 398 dated 24 December 1993;
- 1994 - No 1 of 1994, published in Gazette No GN 12 dated 30 March 1994.

**C. Availability of Determinations**

C1. Copies of the gazettes in which the determinations were published are available from the Australian Government Publishing Service and its bookshops.

C2. The gazettes in which the determinations were published may also be inspected at major public libraries and at the address in note E1.

**D. Publication of National Standards**

D1. The national standards as constituted by the ADRs are published in three of the four parts of the ADR volume.

D2. Part A of the ADR volume (Information for Users) is not part of the national standards but contains useful background information for those using it.

D3. The titles of the three Parts of the ADR volume constituting national standards are as follows:

- Part B : Definitions and Vehicle Categories

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- Part C : Current-issue ADRs
- Part D : Prior-issue ADRs

**E. Inspection of National Standards**

E1. The national standards as amended by this and previous determinations, and the ADR volume as a whole, are available for inspection at the office of the Administrator of Vehicle Standards as follows:

Federal Office of Road Safety  
Level 5, Cox Building  
15 Mort Street  
Canberra City A.C.T.

E2. These standards may also be inspected at some State or Territory motor vehicle registries.

**F. Purchase of National Standards**

F1. The national standards as amended by this and previous determinations, and the ADR volume as a whole, are available for purchase over the counter from the office of the Administrator of Vehicle Standards at the above address.

F2. The national standards may also be obtained by mail from the office of the Administrator by writing to:

ADR Subscriptions Service  
Federal Office of Road Safety  
GPO Box 594  
Canberra City ACT 2601

F3. Prices of particular national standards and of the ADR volume may vary from time to time. Up-to-date prices are available from the above addresses and by telephoning 06 - 274 7437.

F4. The current price of the ADR volume is \$95 for the first year, with a \$35 renewal fee for the amendment service. These prices include a set of Administrator's Circulars, and amendments thereto.

F5. A copying/postage fee may be charged for copies of individual ADRs or other material.