

Vehicle Standard (Australian Design Rule 112/00 – Control of Real Driving Emissions for Light Vehicles) 2024

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

Explanatory Statement

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Development and Local Government

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1. LEGISLATIVE AUTHORITY

1.1. National Road Vehicle Standards

Vehicle Standard (Australian Design Rule 112/00 –Control of Real Driving Emissions for Light Vehicles) 2024, also referred to as ADR 112/00, is made under section 12 of the *Road Vehicle Standards Act 2018* (the Act). Section 12 of the Act allows the Minister to determine National Road Vehicle Standards.

1.2. Exemption from Sunsetting

ADR 112/00 is exempt from the sunseting provisions of the *Legislation Act 2003*.

Source of the Exemption

A standard made under section 12 of the Act 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 ADR 111/00 continues to remain in force, and available to regulators and industry.

Justification of Exemption

It is appropriate that standards made under section 12 of the Act, also known as the Australian Design Rules (ADRs), remain enduring and effective to regulate ongoing road worthiness of vehicles throughout their useful life and reduce regulatory burden on vehicle manufacturers.

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 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 12.1 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 Act 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 vehicles. Furthermore, ongoing product recalls to comply with new ADRs 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.

Review of Australian Design Rules

Despite exemption from sunseting, ADRs are subject to regular reviews, as resources permit, and when developments in vehicle technology necessitate updates to requirements. Comprehensive parliamentary scrutiny is available through these reviews.

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 regulations. This enables the rapid introduction of the latest technological advances into the Australian market, while also contributing to the industry's cost competitiveness in the domestic market.

1.3. International Harmonisation

A majority of Australian road vehicle standards such as ADR 112/00 harmonise closely with international regulations. This is so that manufacturers can more easily comply with regulation, and so that regulations capture the well-developed views of the international community. This ultimately leads to safer and cheaper products for Australians.

ADRs often directly incorporate United Nations (UN) Regulations as an appendix, where the appendix provides the technical requirements of the ADR and the rest of the ADR facilitates its application to Australia. To this end, Section 6 creates exemptions and alternate procedures. For instance, manufacturers are exempt from requirements that pertain to UN type approvals, and instead, need to comply with the approvals process set out in the Act. Likewise, Section 7 provides for the acceptance of certain alternative standards that have equivalent requirements to the appendix. For instance, a vehicle covered by a type approval under the UN Regulation would be deemed to comply with the ADR.

2. PURPOSE AND OPERATION

2.1. Overview of the ADR

Clause 2.1 advises policy intent of ADR 112/00 is to reduce the public health impacts of noxious exhaust emissions produced in real world conditions by light duty road motor vehicles (passenger (MA, MB, MC and MD category) and goods carrying (NA category) vehicles with a gross vehicle mass up to 3,500kg).

Noxious exhaust emissions, such as oxides of nitrogen (NO_x) and particulate matter (PM), which can cause respiratory and cardiovascular illnesses and cancer. Light duty road motor vehicles, particularly petrol and diesel vehicles, are a significant source of noxious air pollutants, particularly in areas with high volumes of vehicle traffic.

A number of studies in Australia and overseas have found emissions in real world driving conditions, particularly for diesel vehicles can be significantly higher than measured in laboratory tests traditionally used to regulate exhaust emissions from road vehicles. ADR 112/00 aims to address this concern by set exhaust emission requirements for vehicles over a wide range of operating conditions.

Section 3 advises this national road vehicle standard applies for newly approved light vehicle models supplied to Australia for the first time from 1 December 2025 and all new light vehicles supplied to Australia from 1 July 2028.

As the alternative standards specified in Section 7 of ADR 79/05, adopt equivalent requirements to those adopted in ADR 112/00, clause 3.2 of this ADR advises that vehicles that comply with ADR 79/05, by demonstrating compliance to the full technical requirements of these alternative standards do not need to submit this evidence again to comply with ADR 112/00.

2.2. Design Requirement

Clause 5.1 requires all vehicles subject to the ADR to meet the requirements specified in Appendix A of this standard, as varied by Section 6 Exemptions and Alternative Procedures or the one of the alternative standards specified in Section 7. Appendix A is based on the forthcoming UN Regulation No. 168 – *Uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to real driving emissions (RDE)*, which was agreed at the 190th session of the World Forum for the Harmonisation of Vehicle Regulations on 21 June 2023¹. UN Regulation 168 is based on the latest real driving emissions test requirements adopted in European Union (EU) Regulation 2017/1151.

Light duty vehicles conforming to ADR 112/00 will need to be designed to produce significantly lower emissions of oxides of nitrogen and particulates in real world driving conditions. To meet the performance-based requirements of the ADR, most

¹ United Nations (UN) Regulation 168 on uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to real driving emissions (RDE) (ECE/TRANS/WP.29/2023/77) was adopted as a new UN Vehicle Regulation by the Administrative Committee for the United Nations 1958 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 on 21 June 2023. ADR 112/00 has been drafted to provide for the acceptance of vehicles complying UN Regulation 168 once it officially enters into force.

light duty diesel vehicles will need be fitted with a selective catalytic reduction (SCR) system (which uses a consumable reagent to break down oxides of nitrogen) to reduce the production of oxides of nitrogen. Most petrol vehicles will need to be fitted with a particulate filter to burn off particulate emissions produced from the combustion process.

As the UN Regulation adopted as Appendix A does not specify on-road testing requirements for pure electric and hydrogen fuel cell vehicles, clauses 5.1.1 and 5.1.2 advise vehicles meeting the definition ‘pure electric vehicle’ of ‘fuel cell vehicle’, as defined in ADR 111/00 and need not demonstrate compliance with the requirements of Clause 5.1, if the vehicle is fitted a label or other emblem indicating the vehicle is a Battery Electric Vehicle or BEV or hydrogen fuel cell vehicle or HFCV.

2.3. Exemptions and Alternative Procedures

Exemptions

Clause 6.1 creates exemptions from some requirements of Appendix A (forthcoming UN R168) which pertain to gaining a Type Approval in the UN context. This is because they are not required in the Australian context where the Commonwealth administers approvals through the Act and the ADRs. Consequently, manufacturers supplying new vehicles to Australia are exempt from most administrative (non-technical) requirements of the forthcoming UN R168.

Clause 6.1 states that compliance with sections 4, 5, 11, 12, 13, 14, 15 and 16 and Annex 1, 2, 3 and 12 of UN R168 are not required for the purposes of complying with ADR 112/00. This is because they refer to administrative requirements to obtain and maintain a Type Approval under the UN 1958 Agreement.

Alternative Procedures

Clause 6.2 states that the references to ‘the 03 series of Amendments to UN Regulation No. 154 on WLTP’ or ‘UN Regulation No. 154 on WLTP’ in Appendix A shall be read as ADR 111/00. ADR 111/00 adopts equivalent requirements to UN Regulation 154.

Clauses 6.3 advises compliance with Requirements for evaluation with 3 Phase WLTC as specified in Paragraph 6.1, Sections 9 and 10 and Annexes 8, 9, 10 and 11 of Appendix A are not required for the purposes of this vehicle standard. This is because the requirements go beyond Euro 6d requirements proposed in the consultation process for the new ADR.

Clause 6.3.1 provides for the acceptance of evaluation with 3 Phase WLTC testing in lieu of evaluation with 4 Phase WLTC in cases where 3 Phase WLTC testing has been used to comply with the Type 1 test requirements in ADR 111/00.

Clause 6.4 states that supporting documentation required in paragraphs 6.4, 6.5 and 9.4 of Appendix A need not be supplied in an application for a vehicle or component type approval under the Road Vehicle Standards Rules but must be retained and supplied to the Department on request, as part of a compliance and enforcement action.

Clause 6.5 advises that references to ‘Technical Service’ in Sections 6.4 and Paragraph 10.8 of Appendix A shall be read as ‘Approved Testing Facility’. This is

intended to clarify what party this provision is intended to apply to under the Road Vehicle Standards Legislation.

Clause 6.6 advises that references to ‘Contracting Party’ in Clause 10.8 of Appendix A shall be read as ‘the Department’. This is intended to clarify how this provision applies under the Road Vehicle Standards Legislation.

Clause 6.7 amends the definition of moderate and extended temperature conditions to align with the ‘Euro 6d’ requirements proposed in the consultation process for the new ADR.

Clause 6.8 amends the PEMS margin to align with the ‘Euro 6d’ requirements proposed in the consultation process for the new ADR.

2.4. Alternative Standards

Section 7 sets out standards that are considered to be equivalent to ADR 112/00. If a vehicle meets the requirements of one of these standards, it also complies with ADR 112/00. These alternative standards are acceptable because they are expected to achieve an equivalent policy outcome. Vehicle manufacturers have the flexibility to demonstrate compliance to ADR 112/00 through clause 5.1 and Appendix A as varied by Section 6 Exemptions and Alternative Procedures, or through Section 7 Alternative Standards.

Clause 7.1 identifies the forthcoming United Nations Regulation No. 168 – *Uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to real driving emissions (RDE)*, as an acceptable alternative standard. UN Regulation 168 is based on the real driving emissions test requirements adopted in European Union (EU) Regulation 2017/1151. This regulation was agreed by contracting parties to the UN 1958 Agreement, including Australia, at the June 2023 session of the World Forum for the Harmonisation of Vehicle Regulations. It is expected to formally enter into force as a new regulation under this agreement in 2024.

3. MATTERS INCORPORATED BY REFERENCE

Section 12 of the Act allows the Minister to incorporate a broad range of documents, both as in force at a particular time and as in force from time to time, when making national vehicle standards. This ensures that Australia’s legislative framework is well-prepared for future developments in the international road vehicle space. ADR 112/00 makes use of this provision as specified below.

3.1. Other Legislative Instruments

Clause 4.1.2 of ADR 112/00 includes a reference to the Vehicle Standard (Australian Design Rule Definitions and Vehicle Categories) 2005 (which may also be cited as the Australian Design Rule – Definitions and Vehicle Categories). This sets out definitions for many terms used in the ADRs, including the vehicle categories used in ADR applicability tables.

Clauses 4.1.3 and 6.4 includes a reference to the Road Vehicle Standards Rules 2019 (the Rules), which specify administrative requirements for a vehicle or component type approval.

Clauses 4.1.4, 4.1.5 and 6.3.1 includes a reference to Vehicle Standard (Australian Design Rule 111/00 – Advanced Emission Control for Light Vehicles) 2023. This vehicle standard sets a range of emission control requirement for light vehicle exhaust emissions.

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

In accordance with subsection 12 of the Act, each of these ADRs are incorporated as in force or existing from time to time. The ellipses (...) indicates the version(s) (e.g. 00, 01 etc.) of the ADR in force at the time.

3.2. International Vehicle Regulations

United Nations Regulations and/or Resolutions

Clause 6.2 includes a reference to United Nations Regulation No. 154 – *Uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to criteria emissions, emissions of carbon dioxide and fuel consumption and/or the measurement of electric energy consumption and electric range (WLTP)*. Level 1A of UN Regulation 154 is based the Euro 6d laboratory test requirements for light vehicle tailpipe emissions, evaporative emissions, durability and on-board diagnostics.

Clause 7.1 includes a reference to United Nations Regulation No. 168 – *Uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to real driving emissions (RDE)*, as an acceptable alternative standard. UN Regulation 168 is based on the real driving emissions test requirements adopted in European Union (EU) Regulation 2017/1151.

Appendix A (which adopts the text of UN Regulation 168) includes a number of references to UN vehicle regulations and resolutions. Further information on these references can be found in table 1.

Table 1 – UN Regulations and Resolutions referenced in Appendix A.

UN Regulations/Resolutions	References in Appendix A
<i>Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6.</i>	<i>Cl.5.4, 6.5.2, Annex 1 Annex 2</i>
<i>UN Regulation No. 83 - Uniform provisions concerning the approval of vehicles with regard to the emission of pollutants according to engine fuel requirements</i>	<i>Cl.15.1 Annex 5, Cl.6.1</i>

UN Regulations/Resolutions	References in Appendix A
<p><i>UN Regulation No. 85 - Uniform provisions concerning the approval of internal combustion engines or electric drive trains intended for the propulsion of motor vehicles of categories M and N with regard to the measurement of net power and the maximum 30 minutes power of electric drive trains</i></p>	<p><i>Cl.3.39</i> <i>Annex 1</i></p>
<p><i>UN Regulation No. 67 - Uniform provisions concerning the approval of:</i></p> <ul style="list-style-type: none"> <i>I. Approval of specific equipment of vehicles of category M and N using liquefied petroleum gases in their propulsion system</i> <i>II. Approval of vehicles of category M and N fitted with specific equipment for the use of liquefied petroleum gases in their propulsion system with regard to the installation of such equipment</i> 	<p><i>Annex 1 - Cl.3.2.15.1</i></p>
<p><i>UN Regulation 110 - Uniform provisions concerning the approval of:</i></p> <ul style="list-style-type: none"> <i>I. Specific components of motor vehicles using compressed natural gas (CNG) and/or liquefied natural gas (LNG) in their propulsion system</i> <i>II. Vehicles with regard to the installation of specific components of an approved type for the use of compressed natural gas (CNG) and/or liquefied natural gas (LNG) in their propulsion system</i> 	<p><i>Annex 1 - Cl.3.2.16.1</i></p>
<p><i>UN Regulation 154 - Uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to criteria emissions, emissions of carbon dioxide and fuel consumption and/or the measurement of electric energy consumption and electric range (WLTP).</i></p>	<p><i>Cl.3.3.9, 6.1, 6.3, 8.3.4.1, 8.5, 12.1, 12.2</i> <i>Annex 1</i> <i>Annex 5, Cl.3.4.3, 4.1.1, 4.1.2(b), 4.3.2, 4.3.3(a)(b), 5.1.1, 6.1, 6.3</i> <i>Annex 6, Cl.3.2.2, 3.2.3</i> <i>Annex 8, Cl.3.1, 4.2</i></p>

UN Regulations/Resolutions	References in Appendix A
<i>UN Regulation No. 49 - Uniform provisions concerning the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines and positive ignition engines for use in vehicles</i>	<i>Annex 5, Cl.6.1</i>

The Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6, and the UN Regulations (including Regulations 83, 85, 67,110, 154 and 49), 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.

In accordance with subsections 14(1)(b) and 14(2) of the *Legislation Act 2003*, each of these UN documents are incorporated as in force on the date this national road vehicle standard is made.

3.3. Technical standards

Appendix A (which adopts the text of UN Regulation 168) includes a number of references to technical standards developed by organisations. These are:

- International Organization for Standardization (ISO)
- Society of Automotive Engineers (SAE)

Table 2 contains a list of the standards referenced in Appendix A as varied by Clause 6.1 of the ADR.²

The ISO and SAE Technical Standards are available for purchase from Intertek Inform (formerly SAI Global). Intertek Inform’s website is: <https://www.intertekinform.com/en-au/>

Subject to copyright conditions, people may also view a copy of these documents at the Offices of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts in Canberra.

While not freely available, these standards are all readily accessible and widely used by vehicle manufacturers and test facilities as part of their professional libraries. Section 49 of the explanatory memorandum for the Road Vehicle Standards Bill 2018 explains the importance of being able to incorporate technical standards that are not available free of charge and this arrangement was accepted by the Parliament through the passing of the Road Vehicle Standards Bill 2018.

In accordance with subsections 14(1)(b) and 14(2) of the *Legislation Act 2003*, each of these standards are incorporated as in force on the date this national road vehicle standard is made.

² Clause 6.1 states that compliance with certain parts of Appendix A are not required to comply with this vehicle standard. To minimise confusion, standards referenced in these parts of Appendix A are not included in Table 3.

Table 2 – Technical Standards adopted by reference in Appendix A

Technical Standard	References in Appendix A
<i>ISO 3780:2009 Road vehicles — World manufacturer identifier (WMI) code</i>	<i>Cl.6.5.2</i>
<i>ISO 612: 1978 — Road vehicles — Dimensions of motor vehicles and towed vehicles — terms and definitions.</i>	<i>Annex 1, footnote (g)</i>
<i>ISO 15031-5 - Road vehicles - communication between vehicles and external test equipment for emissions-related diagnostics – Part 5: Emissions-related diagnostic services</i>	<i>Annex 4, Cl.3.4.5</i>
<i>ISO 5167 - Measurement of fluid flow by means of pressure differential devices inserted in circular cross-section conduits running full</i>	<i>Annex 5, Cl.7.2(b)</i>
<i>ISO 9000 – Quality Management</i>	<i>Annex 5 Cl.8</i>
<i>SAE J1979 - E/E Diagnostic Test Modes</i>	<i>Annex 4, Cl.3.4.5</i>

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 cooperation 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.

Proposals that are regarded as significant need to be supported by an Impact Analysis meeting the requirements of the Office of Impact Analysis (OIA) as published in the *Australian Government Guide to Policy Impact Analysis* where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator.

The Impact Analysis evaluating the costs and benefits of the ADR package mandating Euro 6d equivalent standards and associated changes to fuel quality standards conform to the requirements established by the OIA. The reference number for this Impact Analysis is OBPR22-02515.

4.2. Specific Consultation Arrangements

A draft Impact Analysis 'Light Vehicle Emission Standards for Cleaner Air' was posted on the Department's website for public comment from 20 October 2020 to 26 February 2021.

Formal feedback was received from members of the public, government agencies, industry bodies, health and environmental organisations. A majority of the feedback received strongly or conditionally supported the implementation of new ADRs mandating Euro 6 for light vehicles from the mid-2020s.

The Department also consulted members of its Vehicle Standards Consultative Forum in on an exposure draft of ADR 112/00 in January 2024. This forum comprises 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 organisations representing consumers and road users (such as the Australian Automobile Association).

5. REGULATORY IMPACT

There are costs associated with mandating Euro 6 equivalent noxious emission standards for light vehicles, but the related Impact Analysis shows that there will be positive net benefits. Overall, it is estimated that the implementation of ADR 112/00, in conjunction with ADR 111/00 (Advanced Emission Control for Light Vehicles) and ADR 79/05 (Emission Control for Light Vehicles) and associated amendments to the Fuel Quality Standards (Petrol) Determination from 2025 will result in a net benefit of \$4,508 million by 2040 and a benefit-cost ratio of 3.44. The estimated health benefits and fuel savings from this package (\$6,338 million by 2040) were found to outweigh any expected increases in capital costs for light vehicle manufacturers (\$1,484 million over the same period) and associated capital and operating costs for refineries and importers to supply a Euro 6 compatible grade of petrol (\$334.7 million by 2040).

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

ADR 112/00 specifies minimum performance-based requirements for exhaust emissions produced by light vehicles in real world driving conditions to reduce air pollution and associated health impacts borne by the community.

6.2. Human Rights Implications

ADR 112/00 engages the following human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Right to life and right to health

Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) includes a duty on governments to take appropriate steps to protect the right to life of those within its jurisdiction. The United Nations Committee General Comment 6 (1982) states: ‘...the Committee has noted that the right to life has been too often narrowly interpreted. The expression "inherent right to life" cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures.’

Article 12 (1) of the International Covenant on Economic Social and Cultural Rights (ICESCR) contains the right to health – that is, the right to the enjoyment of the highest attainable standard of physical and human health. The ICESCR has stated that the right to health extends to the underlying determinants of health such as a healthy environment.

A key objective of ADR 112/00 is to promote the right to life and the right to health (and a healthy environment) by ensuring that road vehicles imported into Australia, or introduced for use in transport in Australia for the first time are fitted with technologies that minimise noxious emissions that can impact on the quality of the air we breathe increase the risk of heart and lung diseases and cancers. ADR 112/00 is

intended to achieve this objective by setting stricter limits on noxious exhaust emissions and stricter test procedures for new road vehicles supplied to Australia

6.3 Conclusion

ADR 112/00 is compatible with human rights because it promotes the protection of human rights and to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.