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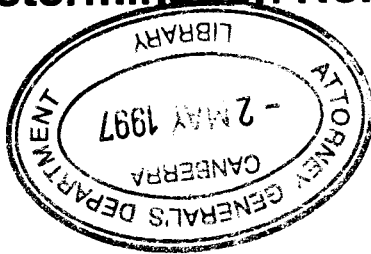
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PERIODIC

**Road Vehicle (National Standards)
Determination No. 1 of 1997**



Federal Office of Road Safety

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Road Vehicle (National Standards) Determination No 1 of 1997

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

The determination published in this Gazette was made on 11 April 1997 by the Minister for Transport and Regional Development, the Hon John Randall Sharp. The explanatory statement relating to the determination, approved by the Minister on the same date, is also published.

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

Determination (including Notes and Schedules) — pages 3 to 11

| | | |
|--------------------------------|-------|---------|
| Determination by Minister | pages | 3 to 5 |
| Notes | pages | 6 to 8 |
| Schedule A — Text of ADR 71/00 | pages | 9 to 11 |

Explanatory Statement —

pages 12 to 20

| | | |
|---|-------|----------|
| Title page and identification | page | 12 |
| Table of Contents | page | 13 |
| Division A : Context | page | 14 |
| - Role and Functions of the Motor Vehicle Standards Act | page | 14 |
| - Role and Functions of the Act in relation to National Standards | page | 14 |
| - Process for Making National Standards | page | 15 |
| - Consultation Arrangements | page | 16 |
| Division B : Application | page | 17 |
| - Content and Effect of the Determination | page | 17 |
| - Summary of Amendments and Additions to the National Standards | pages | 19 to 20 |

File number K 97/0052

COMMONWEALTH OF AUSTRALIA
MOTOR VEHICLE STANDARDS ACT 1989

ROAD VEHICLE (NATIONAL STANDARDS) DETERMINATION NO 1 OF 1997

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

I, John Randall Sharp, Minister for Transport and Regional Development, 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 1 of 1997*.

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) The following words and annotations, where appearing in any schedule to this determination, do not form part of this determination or of the national standards:

(a) sidelining on any page indicating the places on that page where the text of the national standard, as amended by the present determination, differs from the former text ;

(b) an annotation on any page using the words "introduced by Det ...", "amended by Det ...", "as at Det ...", or an annotation of like character; and



- (c) a header or footer included on any page for the identification of :
- (i) that page or the document of which that page is part; or
 - (ii) the date or issue number of that page or document.

4. Changes to National Standards - Definitions and Vehicle Categories

- (1) In the "Definitions and Vehicle Categories" Part of the national standards, the Vehicle Categories are amended by the deleting the asterisks marked against Sub-categories MB1, MB2, MC1, MC2, MD5, MD6, NA1 and NA2 on page 4 of 4 of Part B Subpart 2
- (2) In the "Definitions and Vehicle Categories" Part of the national standards, the Vehicle Categories are amended by repealing the note at the bottom of page 4 of 4 of Part B Subpart 2 which reads: "**NOTE: These sub-categories are only used in pollution ADRs 36/...,37/..., and 41/..."

5. Changes to National Standards - ADR 35/01

The national standards are amended by repealing the following equation ;-

$$ERC = \frac{0.00394V}{S - (0.278T_R V)}$$

in clause 8.18.3 of the national standard known as ADR 35/01, Commercial Vehicle Brake Systems, and by substituting the following replacement equation ;-

$$ERC = \frac{0.00394V^2}{S - (0.278T_R V)}$$

6. Changes to National Standards - ADR 38/02

The national standards are amended by repealing the following equation;-

$$ERC = \frac{0.00283V}{T - T_R} X \frac{'Total Combination Mass'}{'Gross Trailer Mass'}$$

in clause 11.5 of the national standard known as ADR 38/02, Trailer Brake Systems, and by substituting the following replacement equation:-

$$ERC = \frac{0.0283V}{T - T_R} X \frac{'Total Combination Mass'}{'Gross Trailer Mass'}$$

7. Changes to National Standards - ADR 62/01

The national standards are amended by changing the title of Figure 1b of the national standard known as ADR 62/01, Mechanical Connections Between Vehicles from:- "Basic Dimensions on 50 mm Kingpins", to: - "Basic Dimensions on 90 mm Kingpins".

8. Changes to National Standards - ADR 69/00

The national standards are amended by repealing clause 3.1.3 of the national standard known as ADR 69/00, Full Frontal Impact Occupant Protection and by substituting the replacement clause 3.1.3 as follows:

3.1.3 For the purpose of clause 3.1.2, a "new model" is a vehicle model first produced with a 'Date of Manufacture' on or after 1 July 1995 for MA vehicles, 1 January 1998 for MB and MC vehicles and 1 July 1998 for NA1 vehicles.

9. Changes to National Standard - ADR 71/00

The national standards are amended by:

repealing clause 5.1.1.3 of the national standard known as ADR 71/00, Temporary - Use Spare Tyres and by substituting the replacement clause 5.1.1.3 as set out in Schedule A

repealing clause 6.1 of the national standard known as ADR 71/00, Temporary - Use Spare Tyres and by substituting the replacement clause 6.1 as set out in Schedule A

moving the diagram depicting the 80 kmh speed symbol from page 3 to page 2 under clause 5.6.1.1 as set out in Schedule A

10. 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 ELEVENTH day of APRIL 1997


.....
Minister for Transport and Regional Development

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 which is prepared and distributed by the Administrator, is known as the Australian Design Rules for Road Vehicles, and contains the full text of the national standards.

B. Gazette 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. Subsequent determinations of amendments and additions to the national 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;
No 2A of 1994, published in Gazette No P 33 dated 20 October 1994;
No 3 of 1994, published in Gazette No P 30 dated 22 September 1994; and
No 4 of 1994, published in Gazette No P 41 dated 21 December 1994;
- 1995 - No 1 of 1995, published in Gazette No P 12 dated 31 March 1995; and
No 2 of 1995, published in Gazette No P41 dated 12 December 1995; and
- 1996 - No 1 of 1996, published in Gazette No P23 dated 20 September 1996.
No 2 of 1996, published in Gazette No P30 dated 29 November 1996
No 3 of 1996, published in Gazette No P1 dated 7 January 1997

C. Availability of Determinations

C1. Copies of the gazettes in which the determinations were published can be purchased 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 F1.

D. Availability of Authentic Texts of National Standards

D1. In part since the publication of determination number 3 of 1994 in Gazette No P 30 dated 22 September 1994, and wholly since the publication of determination number 4 of 1994 in Gazette No P 41 dated 21 December 1994, the authentic texts of particular national standards made or amended have been published in full in the Gazette.

D2. Implementation of this practice has been undertaken as follows:

- a. when a new or revised-version national standard is first introduced, the full text of that standard is published in the Gazette as a schedule to the determination;
- b. when an existing national standard is being amended for the first time since this practice commenced, the whole text of the national standard as so amended is likewise published in full in the Gazette as a schedule to the determination;
- c. when amendments are made to a national standard previously gazetted in full, and it is practicable to identify and publish those specific amendment(s) within the body of the determination or in a schedule to it, the amendments themselves, and not the full text of the standard as amended, are published in the Gazette; and
- d. when amendments being made to a national standard previously gazetted in full are many in number or are widely dispersed throughout the standard, for convenience the existing text of the standard is sometimes repealed and a replacement whole text published in the Gazette as a schedule to the determination.

D3. The national standards so far published in full in the Gazette, including those dealt with in the present determination, are ADRs numbered 4/02; 5/03; 8/01; 13/00; 18/02; 19/01; 19/02; 22/00; 23/01; 24/02; 25/02; 29/00; 31/00; 33/00; 35/01; 37/01; 38/01; 38/02; 42/02; 42/03; 43/03; 43/04; 51/00; 57/00; 60/00; 61/02; 62/00; 62/01; 64/00; 69/00; 71/00 and 72/00.

E. Other Forms of Publication of the National Standards

E1. For the convenience of users, the national standards are also published by the Administrator. The publication is commonly known as the ADR volume and is available on subscription in paper and electronic formats at the prices and addresses set out in section G of these notes.

E2. The titles of the components of the ADR volume which constitute the national standards are as follows:

- Definitions and Vehicle Categories
- Current-issue ADRs
- Prior-issue ADRs.

E3. In addition, the ADR volume contains helpful background information on the Australian road vehicle standards system and its operations.

F. Inspection of National Standards

F1. The national standards as amended by this and previous determinations, including the gazetted authentic texts referred to in sections C and D above 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.

F2. The national standards and the ADR volume as a whole may also be inspected at some State or Territory motor vehicle registries.

G. Purchase of National Standards

G1. In addition to the purchase from AGPS of gazetted determinations of authentic texts, as referred to in sections C and D above, 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.

G2. The national standards may be obtained by mail from the office of the Administrator:

- a. by writing to -
ADR Subscriptions
Federal Office of Road Safety
GPO Box 594
Canberra City ACT 2601; or
- b. by faxing 616 - 274 7922 or 06 - 274 7922; or
- c. by emailing standards@email.dot.gov.au .

G3. 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 616 - 274 7437 or 06 - 274 7437.

G4. The current prices of the paper-format and electronic-format versions of the ADR volume are as follows:

- a. the current price of the paper-format version of the ADR volume is \$230 for the complete volume, with a \$75 renewal fee for an amendment service; and
- b. the current price of the electronic-format version of the ADR volume, available on CD ROM, is \$66 per annum, which price includes an amendment service for twelve months.

- G5. In the case of both the paper-format version and electronic-format version the prices include a set of Administrator's Circulars, and amendments thereto.
- G6. A copying/postage fee may be charged for copies of individual national standards or other material.

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Schedule A

MOTOR VEHICLES STANDARDS ACT
National Standard Determined under Section 10(1) of the Act
AUSTRALIAN DESIGN RULE 71/00
TEMPORARY USE SPARE TYRES

1 SHORT TITLE

- 1.1 This national standard may be cited as Australian Design Rule No. 71/00, Temporary-use Spare Tyres.
- 1.2 This national standard may also be referred to as ADR 71/00.

2 FUNCTION AND SCOPE

The function of this national standard is to specify requirements for Temporary-Use Spare Tyre/Wheel Assemblies.

3 APPLICABILITY

3.1 Applicability Summary

This ADR requires that any temporary-use spare tyre/wheel assemblies when supplied with the vehicles specified in the table below comply with the relevant requirements of this national standard.

3.2 Applicability Table

| VEHICLE CATEGORY | VEHICLE CATEGORY CODE | MANUFACTURED ON OR AFTER | ACCEPTABLE PRIOR RULES |
|---|-----------------------|--------------------------|------------------------|
| Moped 2 wheels | LA | not applicable | |
| Moped 3 wheels | LB | not applicable | |
| Motor cycle | LC | not applicable | |
| Motor cycle and side-car | LD | not applicable | |
| Motor tricycle | LE | not applicable | |
| Passenger car | MA | 1 July 1997 | |
| Forward-control passenger vehicle | MB | 1 July 1997 | |
| Off-road passenger vehicle | MC | 1 July 1997 | |
| Light omnibus | MD | | |
| up to 3.5 tonnes 'GVM', up to 12 seats | MD1 | not applicable | |
| up to 3.5 tonnes 'GVM', over 12 seats | MD2 | not applicable | |
| over 3.5 tonnes, up to 4.5 tonnes 'GVM' | MD3 | not applicable | |
| over 4.5 tonnes, up to 5 tonnes 'GVM' | MD4 | not applicable | |
| Heavy Omnibus | ME | not applicable | |
| Light goods vehicle | NA | not applicable | |
| Medium goods vehicle | NB | not applicable | |
| Heavy goods vehicle | NC | not applicable | |
| Very light trailer | TA | not applicable | |
| Light trailer | TB | not applicable | |
| Medium trailer | TC | not applicable | |
| Heavy trailer | TD | not applicable | |

ADR 71/00

TEMPORARY-USE SPARE TYRES

4 DEFINITIONS

Refer to the DEFINITIONS AND VEHICLE CATEGORIES preceding the ADRs in this volume

5 REQUIREMENTS**5.1 Placard**

5.1.1 A placard of durable material must be permanently affixed to the glove compartment door or an equally accessible location and must display:-

5.1.1.1 The tyre size designation and rim profile of the 'Temporary-Use Spare Unit';

5.1.1.2 The recommended inflation pressure expressed in kPa; psi as a secondary unit of inflation pressure, may be shown in brackets;

5.1.1.3 The statement:-

"Temporary spare tyres fitted to this vehicle must have a maximum load rating of not less than "xxx" kg, or a load index of "xx" and a speed category symbol of not less than "*" ("F"km/h)";

Where:

"xxx" kg is the 'Maximum Load Rating' as determined in clause 5.3;

"xx" is the equivalent 'Load Index' (refer table 2 of ADR 23/...)

"*" is the 'Speed Category' symbol as determined in clause 5.4.1 or 5.4.2 as appropriate; and

"F" is the equivalent speed in km/h;

5.1.1.4 An instruction to drive with caution when the 'Temporary-Use Spare Unit' is fitted and to re-install a 'Standard Unit' as soon as possible;

5.1.1.5 Where appropriate, a statement relating to use restricted to a specific axle.

5.1.2 The tyre must not be referred to by name of the manufacturer or brand name on the placard.

5.1.3 As an alternative to the placard referred to in clause 5.1.1, the information referenced in clause 5.1.1.3 may be displayed on the placard referred to in clause 24.2.1 or clause 24.3.1 of Australian Design Rule 24/... , Tyre and Rim Selection.

5.2 Tyre Pressure

5.2.1 The recommended inflation pressure specified on the placard must not be less than the pressure specified in the 'Vehicle Maximum Load on the Tyre'.

5.2.2 Where the 'Temporary-Use Spare Unit' may be fitted to more than one 'Axle', the 'Vehicle Maximum Load on the Tyre' must be that relating to the 'Axle' carrying the greatest proportion of the 'Maximum Loaded Vehicle Mass of a Passenger Vehicle'.

5.3 Tyre 'Maximum Load Rating' or 'Load Index'

5.3.1 The 'Maximum Load Rating' and/or 'Load Index' must not be less than that specified for the standard vehicle tyres on the placard referred to in clause 24.2.1 of Australian Design Rule 24/... Tyre and Rim Selection.

5.3.2 Where the 'Temporary-Use Spare Unit' may be fitted to more than one 'Axle' and the tyres fitted on the front and rear 'Axles' have different tyre size

designations, the 'Maximum Load Rating' and/or 'Load Index' must not be less than that relating to the 'Axle' specifying the greatest 'Maximum Load Rating' and 'Load Index'.

5.4 Tyre 'Speed Category'

5.4.1 Where the 'Speed Category' symbol specified for the standard vehicle tyres on the placard referred to in clause 24.2.1 of ADR 24/... is less than "L" the 'Speed Category' of the 'Temporary-Use Spare Tyre' must be equal to or greater than that specified on this placard.

5.4.2 Where the 'Speed Category' symbol specified in clause 24.2.1 of ADR 24/... is "L" or more , the 'Speed Category' of the 'Temporary-Use Spare Tyre' must be equal to or greater than "L".

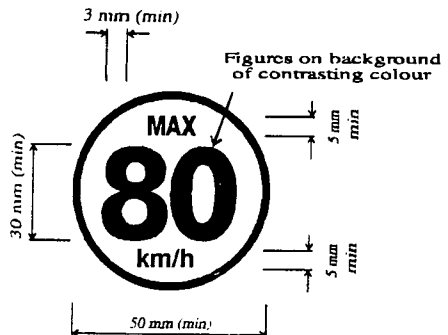
5.5 'Rims'

The 'Rim' on which the 'Temporary-Use Spare Tyre' is fitted must be constructed to the dimensions of a 'Rim' specified as approved for the tyre size designation in the 'Nominated Standard'.

5.6 Labelling Requirements

5.6.1 Each 'Temporary-Use Spare Unit' must be marked as follows:-

5.6.1.1 A maximum speed warning symbol must be moulded, stamped or otherwise permanently marked on the outer face of the 'Wheel' in a prominent position and must accord with the diagram below, including in relation to the maximum permissible speed specified.



5.6.1.2 When mounted to the vehicle for temporary use, the outward facing surface of the 'Wheel' and/or tyre must exhibit a distinctive colour or colour pattern which is quite clearly different from the colour(s) or pattern of the 'Standard Units'. If it is possible to attach a standard vehicle wheel cover to the 'Temporary-Use Spare Unit', the distinctive colour or pattern must not be obscured by the standard vehicle wheel cover.

5.6.2 Each 'Temporary-Use Spare Tyre' must be labelled in accordance with the requirements of clause 23.2.3 of ADR 23/... - Passenger Car Tyres, in addition to the following :

5.6.2.1 in clause 23.2.3.1 of ADR 23/... , in the case of 'T-Type Temporary-Use Spare Tyre' the

Amended by Det. No. 1 of 1997

RS

TEMPORARY-USE SPARE TYRES

ADR 71/00

first character of the tyre size designation must be the letter "T", and

5.6.2.2 the words "inflate to xx kPa" where xx is the pressure specified for the tyre's 'Maximum Load Rating' in the 'Nominated Standard' must be marked on the 'Sidewall'. Psi as a secondary unit of inflation pressure may be shown in brackets. The minimum lettering height must be 12.5 mm and the lettering must be positioned on the tyre 'Sidewall' in such a manner that it will not be obstructed by any approved or alternative 'Rim' fitment listed for the tyre in the 'Nominated Standard'.

5.7 Size and Construction

'Temporary-Use Spare Tyre' must conform with the requirements of clause 23.2.1 of ADR 23/...

6 PERFORMANCE REQUIREMENTS

6.1 The 'Temporary-Use Spare Tyres' supplied with the vehicle must comply with the requirements of clause 23.2.2 Performance Requirements, of ADR 23/...

Passenger Car Tyres except for clause 23.2.2.2.4

Resistance to Bead unseating requirements, clause

23.2.2.2.5 Tyre Strength requirements, clause 23.2.2.2.6

Tyre endurance requirements and clause 23.2.2.2.1 Test sample selection.

6.1.1 In the case of 'T-Type Temporary-Use Spare Tyres', for the high speed test tyre inflation pressure in clause 23.3.5.1.1 of ADR 23/..., inflate the tyre to a pressure of 420 kPa.

6.2 The technical requirements of UN ECE R 64 "Uniform Provisions Concerning the Approval of Vehicles Equipped with Temporary-Use Spare Wheel/Tyres", incorporating the 01 series of amendments

are deemed to be equivalent to the performance requirements of this rule.

7 SUPPLEMENTARY INFORMATION

7.1 The owners manual of a vehicle intended to be equipped with a 'Temporary-Use Spare Unit' must contain at least the following information:-

7.1.1 The information specified for the placard in clause 5.1;

7.1.2 A statement of the risk resulting from non-compliance with the restrictions on the use of 'Temporary-Use Spare Units';

7.1.3 A statement that operation of the vehicle is not permitted with more than one 'Temporary-Use Spare Unit' fitted at the same time.

7.1.4 For vehicles equipped with 'Temporary-Use Spare Units' using a tyre of the folded, not inflated type, a description of the procedure for inflating the tyre to the pressure specified on the placard for temporary use.

7.2 If no owners manual is supplied with the vehicle, all information required in clause 7.1 must be included in the placard specified in clause 5.1.

8 TYRE INFLATION

If the vehicle is equipped with a 'Temporary-Use Spare Unit', using a tyre of the folded, not inflated type, a device must be provided with the vehicle which permits the tyre to be inflated to the pressure specified on the placard for temporary use within a maximum of five minutes.

9 ALTERNATIVE STANDARDS

Refer to clause 6.2 .

Amended by Det. No. 1 of 1997

MOTOR VEHICLE STANDARDS ACT 1989

**ROAD VEHICLE (NATIONAL STANDARDS) DETERMINATION
NO. 1 OF 1997**

**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 and
Regional Development**

March 1997

This statement deals with the fourth determination of National Standards under section 7 of the Motor Vehicle Standards Act 1989 to be tabled in the present Parliament. The Statement is in two divisions.

The first division describes the context within which the determination has been made, including the legislative framework, the process for the making of determinations and the standing arrangements for consultation.

The second division deals with how these general matters have been applied on the present occasion. The division includes a description of the content and effect of the particular determination and a summary of the variations to the national standards the determination is introducing.

CONTENTS

| | <i>page</i> |
|---|-------------|
| DIVISION A - CONTEXT | |
| Role and Functions of the Motor Vehicle Standards Act | 1 |
| Role and Functions of the Act in relation to National Standards | 1 |
| Process for Making National Standards | 2 |
| Consultation Arrangements | 3 |
| | |
| DIVISION B - APPLICATION | |
| Content and Effect of the Determination | 5 |
| Summary of Amendments and Additions to the National Standards | 6 |

| |
|--|
| Explanatory Statement relating to Road Vehicle (National Standards) Determination No 3 of 1996 DIVISION A - CONTEXT |
|--|

ROLE AND FUNCTIONS OF THE MOTOR VEHICLE STANDARDS ACT

The *Motor Vehicle Standards Act 1989* (the Act) enables the Federal 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 secondhand vehicles.

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. "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;
- (b) the application of those standards; and
- (c) the enforcement of the standards where necessary.

ROLE AND FUNCTIONS OF THE ACT IN RELATION TO NATIONAL STANDARDS

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.

All the national standards determined under section 7 of the Act have to this point been known as Australian Design Rules (ADRs).

The national standards so determined are kept under review by the Federal Office of Road Safety. As described in subsequent subdivisions of this statement, in carrying out reviews the Office consults with other agencies and interests.

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

- determination of vehicles which are not road motor vehicles for the purposes of the Act (section 5B);
- determination of the standards which are to be applied (section 7);
- determination of procedures and arrangements for ensuring compliance with the national standards (section 9);

Explanatory Statement relating to Road Vehicle (National Standards) Determination No. 3 of 1996
DIVISION A - CONTEXT

- determination of procedures and arrangements for placement of 'identification plates' on road vehicles (section 10);
- fitting of 'identification plates' to vehicles and road vehicle components complying with the national standards (sections 10A to 13);
- marketing and sale of both standard and nonstandard road vehicles and road vehicle components (sections 14 to 20);
- appointment of an Administrator of Vehicle Standards (section 22);
- delegation of certain roles and powers in relation to the Act (section 23);
- inspections monitoring compliance with the national standards (sections 25 to 32);
- court proceedings associated with the national 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 three broad components. These components are:

- (a) settling the technical content of a proposed new or amended national standard;
- (b) determining the proposed standard as a national standard; and
- (c) scrutiny by the parliament of the new and amended national standards.

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 standard) are:

- (a) consulting with regulatory authorities (including the National Road Transport Commission), the industry and vehicle users;
- (b) examining relevant overseas standards (particularly ISO, ECE and IEC standards) in the interests of harmonisation; and
- (c) in the case of new or significantly amended standards 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 standard as a national standard) are:

- (a) approval by the Federal Minister; and
- (b) gazettal.

The major steps in the third of these components or stages (ie parliamentary scrutiny) are:

- (a) tabling in each Chamber of the Parliament; and
- (b) scrutiny by the Senate Standing Committee on Regulations and Ordinances.

Explanatory Statement relating to Road Vehicle (National Standards) Determination No 3 of 1996
DIVISION A - CONTEXT

CONSULTATION ARRANGEMENTS

The purposes of this section are to set out the manner in which the consultation arrangements already in place meet the likely future requirements foreshadowed in Part 3, *Consultation Before Making Legislative Instruments*, of the *Legislative Instruments Bill*, and particularly in clause 15 of that Bill.

It has been longstanding practice for there to be wide consultation about proposed new or amended national standards. Among other factors (which include section 8 of the Motor Vehicle Standards Act), this stems from the history of road vehicle design and construction standards in Australia. These have for many years involved active collaboration between the Federal and the State/Territory governments, as well as with industry and consumer groups.

Much of the consultation currently undertaken takes place within institutional and documentary arrangements established or actively utilised for this purpose. Depending on the circumstances of particular cases, there can also be supplementary consultation tailor-made to the requirements of a particular instance.

The standing arrangements for consultation in relation to proposed new and amended national road vehicle standards, as distinct from supplementary ad-hoc consultation, involve both -

- a. standard forms of analysis and documentation; and
- b. utilisation of institutional arrangements and relations.

To some extent the analysis and documentation prepared in a particular case, and the institutional arrangements utilised, depend on the degree of impact the new or amended standard is expected to have on industry or roadusers. Both industry and consumers are consulted in this regard. Where a proposal may have significant impact, these elements are comprehensive, and even formal, in their substance and in the procedures involved. Where it has been agreed by industry and consumers that a proposal is unlikely to have significant impact, procedures and documentation, while still comprehensive, can be more informal.

In some cases, where it becomes apparent that editorial changes are necessary to clarify or correct errors, these amendments are settled by agreement between the Federal Office of Road Safety (FORS) and National Road Transport Commission (NRTC). This process is only invoked where the amendments do not vary the intent of the national standard.

With respect to standard forms of analysis and documentation, a jointwork FORS/NRTC program has been developed and is reviewed regularly. Depending on their scale, potential impact and the stage reached in the analysis, items on the program are documented in publications known respectively as Vehicle Standards Proposals (VSPs), Vehicle Standards Studies (VSSs) or Vehicle Standards Investigations (VSIs). VSPs are used where there is agreed to be a high probability of a new or amended national standard; VSSs are used where a study is being undertaken to investigate the feasibility and desirability of a new or amended national standard; and VSIs are used to investigate the overall scope of a problem or of a proposed counter-measure before further analysis of a more specific nature is undertaken.

Explanatory Statement relating to Road Vehicle (National Standards) Determination No 3 of 1996
DIVISION A - CONTEXT

These publications are open and public documents. They are widely circulated among the bodies represented on the Technical Liaison Group (see hereunder) and are freely available to all interested persons and organisations on request. They are used to publicise the scope and time scale of work items.

The institutional arrangements and relations utilised for the purposes of consultation involve the Technical Liaison Group (TLG), meetings of the Transport Agencies Chief Executives (TACE), and the Ministerial Council on Road Transport (MCRT).

TLG consists of representatives of government (National and State/Territory), the manufacturing and operational arms of the industry (including organisations such as the Federal Chamber of Automotive Industries and the Road Transport Forum) and of representative organisations of consumers and roadusers (particularly through the Australian Automobile Association).

TACE consists of the chief executives of national and State/Territory departments of transport and road vehicle administrations.

MCRT consists of the national and State/Territory Ministers with responsibility for road vehicle issues.

In the normal course, issues are handled by discussion within TLG of the overall work program, and of the particular items on it, followed by the preparation and circulation of a VSP, VSS or VSI as appropriate in the particular case. In both these initial discussions and in the examination of the documents prepared, TLG and TACE have an advisory role only. For its part, MCRT will normally take a formal vote (whether at meetings or out of session) and may accept or reject (but not amend) a proposal.

From time to time issues arise that require urgent attention. TLG is used to examine these urgent proposals and, depending on the significance and expected impact, further advice may be sought direct from TACE (or, out of session, from its members) and MCRT before submission to the Federal Minister of Transport.

Explanatory Statement relating to Road Vehicle (National Standards) Determination No 3 of 1996
DIVISION B - APPLICATION

CONTENT AND EFFECT OF THE DETERMINATION

The determination varies the national standards in a number of respects. The topics addressed are described hereunder. Augmentation of the "Defined Terms" set out in the Definitions and Vehicle Categories section of the composite volume of standards is also involved.

The two revised standards, known as ADRs 35/01 and 38/02 deal with heavy vehicle braking, while ADR 62/01 deals with mechanical connections between vehicles. ADR 71/00 deals with Temporary-Use Spare Tyres and ADR 69/00 with full frontal impact occupant protection.

A brief description of the amended standards is included in the following subdivision of this statement.

Although the standards being amended are unlikely, taken individually, to have a dramatic effect on the road toll or road vehicle emissions, when taken together the revised standards as a whole represent further steps in the continuing process of reducing the number of deaths and the severity of injuries resulting from road crashes.

Timing of Introduction of Changes

The determination as a whole came into force on the date of its gazettal.

Where leadtimes are required by the industry to adjust design and/or production, suitable later effective dates are provided for particular technical provisions.

The Provisions

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

Clause 2 specifies the date of entry into force of the determination as a whole.

Clause 3 sets out the meanings of key terms used in the determination and the explanatory notes. It also describes the status of clause headings and explanatory notes.

Clauses 4 to 9 inclusive vary the national standards as constituted by the defined terms and the amended ADRs 35/01, 38/02, 62/01, 69/00 and 71/00. The standards as a whole, as so varied, continue to be national standards for the purposes of the Act.

Clause 10 is a standard provision confirming that vehicles which met the national standards applicable when they were manufactured do not become nonstandard by virtue of these changes to the standards.

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 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) provide information on the availability of authentic texts of the national standards;

**Explanatory Statement relating to Road Vehicle (National Standards) Determination No 3 of 1996
DIVISION B - APPLICATION**

- (g) explain the structure of the composite volume of national standards and the standing of each of its parts;
- (h) explain where copies of current and previous national standards, and of the composite volume of national standards, can be inspected; and
- (i) explain how, and from where, copies can be purchased of current and previous national standards, and of the composite volume of national standards.

SUMMARY OF AMENDMENTS AND ADDITIONS TO NATIONAL STANDARDS

Definitions and Vehicle Categories

In Part B of Subpart 2 "Definitions and Vehicle Categories" (page 4 of 4), a number of vehicle sub-categories were marked with an asterisk to draw attention to a note at the bottom of the page. The note explained that these vehicle sub-categories were only used in pollution control ADRs. Some of these vehicle sub-categories have since been used in other ADRs and there is no longer any need for the asterisks and the explanatory note.

This amendment deletes the asterisks and the explanatory note.

CURRENT-ISSUE NATIONAL STANDARDS

(1) New National Standards

Nil

(2) New Versions of Existing National Standards

(3) Amended National Standards

ADR 35/01 Commercial Vehicle Brake Systems

The amendment to this ADR corrects a typographical error in the equation for calculating the average braking deceleration.

This matter is regarded as a minor amendment and in accordance with established procedures was agreed between FORS and the NRTC.

ADR 38/02 Trailer Brake Systems

The amendment to this ADR corrects a typographical error in the equation for calculating the average braking deceleration.

This matter is regarded as a minor amendment and in accordance with established procedures was agreed between FORS and the NRTC.

ADR 62/01 Mechanical Connections Between Vehicles

The amendment to this ADR corrects a typographical error in the title of the diagram for 90 mm kingpins.

Explanatory Statement relating to Road Vehicle (National Standards) Determination No 3 of 1996
DIVISION B - APPLICATION

This matter is regarded as a minor amendment and in accordance with established procedures was agreed between FORS and the NRTC.

ADR 69/01 Full Frontal Impact Occupant Protection

This amendment clarifies the meaning of the term "New Model" as it applies to various vehicle categories.

This matter is regarded as a minor amendment and in accordance with established procedures was agreed between FORS and the NRTC.

ADR 71/00 Temporary-Use Spare Tyres

This amendment clarifies:

the requirements for providing tyre speed category information on the tyre placard;
and

test sample selection.

The amendment also results in moving the diagram depicting the 80 kmh speed symbol from page 3 to page 2 so that it is located closer to the clause which refers to it.

These matters are regarded as a minor amendments and in accordance with established procedures were agreed between FORS and the NRTC.

PRIOR-ISSUE NATIONAL STANDARDS

nil