

Vehicle Standard (Australian Design Rule 35/03 – Commercial Vehicle Brake Systems) 2009

Made under section 7 of the Motor Vehicle Standards Act 1989

Explanatory Statement

Issued by the authority of the Minister of Infrastructure, Transport, Regional
Development and Local Government

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1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 35/03 — Commercial Vehicle Brake Systems) 2009 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian 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 second hand vehicles.

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 vehicle components".

Vehicle Standard (Australian Design Rule 35/03 – Commercial Vehicle Brake Systems) 2009 (ADR 35/03) is being made to replace Vehicle Standard (Australian Design Rule 35/02 – Commercial Vehicle Brake Systems) 2007 (ADR 35/02), which was originally determined in 2007. It is necessary to make a new standard rather than an amendment as the requirements have increased in stringency and the text as last determined has been substantially altered.

2. CONTENT AND EFFECT OF ADR 35/03 – COMMERCIAL VEHICLE BRAKE SYSTEMS

2.1. Overview of the ADR

The function of this vehicle standard is to ensure safe braking for commercial vehicles and large passenger vehicles under normal and emergency conditions. The standard also contains provisions for some light passenger/commercial vehicles.

2.2. Effect of the ADR

This vehicle standard is being made to implement a requirement that Electronic Stability Control (ESC) be fitted to some light passenger/commercial vehicles.

ESC is a technology that assists drivers to avoid a loss of control in critical driving conditions, such as at speed or on slippery surfaces. ESC automatically brakes individual wheels on a vehicle to compensate for understeer or oversteer events. It has been shown that ESC is particularly effective in reducing single vehicle crashes.

This standard differs from the previous version in that it adopts requirements for ESC as taken from recently agreed international standards promulgated by the United Nations Economic Commission for Europe (UNECE) World Forum for Harmonization of Vehicle Regulations. These requirements will apply to ADR vehicle categories MA (passenger cars), MB (passenger vans) and MC (four-wheel drives or sports utility vehicles).

The vehicle categories of MB and MC will be required to comply with either this standard or Vehicle Standard (Australian Design Rule 31/02 – Brake Systems for Passenger Cars) 2009, which is also being made to implement requirements for ESC. The vehicle category of MA will be required to comply with Vehicle Standard

(Australian Design Rule 31/02 – Brake Systems for Passenger Cars) 2009. All other vehicle categories will remain unaffected by these new standards. A complementary explanatory statement has been written for ADR 31/02.

This standard will require ESC to be fitted to new vehicles, starting 1 November 2011 for new vehicle models and then 1 November 2013 for all vehicle models. The requirements are taken from the international standards UNECE R13, UNECE R13-H and Global technical regulation (Gtr) No.8.

Overall, this new standard is expected to save lives and reduce road trauma and associated costs from single vehicle crashes involving passenger cars and light passenger/commercial vehicles.

There is also a correction of a typographical error that is present in the previous version of ADR 35 (ADR 35/02). The new standard correctly rennumbers the subclauses of 4.5.6.3 as 4.5.6.3.1 and 4.5.6.3.2.

3. BEST PRACTICE REGULATION

3.1. Business Cost Calculator

There is a cost associated with mandating ESC but a Regulation Impact Statement (RIS) shows that there is expected to be a positive net benefit of \$139m and a saving of 128 lives over a thirty year period. The RIS is attached at Appendix A.

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 Federal 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), Transport Agencies Chief Executives (TACE), and the Australian Transport Council (ATC).

- TLG consists of 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).
 - TACE consists of the chief executives of Australian and State/Territory departments of transport and road vehicle administrations.
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- ATC consists of the Australian, State/Territory and New Zealand Ministers with responsibility for transport issues.

The Department of Infrastructure, Transport, Regional Development and Local Government processes editorial changes and changes to correct errors without reference to other agencies. 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 as published in *Best Practice Regulation Handbook* and the Council of Australian Governments *Principles and Guidelines for National Standard Setting and Regulatory Action for Ministerial Councils and Standard-Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

A consultation Regulatory Impact Statement (RIS) was released for public comment in November 2008. In March 2009, with due consideration of the feedback received during the consultation period, draft ADRs were released for industry comment.

The RIS is attached at Appendix A. It conforms to the requirements established by the Office of Best Practice Regulation (OBPR) in relation to regulatory proposals where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator. The RIS for this standard is identical to the RIS for Vehicle Standard (Australian Design Rule 31/02 – Brake Systems for Passenger Cars) 2009. The OBPR reference number is 9826.