

Vehicle Standard (Australian Design Rule) Safer Freight Vehicles Amendment No. 1 2023

Made under section 12 of the *Road Vehicle Standards Act 2018*

Explanatory Statement

Approved by the Hon Catherine King MP, Minister for Infrastructure, Transport,
Regional Development and Local Government

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1. LEGISLATIVE AUTHORITY

1.1. National Road Vehicle Standards

Vehicle Standard (Australian Design Rule) Safer Freight Vehicles Amendment No. 1 2023 (“the Amending Instrument”) is made under section 12 of the *Road Vehicle Standards Act 2018* (the RVSA).

The RVSA enables the Australian Government to establish nationally uniform standards that apply to new road vehicles or road vehicle components when they are provided to the market in Australia. The RVSA applies to vehicles or components whether they are manufactured in Australia or imported.

The making of the vehicle standards necessary for the RVSA’s effective operation is provided for in section 12, which empowers the Minister to “determine standards for road vehicles or road vehicle components”.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides, in part, that the power to amend instruments is conferred by the same power to make the instrument.

1.2. Exemption from Sunsetting

The Australian Design Rules (ADRs) are exempt from the sunseting provisions of the *Legislation Act 2003*.

Source of the Exemption

A standard made under section 12 of the RVSA is not subject to the sunseting provisions of section 50 of the *Legislation (Exemptions and Other Matters) Act 2003* through section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (table item 56C). A similar exemption was previously granted in respect of national road vehicle standards made under section 7 of the *Motor Vehicle Standards Act 1989* (MVSA) (item 40, section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). This exemption is important to ensure that ADRs, including those amended by the Amending Instrument, continue to remain in force and available to regulators and industry.

Intergovernmental Dependencies

The exemption concerns ADRs which facilitate the establishment and operation of the intergovernmental vehicle standard regime that Commonwealth, state and territory governments rely on to regulate the safety of vehicles on public roads.

The Commonwealth uses the ADRs as the basis on which approvals to supply types of road vehicles to the market are granted under the *Road Vehicle Standards Rules 2019*. States and territories and the National Heavy Vehicle Regulator use the ADRs as the primary criteria on which vehicles are assessed for road worthiness. This ‘in-service’ aspect is dependent on the date of manufacture, which determines the applicable version of the ADRs against which the vehicle can be assessed. The ability to rely on national standards is particularly relevant given the long service life of vehicles – the average age of vehicles in Australia is over 10 years.

While the ADRs are regularly updated to reflect changes in technology, it is not possible to apply these new standards retrospectively to vehicles that are already in use. With former ADRs kept on the Federal Register of Legislation, state and territory governments can use them to ensure vehicles continue to comply with the ADRs that were in force when they were first supplied to the market.

In the event that the Commonwealth could not justify the maintenance of the ADRs, state and territory governments would be compelled to create their own vehicle standards. Whilst this could mean adopting the substance of the lapsed ADRs as an interim measure, the differing needs and agendas of each state and territory government may result in variations to in-service regulations. Having different vehicle standards across the states and territories would make the scheme operate contrary to the underlying policy intent of the RVSA which is to set nationally consistent performance-based standards.

Commercial Dependencies

The effect on vehicle manufacturers to redesign existing models to comply with new ADRs would present a burden and be a costly and onerous exercise. Manufacturers should not be expected to continually go back to redesign existing vehicle models that are still being newly supplied to the market. Furthermore, ongoing product recalls to update vehicles to comply with new ADRs (where such an update is feasible) would undermine consumer confidence with significant financial impact to manufacturers. This exemption allows vehicle manufacturers to focus their efforts to ensure new models supplied to the market continue to comply.

Reviews of Australian Design Rules

ADRs are subject to regular reviews, as resources permit, and when developments in vehicle technology necessitates updates to requirements. Reviews of the ADRs ensure the ongoing effectiveness of a nationally consistent system of technical regulations for vehicle design, which are closely aligned, wherever appropriate with leading international standards such as United Nations (UN) regulations. This method facilitates the rapid introduction of the latest safety devices and technological advances into the Australian market, while also contributing to the industry's cost competitiveness in the domestic market. Where a review results in a new or amended ADR, these changes are subject to full parliamentary scrutiny.

2. PURPOSE AND OPERATION

2.1. Overview of the Regulatory Framework

The RVSA establishes a regulatory framework to regulate the importation and first supply of road vehicles to the market in Australia. The core principle of this framework is that vehicles which comply with appropriate standards are suitable for provision to the market in Australia. The ADRs have set out those standards since the early 1970s. At that time, they were applied cooperatively by the Australian Motor Vehicle Certification Board representing the Commonwealth and state and territory governments. In 1989, this arrangement was replaced by the MVSA and the ADRs were determined as national standards. The RVSA commenced in full and replaced the MVSA on 1 July 2021. A two-year transition period was provided between 1 July 2021 and 30 June 2023.

Under the RVSA, the ADRs are National Road Vehicle Standards intended to make vehicles safe to use, control the emission of gas, particles or noise, secure vehicles against theft, provide for the security marking of vehicles and promote the saving of energy. The ADRs are applied to vehicles as criteria for approval under various regulatory pathways set out in the Road Vehicle Standards legislation. Vehicles approved under these regulatory pathways can be provided to the market in Australia for use in transport.

2.2. Overview of the Amending Instrument

The Amending Instrument includes revisions to five existing ADRs to encourage the uptake of Safer Freight Vehicles by allowing the introduction of wider medium and heavy goods vehicles with certain safety features fitted, as well as the exclusion of additional types of safety devices and sensors from vehicle width and length measurements, together with other minor amendments to ensure existing ADRs continue to operate as intended. The ADRs amended by this instrument are the Australian Design Rule – Definitions and Vehicle Categories, the Australian Design Rule 14/02 – Rear Vision Mirrors (ADR 14/02), the Australian Design Rule 35/06 – Commercial Vehicle Brake Systems (ADR 35/06), the Australian Design Rule 35/07 – Commercial Vehicle Brake Systems (ADR 35/07), and the Australian Design Rule 97/00 – Advanced Emergency Braking for Omnibuses, and Medium and Heavy Goods Vehicles (ADR 97/00).

Schedule 1 Amendments

Schedule 1 of the Amending Instrument amends the Australian Design Rule Definitions and Vehicle Categories, referred to from here on as the ADR – Definitions and Vehicle Categories. The purpose of ADR – Definitions and Vehicle Categories is to specify definitions of key terms which apply in common to all or specific ADRs. These definitions are needed to establish the overall requirements of the relevant ADRs.

The amendments to this ADR are to facilitate aspects of the Safer Freight Vehicles regulatory reforms, in particular by introducing definitions that allow for relaxation of the maximum vehicle width¹. These definitions provide control of the types of devices that may be excluded from the vehicle width measurement, and the maximum total protrusion (combined left + right side) of those devices from the measured width. Many heavy vehicles (goods vehicles and omnibuses) are manufactured to be as wide and/or long as the ADRs will allow, as this is beneficial both commercially and for the vehicle design/packaging process. As such, these vehicles are often manufactured without certain safety devices that are not excluded from vehicle width and length measurements (which in this case is detrimental to vehicle safety), or where this is not allowed by the ADRs, costly modifications may be necessary to fit the devices within the width and/or length limits set by the Australian Design Rule 43/04 – Vehicle Configuration and Dimensions (ADR 43/04).

New definitions for ‘Bonneted Cab’ and ‘Cab-Over Engine Vehicle’

New definitions are added for ‘Bonneted Cab’ and ‘Cab-Over Engine Vehicle’ to allow for particular ADR requirements to be tailored where justified to suit each of these common heavy goods vehicle designs. The definition for ‘Cab-Over Engine Vehicle’ is aligned with the definition of ‘Forward Control’ vehicle used in the UN Regulation No. 46 (UN R46) for devices for indirect vision. The definition of ‘Bonneted-cab’ captures all vehicles with an engine and/or steering wheel location that would not fit within the definition for ‘Cab-Over Engine Vehicle’. In particular these new definitions have been created in order to set some alternative requirements within the new Australian Design Rule ADR 14/03 – Devices for Indirect Vision, for

¹ The implementation of the increased vehicle width limit for Safer Freight Vehicles is affected by separate legislative instrument Vehicle Standard (Australian Design Rule) Safer Freight Vehicles Amendment No. 2 2023.

which the technical requirements for goods vehicles are primarily harmonised with UN R46. This UN Regulation is written to more comprehensively account for ‘Cab-Over Engine Vehicle’ configurations. The new definitions are used within ADR 14/03 to allow for alternate design and installation requirements for mirrors fitted to vehicles with a ‘Bonneted Cab’, including requirements for mirror mounting height (for fender or bonnet mounted Class V mirrors), fitment of a ‘Cross-View Mirror’ (a new definition, refer below) instead of what would otherwise need to be a UN R46 Class VI front-view mirror, and allowance for fitment of additional mirrors mounted on the fender(s) or bonnet.

New definitions for various safety devices and systems

A new definition is added for ‘Automated Driving System’ to describe a vehicle control system that is used on automated vehicles, for the purpose of referring to such a system in the revised definitions of vehicle ‘Overall Width’ and ‘Front End’. Such a system is able to control vehicle movement both laterally and longitudinally within the constraints of its ‘Operational Design Domain’ (which is described by another new definition). These new definitions have been developed to be compatible with the framework and reference documentation² used for automated vehicles by the UN World Forum for the Harmonization of Vehicle Regulations.

As a vehicle ‘Automated Driving System’ can provide for increased safety in operation of the vehicle, the ADRs should not deter fitment of such a system by including its externally mounted components in the measured vehicle width and length. To achieve this, the sensors or monitoring devices (e.g. camera, radar, lidar) of an ‘Automated Driving System’ are to be excluded (within defined limits) from the measured vehicle ‘Overall Width’ and ‘Front End’, which are used for assessment against limits for ‘Overall Width’ and ‘Total Length’ set by ADR 43/04 and its acceptable prior rules.

A new definition for ‘Class of Device for Indirect Vision’ allows for describing of devices for indirect vision (typically mirrors and/or camera-monitor systems) in accordance with the relevant ADR that requires or allows their fitment. The new definition of ‘Prescribed Device for Indirect Vision’ allows for describing a ‘Class of Device for Indirect Vision’ that is also fitted in accordance with the relevant ADR, for the purpose of referring to these devices in the revised definitions of vehicle ‘Overall Width’ and ‘Front End’, such that they may be excluded (within defined limits) from vehicle width and length measurements.

A ‘Prescribed Device for Indirect Vision’ is a device for indirect vision for which particular technical requirements are set by an appropriate ADR, and as such are designed and installed to provide acceptable levels of safety for both drivers and vulnerable road users. Examples of these technical requirements include the minimum field of vision provided to the driver (this defines the ‘Class of Device for Indirect Vision’), and the ability of the device (where applicable) to minimise injury to a bystander in the event they are impacted by the device fitted to a passing vehicle.

² ‘Automated Driving System’ is based on UN WP.29 document ECE/TRANS/WP.29/1140 material, ‘Operational Design Domain’ is based on UN WP.29 document ECE/TRANS/WP.29/2019/34/Rev.2.

Without the new definitions of these devices for indirect vision and their reference in the revised definitions of ‘Overall Width’ and ‘Front End’, many of these devices would otherwise continue to be included in the measurements of vehicle width and/or length.

As described above, the proposed new ADR 14/03 allows for alternate design and installation requirements for mirrors fitted to vehicles with a ‘Bonneted Cab’, and this includes fitment of a ‘Cross-View Mirror’ instead of what would otherwise need to be a UN R46 Class VI front-view mirror. A ‘Cross-View Mirror’ is designed to achieve the same function as the UN R46 Class VI front-view mirror, but with performance and installation requirements that are suitable for a ‘Bonneted Cab’ vehicle. Important differences to UN R46 Class VI mirror requirements include the allowance for a ‘Cross-View Mirror’ and its holder to be mounted lower on the vehicle, and a minimum field of vision for the driver that is more appropriate for a mirror installation on a ‘Bonneted Cab’ vehicle. Field of vision requirements form the main component of the definition and are based on New York City requirements for truck Cross Over Mirrors, but with additional elements taken from UN R46 alternate field of vision requirements for a front-view device.

A new definition for ‘Close-Proximity Information System’ allows for describing of a vehicle safety system designed to detect the presence of other road users nearby the vehicle, for the purpose of referring to such a system in the revised definitions of vehicle ‘Overall Width’ and ‘Front End’. Such a system is able to assist the driver in avoiding a collision with another road user, which may include vulnerable road users e.g. cyclists. To encourage fitment, monitoring devices (e.g. camera, radar, lidar) fitted as part of a ‘Close-Proximity Information System’ are to be excluded (within defined limits) from the measured vehicle ‘Overall Width’ and ‘Front End’, which are used for assessment against limits for ‘Overall Width’ and ‘Total Length’ set by ADR 43/04 and its acceptable prior rules.

New exclusions from the vehicle ‘Total Length’ and ‘Overall Width’

The definition of ‘Front End’ is amended to establish new exclusions from the measurement of vehicle ‘Total Length’ (the longitudinal distance between the ‘Front End’ and the ‘Rear End’ of a vehicle) for certain safety devices and sensors. The definition of ‘Front End’ applies to all vehicle types under the ADRs. The amended definition adds exclusions for monitoring devices or sensors of an ‘Automated Driving System’ and/or ‘Close Proximity Information System’, ‘Prescribed Devices for Indirect Vision’, and ‘Cross-View Mirrors’ (all as described above). It also provides exclusions for ‘other devices to enable the driver to see objects in an area adjacent to the vehicle’, which is intended to;

- allow for devices that are not described by existing definitions, including those that may result from emerging technologies, but that are clearly designed to increase safety through display or detection of objects in an area close to the vehicle; and

- align with a provision made in the European Union (EU)³ for exemptions from vehicle length measurements, categorised as ‘watching and detection aids’.

The amended definition limits the lengthwise protrusion of devices added to the vehicle ‘Front End’, except for ‘Prescribed Devices for Indirect Vision’, to 250 mm. This is also an alignment with the EU³ regulations, and recognises that not only are ‘Prescribed Devices for Indirect Vision’ typically the devices with the greatest forward protrusion (which in some cases will exceed 250 mm), but they are subject to stringent design and installation requirements that reduces the danger they pose to other road users (reducing the probability of an impact with these devices and/or reducing the force imposed during an impact).

The definition of ‘Overall Width’ is amended to establish new exclusions from the vehicle body width measurement for certain safety devices and sensors. The definition of ‘Overall Width’ applies to all vehicle types under the ADRs. The amended definition adds exclusions for monitoring devices or sensors of an ‘Automated Driving System’ and/or ‘Close Proximity Information System’, ‘Prescribed Devices for Indirect Vision’, ‘Cross-View Mirrors’ (all as described above) and the part of any tyre sidewall that is deflected due to vehicle load. It also provides exclusions for “other devices to enable the driver to see objects in an area adjacent to the vehicle”, which is intended to:

- allow for devices that are not described by existing definitions, including those that may result from emerging technologies, but that are clearly designed to increase safety through display or detection of objects in an area close to the vehicle; and
- align with a provision made in the EU³ for exemptions from vehicle length measurements, categorised as ‘watching and detection aids’.

The amended definition limits the lateral protrusion of devices added beyond the vehicle ‘Overall Width’, except for ‘Prescribed Devices for Indirect Vision’ and certain devices already excluded under the existing definition (rear vision mirrors, signalling devices, side-mounted lamps, and reflectors,) which have protrusion limited separately by the specific ADRs applicable to these devices. This is also an alignment with the EU³ regulations, and recognises that ‘Prescribed Devices for Indirect Vision’ require a much greater lateral protrusion (for mirrors in particular) but that they are subject to stringent design and installation requirements that reduces the danger they pose to other road users. A new lateral protrusion limit for central tyre inflation systems is intended to put a sensible design control on these devices that is a compromise between the limit set in the EU regulations (70 mm each side) and the limit required by local manufacturers as determined during consultation.

³ COMMISSION IMPLEMENTING REGULATION (EU) 2021/535 of 31 March 2021, laying down rules for the application of Regulation (EU) 2019/2144 of the European Parliament and of the Council as regards uniform procedures and technical specifications for the type-approval of vehicles, and of systems, components and separate technical units intended for such vehicles, as regards their general construction characteristics and safety.

Other new and amended definitions

The definition of ‘Partially Completed Vehicle’ is amended to account for the fact that these and other vehicles are now entered on the ‘Register of Approved Vehicles’ under the RVSA. This definition is needed to support the implementation of a new ADR 106/00 – Side Underrun Protection as part of the Safer Freight Vehicles package of ADRs.

Schedule 2 Amendments

Schedule 2 of the Amending Instrument amends ADR 14/02. The purpose of ADR 14/02 is to specify requirements for mirrors and other devices that provide the driver with a clear and reasonably unobstructed view to the rear (primarily). The amendments to ADR 14/02, with reference to schedule 2 item numbers from the Amending Instrument, are required to:

- [1] renumber an existing clause as a result of a new clause per item [2].
- [2] add a new clause to recognise that compliance to ADR 14/03 removes any need for compliance to the preceding ADR 14/02.
- [3] amend an internal clause reference to account for the renumbering due to the new clause as per item [2].
- [4] correct an error in Appendix A regarding wording for the technical requirements for Class V mirrors, where the existing wording implies that the addition requirements (for field of vision) do not apply to mirror installations that are wholly at least 2.4 m above the ground regardless of adjustment position – this error was corrected by the UN World Forum for the Harmonization of Vehicle Regulations, after the ADR 14/02 Appendix A was compiled.
- [5] change the wording of “UNECE R46” to “The United Nations Regulation No. 46” in accordance with current terminology, and to clarify that up to and including the 04 series of amendments is to be interpreted as all versions of the regulation from the 00 series of amendments up to and including the 04 series of amendments.
- [6] change the wording of “UNECE R81” to “The United Nations Regulation No. 81” in accordance with current terminology, and to clarify that the 00 series of amendments is the only applicable series.

Schedule 3 Amendments

Schedule 3 of the Amending Instrument amends ADR 35/06. The purpose of ADR 35/06 is to specify braking requirements on commercial vehicles and large passenger vehicles to ensure safe braking under normal and emergency conditions. The amendments to ADR 35/06, with reference to schedule 3 item numbers from the Amending Instrument, are required to:

- [1] amend an internal clause reference to appropriately account for a new clause as per item [2].
- [2] insert a new clause to allow a derogation from the parking brake system requirements of the United Nations Regulation No. 13, incorporating the 11 series of amendments, for vehicles equipped to tow a trailer with a compressed-air braking system.
- [3] amend the definition of ‘designed for off-road use’ in Appendix 1 of the ADR.

Schedule 4 Amendments

Schedule 4 of the Amending Instrument amends ADR 35/07. The purpose of ADR 35/07 is to specify braking requirements on commercial vehicles and large passenger vehicles to ensure safe braking under normal and emergency conditions. The amendments to ADR 35/07, with reference to schedule 4 item numbers from the Amending Instrument, are required to:

[1] amend an internal clause reference due to the clause renumbering as per item [2].

[2] amend clause numbering as a result of a new clause per item [3].

[3] insert a new clause that sets the ADR as mandatory for medium and heavy goods vehicles with an 'Overall Width' exceeding 2,500 mm.

[4] amend an internal clause reference as a result of the clause renumbering as per item [2].

[5] and [6] amend the ADR applicability table to account for the amended applicability as per item [3].

[6] amend an internal clause reference to appropriately account for a new clause as per item [7].

[7] insert a new clause to allow a derogation from the parking brake system requirements of the United Nations Regulation No. 13, incorporating the 11 series of amendments, for vehicles equipped to tow a trailer with a compressed-air braking system.

[8] amend the definition of 'designed for off-road use' in Appendix 1 of the ADR.

Schedule 5 Amendments

Schedule 5 of the Amending Instrument ADR 97/00. The purpose of ADR 97/00 is to specify requirements for Advanced Emergency Braking Systems fitted to omnibuses, and to goods vehicles over 3.5 tonnes 'Gross Vehicle Mass', to avoid or mitigate the severity of rear-end in lane collisions. The amendments to ADR 97/00, with reference to schedule 5 item numbers from the Amending Instrument, are required to:

[1] amend an internal clause reference due to the clause renumbering as per item [2].

[2] amend clause numbering as a result of a new clause per item [3].

[3] insert a new clause that sets the ADR as mandatory for medium and heavy goods vehicles with an 'Overall Width' exceeding 2,500 mm.

[4] amend an internal clause reference as a result of the clause renumbering as per item [2].

[5] and [6] amend the ADR applicability table to account for the amended applicability per item [3].

[7] insert a new clause 7.2, for vehicles equipped with an Advanced Emergency Braking System meeting the requirements (i.e. both the approval requirements and the technical requirements) of the United Nations Regulation No. 131, incorporating the 02 series of amendments, to be deemed to comply with the ADR.

[8] amend the definition of 'designed for off-road use' in Appendix B of the ADR.

3. MATTERS INCORPORATED BY REFERENCE

3.1. Legislative Instruments

The amendments in Schedule 1 of the Amending Instrument add a new definition for ‘Class of Device for Indirect Vision’ and a new definition for ‘Prescribed Device for Indirect Vision’, both of which include references to the Australian Design Rule 14/03 – Devices for Indirect Vision (ADR 14/03) and the Australian Design Rule 14/02 – Rear Vision Mirrors (ADR 14/02).

The amendments in Schedule 1 of the Amending Instrument also add a definition for ‘Register of Approved Vehicles’, which includes a reference to the *Road Vehicle Standards Act 2018*.

The amendments in Schedule 2 of the Amending Instrument also include a reference to the Australian Design Rule 14/03 – Devices for Indirect Vision (ADR 14/03).

ADR 14/03 specifies requirements for devices to be fitted to vehicles to provide drivers with a clear and reasonably unobstructed view to the rear, side, or front of the vehicle; and riders with a clear and reasonably unobstructed view to the rear. ADR 14/02 specifies requirements for mirrors and other devices to provide the driver (or rider) with a clear and reasonably unobstructed view to the rear (primarily) of the vehicle.

In accordance with paragraph 12(2)(b) of the RVSA, the Act and the ADRs are incorporated as in force or existing from time to time.

The Act and the ADRs, may be freely accessed online through the Federal Register of Legislation. The website is www.legislation.gov.au.

3.2. Other Documents

The amendments in Schedule 2 of the Amending Instrument include a reference to the United Nations Regulation No. 46 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF DEVICES FOR INDIRECT VISION AND OF MOTOR VEHICLES WITH REGARD TO THE INSTALLATION OF THESE DEVICES, incorporating from the 00 series of amendments up to and including the 04 series of amendments. This is an international standard for devices for indirect vision fitted to passenger cars, goods vehicles, omnibuses, and motor tricycles with bodywork that either partly or wholly encloses the driver.

The amendments in Schedule 2 of the Amending Instrument also include a reference to the United Nations Regulation No. 81 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF REAR-VIEW MIRRORS AND OF TWO-WHEELED POWER-DRIVEN VEHICLES WITH OR WITHOUT SIDE CAR, WITH REGARD TO THE INSTALLATION OF REAR-VIEW MIRRORS ON HANDLEBARS, incorporating the 00 series of amendments. This is an international standard for rear view mirrors fitted to mopeds (with either 2 or 3 wheels), motorcycles (including with sidecar), and motor tricycles without bodywork that either partly or wholly encloses the driver.

In accordance with paragraph 14(1)(b) and subsection 14(2) of the *Legislation Act 2003*, each of these UN Regulations are incorporated as in force on the date the Amending Instrument is made.

The UN Regulations (including UN R46 and UN R81), 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.

4. CONSULTATION

4.1. 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 and 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 (or package of new or amended standards) is expected to have on industry or road users.

Proposals that are regarded as significant need to be supported by an Impact Analysis (IA) meeting the requirements of the Office of Impact Analysis (OIA) as published in the *Australian Government Guide to Policy Impact Analysis* or the *Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies*.

4.2. Specific Consultation Arrangements

Public comment was sought on options to increase the Overall Width limit for Safer Freight Vehicles, as well as the exclusion of additional types of safety devices and sensors from vehicle width and length measurements, through the release of a discussion paper together with draft implementing ADRs, from 27 April 2021 to 30 June 2021.

The the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) provided two ways to comment: 1) Emailing the feedback form to the Vehicle Standards Section email address; or 2) Mailing the provided feedback form to the Vehicle Standards Section postal address.

An email was also sent on 27 April 2021 to inform senior representatives of state and territory governments, and representative bodies for heavy vehicle manufacturer's, operators, and road users. In addition, a notice was published in the Office of Road Safety newsletter in May 2021. The department also held two targeted consultation meetings in June 2021, to explain the proposed regulatory changes contained within the discussion paper and the draft ADRs to other government and industry stakeholders.

Formal feedback was received from members of the public, state government agencies, industry, road user groups and road safety advocates. There was broad support for the implementation of a 2,550 mm width limit for goods vehicles over 4.5 tonnes Gross Vehicle Mass (i.e. trucks), together with an additional Safer Freight Vehicles package of ADRs, and the exclusion of the additional proposed types of safety devices and sensors from vehicle width and length measurements.

Following the public consultation, the feedback and agreed outcomes from a series of ADR consultative forum meetings between July 2021 and November 2022 were used by the department to improve and refine the proposed Safer Freight Vehicles package of ADRs, including implementation related aspects. These consultative meetings involved nominated senior and technical representatives of government (Australian and state/territory), the manufacturing and operational arms of the industry and of representative organisations of consumers and road users.

5. REGULATORY IMPACT

5.1. Impact Analysis

An IA (refer Volume 2) was completed on options to increase the Overall Width limit for Safer Freight Vehicles meeting a package of additional ADRs harmonised with UN vehicle regulations, as well as the exclusion of additional types of safety devices and sensors from vehicle width and length measurements. The OIA reference number for the IA is 21-01048.

5.2. Benefits and Costs

In the benefit-cost analysis for the IA, the Australian Road Research Board estimated that the implementation of a 2,550 mm Overall Width limit for goods vehicles over 4.5 tonnes Gross Vehicle Mass (i.e. trucks), meeting the additional safety requirements in the Safer Freight Vehicles package, would provide a net benefit of \$588 million (present value) over a 40-year period.

6. STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

The following Statement is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

6.1. Overview

The Amending Instrument includes revisions to five existing ADRs to encourage the uptake of Safer Freight Vehicles by allowing the introduction of wider medium and heavy goods vehicles with certain safety features fitted, as well as the exclusion of additional types of safety devices and sensors from vehicle width and length measurements, together with other minor amendments to ensure existing ADRs continue to operate as intended.

6.2. Human Rights Implications

The Amending Instrument 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*.

6.3. Conclusion

The Amending Instrument is compatible with human rights, as it does not raise any human rights issues.