



Vehicle Standard (Australian Design Rule) Amendment Instrument 2021 (No.2)

I, KEVIN HOGAN, Assistant Minister to the Deputy Prime Minister make the following determination.

22 November 2021
Dated

[SIGNED]

Kevin Hogan
Assistant Minister to the Deputy Prime Minister

1. Name

This is the Vehicle Standard (Australian Design Rule) Amendment Instrument 2021 (No.2).

2. Commencement

This instrument commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

3. Authority

This instrument is made under section 12 of the *Road Vehicle Standards Act 2018*.

4. Schedules

Each instrument that is specified in a schedule to this instrument is amended as set out in the applicable items in the schedule concerned, any other item in a schedule to this instrument has effect according to its terms.

Schedule 1 – Amendment

Vehicle Standard (Australian Design Rule 0/00 - Harmonization) 2012

1. Section 3 through Section 5

Omit:

3. DEFINITIONS

3.1 In this Vehicle Standard:

1958 Agreement means the *Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions*, [2000] ATS 11, made at Geneva on 20 March 1958 and coming into force on 20 June 1959.

ADR means a national road vehicle standard determined under section 7 of the *Act*, but is not limited to any particular series, revision, supplement, amendment or corrigendum.

alternative standard, in relation to an ADR, means an alternative standard specified in the ADR.

apply, in relation to a UNECE Regulation, means apply the regulation in accordance with Article 1 of the 1958 Agreement.

the Act means the *Motor Vehicle Standards Act 1989*.

UNECE Regulation means a regulation adopted in accordance with Article 1 of the 1958 Agreement, but is not limited to any particular series, revision, supplement, amendment or corrigendum.

3.2 Unless the contrary intention appears, a word or expression that is used in this Vehicle Standard and in the Act has the same meaning in this Vehicle Standard as it has in the Act.

Note: The following terms are defined in the Act:

- new vehicle
- vehicle component

4. APPLICATION OF UNECE REGULATIONS

4.1 Subject to clause 4.2, a new vehicle or a vehicle component is taken to comply with an ADR if:

- (a) the ADR specifies a UNECE Regulation as an alternative standard; and
- (b) Australia applies the UNECE Regulation; and
- (c) the new vehicle or vehicle component complies with the UNECE Regulation in force from time to time.

4.2 Clause 4.1 does not apply if:

- (a) the UNECE Regulation is not valid or is no longer valid. This includes the situation where the regulation is cancelled or withdrawn in accordance with Article 1 of the 1958 Agreement; or
- (b) Australia no longer applies the UNECE Regulation. This includes the situation where Australia ceases to apply the regulation in accordance with Article 1 of the 1958 Agreement.

5. MUTUAL RECOGNITION OF UNECE REGULATIONS

5.1 Subject to clause 5.2, a new vehicle or a vehicle component is taken to comply with an ADR if:

- (a) the ADR specifies a UNECE Regulation as an alternative standard; and
- (b) the type (of vehicle or component) has been approved in accordance with Article 2 of the 1958 Agreement:
 - (i) for the UNECE Regulation; and
 - (ii) by a Contracting Party to the 1958 Agreement applying the UNECE Regulation; and
- (c) the approval corresponds to:
 - (i) where Australia applies the UNECE Regulation, the same version of the UNECE Regulation as specified in the alternative standard or the UNECE Regulation in force from time to time; or
 - (ii) where Australia does not apply the UNECE Regulation, the same version of the UNECE Regulation as specified in the alternative standard.

5.2 Clause 5.1 does not apply if:

- (a) the approval (by the Contracting Party) is not valid or is no longer valid. This includes the situation where the approval is cancelled or withdrawn in accordance with Article 2 of the 1958 Agreement; or
- (b) the approval is (or relevant products are) subject to remedial action in accordance with Article 4 of the 1958 Agreement.

Substitute:

3. DEFINITIONS

3.1 In this Vehicle Standard:

1958 Agreement means the *Agreement Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations*

ADR means a national road vehicle standard determined under section 12 of the *Act*, but is not limited to any particular series, revision, supplement, amendment or corrigendum

alternative standard, in relation to an ADR, means an alternative standard specified in the ADR.

apply, in relation to a United Nations Regulation, means apply the regulation in accordance with Article 1 of the 1958 Agreement.

the Act means the *Road Vehicle Standards Act 2018*.

United Nations Regulation means a regulation adopted in accordance with Article 1 of the 1958 Agreement, but is not limited to any particular series, revision, supplement, amendment or corrigendum.

3.2 Unless the contrary intention appears, a word or expression that is used in this Vehicle Standard and in the Act has the same meaning in this Vehicle Standard as it has in the Act.

4. APPLICATION OF UNITED NATIONS REGULATIONS

4.1 Subject to clause 4.2, a new vehicle or a vehicle component is taken to comply with an ADR if:

- (a) the ADR specifies a United Nations Regulation as an alternative standard; and
- (b) Australia applies the United Nations Regulation; and
- (c) the new vehicle or vehicle component complies with the United Nations Regulation in force from time to time.

4.2 Clause 4.1 does not apply if:

- (a) the United Nations Regulation is not valid or is no longer valid. This includes the situation where the regulation is cancelled or withdrawn in accordance with Article 1 of the 1958 Agreement; or
- (b) Australia no longer applies the United Nations Regulation. This includes the situation where Australia ceases to apply the regulation in accordance with Article 1 of the 1958 Agreement.

5. MUTUAL RECOGNITION OF UNITED NATIONS REGULATIONS

5.1 Subject to clause 5.2, a new vehicle or a vehicle component is taken to comply with an ADR if:

- (a) the ADR specifies a United Nations Regulation as an alternative standard; and
- (b) the type (of vehicle or component) has been approved in accordance with Article 2 of the 1958 Agreement:
 - (i) for the United Nations Regulation; and
 - (ii) by a Contracting Party to the 1958 Agreement applying the United Nations Regulation; and
- (c) the approval corresponds to:
 - (i) where Australia applies the United Nations Regulation, the same version of the United Nations Regulation as specified in the alternative standard or the United Nations Regulation in force from time to time; or

- (ii) where Australia does not apply the United Nations Regulation, the same version of the United Nations Regulation as specified in the alternative standard.

5.2

Clause 5.1 does not apply if:

- (a) the approval (by the Contracting Party) is not valid or is no longer valid. This includes the situation where the approval is cancelled or withdrawn in accordance with Article 2 of the 1958 Agreement; or
- (b) the approval is (or relevant products are) subject to remedial action in accordance with Article 4 of the 1958 Agreement.

Schedule 2 – Amendment

Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005

1. Section 3 ‘Definitions’

Omit:

COMPONENT TYPE APPROVAL NUMBERS 38/... - the road vehicle component type approval numbers of any ‘Control System’ (CS), ‘Foundation Brakes’ (FB) or ‘Suspension System’ (SS) sub-assemblies of ‘Brake System’ components that are used in the vehicle and covered by a road vehicle component type approval under the *Road Vehicle Standards Act 2018*.

Substitute:

COMPONENT TYPE APPROVAL NUMBERS 38/... - For the purposes of an approval granted under the transitional provisions of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018*, component type approval numbers 38/... means the Sub Assembly Registration Numbers for the ‘Control System’ (CS), ‘Foundation Brakes’ (FB) or ‘Suspension System’ (SS) sub-assemblies of ‘Brake System’ components that are used in the vehicle and registered under the *Motor Vehicle Standards Act 1989*.

In all other cases it means the road vehicle component type approval numbers of any ‘Control System’ (CS), ‘Foundation Brakes’ (FB) or ‘Suspension System’ (SS) sub-assemblies of ‘Brake System’ components that are used in the vehicle and covered by a road vehicle component type approval under *the Road Vehicle Standards Act 2018*.

2. Section 3 ‘Definitions’

Omit:

ECE REGULATION - (UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE REGULATION) - an addendum to the United Nations Agreement Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations. See Part 3 of the “ADR Definitions” for nomenclature used for ECE Regulations in ADR system.

Substitute:

ECE REGULATION - (UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE REGULATION) - an addendum to the United Nations Agreement Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations. Also see UN REGULATION.

3. Section 3 ‘Definitions’

Omit:

ELECTRICALLY POWER-ASSISTED CYCLE (EPAC) - an electrically-powered pedal cycle with a maximum continued rated power of 250 watts, of which the output is:

- (a) progressively reduced as the cycle’s speed increases; and
- (b) cut off, where:
 - (i) the cycle reaches a speed of 25 km/h; or
 - (ii) the cyclist stops pedalling.

Substitute:

ELECTRICALLY POWER-ASSISTED CYCLE (EPAC) - means an electrically-powered pedal cycle with a maximum continuous rated power of 250W, of which the output is:

- (a) progressively reduced as the cycle’s travel speed increases above 6 km/h; and
- (b) cut off, where:
 - (i) the cycle reaches a speed of 25 km/h; or
 - (ii) the cyclist is not pedalling and the travel speed exceeds 6km/h.

4. Section 3 ‘Definitions’

Omit:

POWER-ASSISTED PEDAL CYCLE - a vehicle, designed to be propelled through a mechanism primarily using human power, that:

- (a) meets the following criteria:
 - (i) is equipped with one or more auxiliary propulsion electric motors;
 - (ii) cannot be propelled exclusively by the motor or motors;
 - (iii) has a combined maximum power output not exceeding 200 watts;
 - (iv) has a ‘Tare Mass’ (including batteries) of less than 35 kg; and
 - (v) has a height-adjustable seat; or
- (b) is an ‘*Electrically Power-Assisted Cycle*’;

but does not include a vehicle that has an internal combustion engine.

Substitute:

POWER-ASSISTED PEDAL CYCLE - means a vehicle, designed to be propelled through a mechanism primarily using human power, that:

- (a) meets the following criteria:
 - (i) is equipped with one or more auxiliary propulsion electric motors with a combined maximum power output not exceeding 200 watts;
 - (ii) cannot be propelled exclusively by the motor or motors;
 - (iii) has a tare mass (including batteries) of less than 50 kg;
 - (iv) has a height-adjustable seat; or
- (b) is an *electrically power-assisted cycle*;

but does not include a vehicle that has an internal combustion engine.

5. Section 3 ‘Definitions’**Insert after TYRE OUTER DIAMETER definition and before UNIQUE definition:**

UN REGULATION - (UNITED NATIONS REGULATION) - an addendum to the United Nations Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations.

6. After Clause 5.7**Insert:**

Note: For vehicle sub-categories, where the definitions in clauses 5.3, 5.4, 5.5, 5.6 and 5.7 above include a criteria of "up to" a 'GVM' value; the mass limits are inclusive. For example a Medium Goods Vehicle with a 4,500 kg 'GVM' is an NB1 sub-category vehicle, and a Medium Goods Vehicle with a 4,501 kg 'GVM' is an NB2 sub-category vehicle.

Schedule 3 – Amendment

Vehicle Standard (Australian Design Rule 30/01 — Smoke Emission Control for Diesel Vehicles) 2006

1. Section 2, ‘APPLICABILITY AND IMPLEMENTATION’

Insert:

- 2.5 This standard is not applicable to:
- 2.5.1 M and N category vehicles with a Gross Vehicle Mass less than or equal to 3.5 tonnes, which comply with the technical requirements of Vehicle Standard (Australian Design Rule 79/04 — Emission Control for Light Vehicles) 2011, or,
- 2.5.2 M and N category vehicles, with a Gross Vehicle Mass greater than 3.5 tonnes, which comply with the technical requirements of Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006— Emission Control for Light Vehicles) 2011.

2. Appendix A

Omit:

NOTE: THIS VERSION OF UN ECE REGULATION NO. 24 WITH ABOVEMENTIONED REVISIONS INCORPORATED WAS COMPILED BY THE AUSTRALIAN DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES.

Insert:

NOTE: THIS VERSION OF UN ECE REGULATION NO. 24 WITH ABOVEMENTIONED REVISIONS INCORPORATED WAS COMPILED BY THE AUSTRALIAN DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS.

Schedule 4 – Amendments

Vehicle Standard (Australian Design Rule 31/04 – Brake Systems for Passenger Cars) 2017

1. Section 3.1 to Section 3.5

Omit:

- 3.1. This vehicle standard applies to category LEP, MA, MB, MC and NA vehicles; from the dates set out in clauses 3.1.1 to 3.1.2, and the table under clause 3.6 below.
- 3.1.1. 1 July 2019 for all new model vehicles.
- 3.1.2. There is no mandatory application date for all other vehicles. They may comply with this vehicle standard or may continue to comply with ADR 31/03.
- 3.2. For the purposes of clause 3.1.1, a "new model" is a vehicle model first produced with a 'Date of manufacture' on or after the agreed date in that clause.
- 3.3. Category MB, MC or NA vehicles complying with the requirements of ADR 35/... will be accepted as complying with this standard.
- 3.4. Category LEP vehicles that are fitted with a single foot pedal controlling both front and rear service brakes must comply with the requirements of this standard applicable for category MA vehicles. Other category LEP vehicles must comply with ADR 33/...
- 3.5. Category MA, MB, MC and NA vehicles certified to this standard must also be certified to ADR 88/... – Electronic Stability Control (ESC) Systems and ADR 89/... – Brake Assist Systems (BAS).

Substitute:

- 3.1. This vehicle standard applies to category LEP, MA, MB, MC and NA vehicles; from the dates set out in clauses 3.1.1 to 3.1.2, and the table under clause 3.6 below.
- 3.1.1. 1 July 2019 for all new model vehicles.
- 3.1.2. There is no mandatory application date for all other vehicles. They may comply with this vehicle standard or may continue to comply with Vehicle Standard (Australian Design Rule 31/03 – Brake Systems for Passenger Cars) 2013.
- 3.2. For the purposes of clause 3.1.1, a "new model" is a vehicle model first produced with a 'Date of manufacture' on or after the agreed date in that clause.
- 3.3. Category MB, MC or NA vehicles complying with the requirements of Vehicle Standard (Australian Design Rule 35/... – Commercial Vehicle Brake Systems) will be accepted as complying with this standard.
- 3.4. Category LEP vehicles that are fitted with a single foot pedal controlling both front and rear service brakes must comply with the

requirements of this standard applicable for category MA vehicles other than Clause 3.5. Other category LEP vehicles must comply with Vehicle Standard (Australian Design Rule 33/... – Brake Systems for Motorcycles and Mopeds).

- 3.5. Category MA, MB, MC and NA vehicles certified to this standard must also be certified to Vehicle Standard (Australian Design Rule 88/... – Electronic Stability Control (ESC) Systems) and Vehicle Standard (Australian Design Rule 89/00 – Brake Assist Systems (BAS)).

Note: The ellipsis (...) indicates the version(s) of the ADR in force at the 'Date of Manufacture'.

Schedule 5 – Amendment

Vehicle Standard (Australian Design Rule 79/04 — Emission Control for Light Vehicles) 2011

1. Clause 3.1

Omit:

- 3.1 For the purposes of clause 2.2, “date of manufacture” means the date the vehicle is available in Australia in a condition which will enable an identification plate to be lawfully affixed to the vehicle

Substitute:

- 3.1 For the purposes of clause 2.2, ‘date of manufacture’ means, for a road vehicle entered onto the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018*, the date of that entry. Otherwise, the date the vehicle is available in Australia in a condition that will enable an ‘Identification Plate’ to be lawfully affixed to the vehicle.

2. Appendix A

Omit:

Certain clauses of this Appendix A have been amended from the published UN ECE Regulation 83/06 by the Department of Infrastructure and Transport as indicated in the table below.

Substitute:

Certain clauses of this Appendix A have been amended from the published UN ECE Regulation 83/06 by the Department of Infrastructure, Transport, Regional Development and Communications as indicated in the table below.

Schedule 6 – Amendment

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

1. Section 0.1

Omit:

0.1 NAME OF STANDARD [see Note 1]

Substitute:

0.1 NAME OF STANDARD

2. Section 0.2

Omit:

0.2 COMMENCEMENT [see Note 1]

Substitute:

0.2 COMMENCEMENT

3. Section 3, Definitions

Omit:

- 3.1 For the purposes of clause 2.3, “date of manufacture” means the date the vehicle is available in Australia in a condition which will enable an identification plate to be lawfully affixed to the vehicle

Substitute:

- 3.1 For the purposes of clause 2.3, ‘date of manufacture’ means, for a road vehicle entered onto the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018*, the date of that entry. Otherwise, the date the vehicle is available in Australia in a condition that will enable an ‘Identification Plate’ to be lawfully affixed to the vehicle.

4. Appendix A

Omit:

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

Appendix A

Substitute:

Appendix A

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

5. Appendix B

Omit:

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

Appendix B

Substitute:

Appendix B

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

6. Appendix C

Omit:

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

Appendix C

Substitute:

Appendix C

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

7. Appendix D

Omit:

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

Appendix D

Substitute:

Appendix D

Vehicle Standard (Australian Design Rule 80/03 — Emission Control for Heavy Vehicles) 2006

Schedule 7 – Amendment

Vehicle Standard (Australian Design Rule 81/02 — Fuel Consumption Labelling for Light Vehicles) 2008

1. Section 0.1

Omit:

0.1 NAME OF STANDARD [see Note 1]

Substitute:

0.1 NAME OF STANDARD

2. Section 0.2

Omit:

0.2 COMMENCEMENT [see Note 1]

Substitute:

0.2 COMMENCEMENT

3. Section 3, Definitions

Omit:

- 3.1 For the purposes of clause 2.4, “date of manufacture” means the date the vehicle is available in Australia in a condition which will enable an identification plate to be lawfully affixed to the vehicle

Substitute:

- 3.1 For the purposes of clause 2.4, ‘date of manufacture’ means, for a road vehicle entered onto the Register of Approved Vehicles under the Road Vehicle Standards Act 2018, the date of that entry. Otherwise, the date the vehicle is available in Australia in a condition that will enable an ‘Identification Plate’ to be lawfully affixed to the vehicle.

4. Appendix C

Omit:

Certain clauses of this Appendix C have been amended from the consolidated UN Regulation 101 by the Department of Infrastructure and Transport as indicated in the table below.

Substitute:

Certain clauses of this Appendix C have been amended from the consolidated UN Regulation 101 by the Department of Infrastructure, Transport, Regional Development and Communications as indicated in the table below.