

# **Vehicle Standard (Australian Design Rule 91/00 – Rear Underrun Impact Protection) 2018**

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

## **Explanatory Statement**

Issued by the authority of the Assistant Minister to the Deputy Prime Minister

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## **1. LEGISLATIVE CONTEXT**

The Vehicle Standard (Australian Design Rule 91/00 – Rear Underrun Impact Protection) 2018 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”.

The Vehicle Standard (Australian Design Rule 91/00 – Rear Underrun Impact Protection) 2018 (ADR 91/00) is a new standard made as part of a restructure and replacement of the Australian Design Rule 42/04 – General Safety Requirements (ADR 42/04).

## **2. CONTENT AND EFFECT OF ADR 91/00 – REAR UNDERRUN IMPACT PROTECTION**

### **2.1. Overview of the ADR**

This vehicle standard prescribes requirements to minimise the risk of injury due to vehicles underrunning semi-trailers in rear end crashes.

### **2.2. Effect of the ADR**

The standard will apply to semi-trailers with a Gross Trailer Mass (GTM) exceeding 3.5 tonnes (ADR category TC and TD semi-trailers). 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 42/04.

Vehicles to which this standard applies must meet the requirements of clause 5.1 as varied by clause 5.2, or Appendix A as varied by Section 6 Exemptions and Alternative Procedures, or the alternative standard listed under clause 7.

### **2.3. Incorporated Documents**

Clause 7 of this standard incorporates a reference to the United Nations (UN) Regulation No. 58 (R 58) – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF:

- I. REAR UNDERRUN PROTECTIVE DEVICES (RUPDs);
- II. VEHICLES WITH REGARD TO THE INSTALLATION OF AN RUPD OF AN APPROVED TYPE;
- III. VEHICLES WITH REGARD TO THEIR REAR UNDERRUN PROTECTION (RUP).

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.6, and ISO 612:1978. R.E.3. includes the UN vehicle category definitions for motor vehicles and trailers. ISO 612:1978 defines terms relating to dimensions of motor vehicles and trailers. Compliance with Appendix A is an option to the other requirements specified in the ADR.

In accordance with subsections 14(1)(b) and 14(2) of the *Legislation Act 2003*, each standard incorporated by reference is 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.6 and the UN Regulations (including R 58) may be freely accessed online through the UN World Forum for the Harmonization of Vehicle Regulations (WP.29). The WP.29 website is [www.unece.org/trans/main/welcwp29.html](http://www.unece.org/trans/main/welcwp29.html).

ISO 612:1978 is available for purchase only through the International Organization for Standardization (ISO) and various associated national standards bodies. This standard has been referenced in national, regional and international vehicle standards for many years. Vehicle manufacturers and test facilities routinely access this standard as part of their professional library.

### **3. BEST PRACTICE REGULATION**

#### **3.1. Benefits and Costs**

This vehicle standard 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) and the Australian Motor Vehicle Certification Board (AMVCB), the Strategic Vehicle Safety and Environment Group (SVSEG) and the Safe Vehicles Theme Group (SVTG), the 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). 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.
- 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, Regional Development and Cities (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 Regulation* and the Council of Australian Government's *Best Practice Regulation: A Guide for Ministerial Councils and Standard-Setting Bodies*.

### 3.3. Specific Consultation Arrangements for this Vehicle Standard

This standard was proposed, discussed and supported over the period 2015-18 at meetings of the 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 in July 2018 as part of the consultation process to the AMVCB and the TLG.

The Department 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 vehicle standard will have a neutral regulatory impact. The OBPR reference number is 24176.

#### **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**

This vehicle standard prescribes requirements to minimise the risk of injury due to vehicles underrunning semi-trailers in rear end crashes.

##### **4.2. Human Rights Implications**

ADR 91/00 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 91/00 is compatible with human rights as it does not raise any human rights issues.