

Vehicle Standard (Australian Design Rule 88/00 – Electronic Stability Control (ESC) Systems) 2017

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

Replacement Explanatory Statement

Issued by the authority of the Minister for Urban Infrastructure

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CONTENTS

1.	LEGISLATIVE CONTEXT	2
2.	CONTENT AND EFFECT OF ADR 88/00 – ELECTRONIC STABILITY CONTROL (ESC) SYSTEMS	2
2.1.	Overview of the ADR	2
2.2.	Effect of the ADR	2
2.3.	Incorporated Documents	3
3.	BEST PRACTICE REGULATION	4
3.1.	Benefits and Costs	4
3.2.	General Consultation Arrangements	4
3.3.	Specific Consultation Arrangements for this Vehicle Standard	5
4.	STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS	5
4.1.	Overview of the Legislative Instrument	5
4.2.	Human Rights Implications	5
4.3.	Conclusion	5

1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 88/00 – Electronic Stability Control (ESC) Systems) 2017 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 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 88/00 – Electronic Stability Control (ESC) Systems) 2017 (ADR 88/00) is a new standard made as part of a restructure of ADR requirements for brake systems on light vehicles. A new standard is proposed to align with the relevant international standard, the United Nations (UN) Regulation No. 140, which was developed as part of a restructure of the UN requirements for the approval of passenger cars with regard to braking, to facilitate a worldwide certification system known as International Whole Vehicle Type Approval (IWVTA).

2. CONTENT AND EFFECT OF ADR 88/00 – ELECTRONIC STABILITY CONTROL (ESC) SYSTEMS

2.1. Overview of the ADR

This vehicle standard prescribes requirements for Electronic Stability Control (ESC) Systems on passenger cars and light commercial vehicles. The function of the standard is to reduce the risk of crashes involving a loss of directional control of the vehicle, including those resulting in vehicle rollover.

ESC is an advanced vehicle stability system that automatically brakes individual wheels to help drivers steer in the intended direction, in circumstances where this would otherwise not be possible (for example, when a driver enters a corner at too high a speed or suddenly swerves to avoid an obstacle ahead).

The requirements of this standard are taken from the international standard UN Regulation No. 140, as adopted by the UN.

2.2. Effect of the ADR

This standard, together with two associated new ADRs 31/04 (Brake Systems for Passenger Cars) and 89/00 (Brake Assist Systems), are being made to restructure the ADR requirements for brake systems on light vehicles to align with the latest international standards adopted by the UN. This will enable industry to continue the current practice of utilising UN approvals to demonstrate compliance to the ADR requirements.

The standard will apply to ADR category MA (passenger cars), MB (passenger vans), MC (four-wheel drives or sports utility vehicles) and NA vehicles (light commercial vehicles – which include utilities and goods vans of up to 3.5 tonnes). 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 31/03 or ADR 35/05, as applicable for the particular vehicle category.

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 the UN Regulation No. 140 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF PASSENGER CARS WITH REGARD TO ELECTRONIC STABILITY CONTROL (ESC) SYSTEMS (R 140) and the UN Global Technical Regulation No. 8 – ELECTRONIC STABILITY CONTROL SYSTEMS (GTR 8). These are international standards, which specify equivalent requirements and test methods to Appendix A of the ADR.

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. 4, Regulation No. 10 (R 10), Regulation No. 13 (R 13), Regulation No. 13-H (R 13-H), Regulation No. 121 (R 121), ISO 15037 Part 1: 2005, ISO 15037 Part 2: 2002, ASTM E1136 and ASTM E1337-90.

In accordance with subsections 14(1)(b) and 14(2) of the *Legislation Act 2003*, these standards are 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. 4, the UN Regulations (including R 10, R 13, R 13-H, R 121 and R 140) and the UN Global Technical Regulations (including GTR 8), may be freely accessed online through the UN World Forum for the Harmonization of Vehicle Regulations (WP.29). The WP.29 website is <https://www.unece.org/trans/main/welcwp29.html>.

ISO 15037 Part 1 and Part 2 may be freely accessed online through the National Library of Australia (NLA) eResources system, which provides access to the British Standards Online database. A library card is required and can be obtained by anyone with an Australian residential address. The NLA website is <https://www.nla.gov.au/>.

ASTM E1136 and ASTM E1337-90 may be freely accessed online through the ASTM International Reading Room. This requires the user to register using an email and password. The ASTM International Reading Room website is <https://www.astm.org/readinglibrary/>.

3. BEST PRACTICE REGULATION

3.1. Benefits and Costs

As this standard, together with the associated new ADRs 31/04 and 89/00, restructure the ADR requirements for brake systems on light vehicles in a way that is machinery (administrative) in nature, it will have a neutral regulatory impact, including in terms of both the benefits and costs of regulation.

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/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), Strategic Vehicle Safety and Environment Group (SVSEG), 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).
- 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).
- 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 of Infrastructure and Regional Development. 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 RIS 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

Governments' *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*.

3.3. Specific Consultation Arrangements for this Vehicle Standard

This standard was proposed, discussed and supported during 2016-17 at meetings of 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 as part of this consultation process to AMVCB and TLG.

The Department of Infrastructure and Regional Development also consulted with the Office of Best Practice Regulation (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 standard, together with the associated new ADRs 31/04 and 89/00, restructure the ADR requirements for brake systems on light vehicles in a way that is machinery in nature. The OBPR reference number is 22611.

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

ADR 88/00 is being made together with ADRs 31/04 and 89/00 to restructure the ADR requirements for brake systems on light vehicles to mirror the latest UN regulation structure. It prescribes requirements for Electronic Stability Control (ESC) Systems on passenger cars and light commercial vehicles.

4.2. Human Rights Implications

ADR 88/00 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 88/00 is compatible with human rights, as it does not raise any human rights issues.