

Vehicle Standard (Australian Design Rule) Twin Steer Amendments 2024

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

The Vehicle Standard (Australian Design Rule) Twin Steer Amendments 2024 (“the Amending Instrument”) is made under section 12 of the *Road Vehicle Standards Act 2018* (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 sunsetting provisions of the *Legislation Act 2003*.

Source of the Exemption

A standard made under section 12 of the RVSA is not subject to the sunsetting provisions of section 50 of the *Legislation 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 purpose of the Amending Instrument is to increase the maximum permissible longitudinal spacing between twin steer axles on motor vehicles, from 2.0 to 2.5 metres. This increase applies to groups of two axles with single tyres, which are fitted to motor vehicles, are connected through the same steering mechanism, and are related to each other through a Load Sharing Suspension.

The reason for increasing the maximum permissible longitudinal spacing between twin steer axles to 2.5 metres, is to allow manufacturers to supply twin steer vehicles with Euro VI (or equivalent) emissions performance, without being forced to reduce axle spacing and re-design emissions control systems (at substantial cost) specifically for supply to market in Australia. This increase in the maximum permissible longitudinal spacing between the steer axles (from 2.0 to 2.5 metres) has been limited to axles related to each other through a Load Sharing Suspension, to help in-service regulators to keep any possible impacts on roads and bridges to an absolute minimum.

A Load Sharing Suspension must utilise hydraulic, pneumatic, mechanical or other means to effect substantially equal sharing, by all the ground contact surfaces of the Axle Group, of the total load carried by that Axle Group, and have effective damping characteristics (e.g. effective shock absorption to keep tyres in contact with the road) on all axles of the Axle Group.

Schedule 1 Amendments

Schedule 1 of the Amending Instrument amends the Australian Design Rule Definitions and Vehicle Categories (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 definition of an Axle Group has been amended to include separate parts ((a) and (b)) for motor vehicles and trailers respectively. For motor vehicles, the definition of an Axle Group has been expanded to include the existing term Twin Steer Axle Group. This is to ensure wider spaced Twin Steer Axle Groups in which the axles are more than 2.0 metres but no more than 2.5 metres apart meet the definition of an Axle Group, as they would not otherwise fit within the existing definition of a Tandem Axle Group. For trailers, there is no change to the terms included in the definition of an Axle Group.

The definition for the Centre of an Axle Group has been amended to improve the list formatting and replace one editorial error referring to a Triaxle Axle Group, with the correct term Triaxle Group.

The definition for Twin Steer Axle Group has been amended to increase the maximum permissible longitudinal spacing between the centrelines of the axles from 2.0 metres to 2.5 metres, and improve the list formatting. To meet this definition, a group of two axles must have single tyres, be fitted to a motor vehicle, be connected through the same steering mechanism, and be at least 1.0 metre but no more than 2.5 metres apart.

Schedule 2 Amendments

Schedule 2 of the Amending Instrument amends clause 8.1 of the Australian Design Rule 43/04 – Vehicle Configuration and Dimensions (ADR 43/04) to require the axles of Twin Steer Axle Groups with more than 2.0 metres horizontal distance between the centrelines to be related to each other through a Load Sharing Suspension. Other minor editorial/grammatical changes are made to clauses 7.1.1 and 8.1.

The purpose of ADR 43/04 is to specify requirements for vehicle configuration and dimensions, including limits on vehicle width, length, and axle spacings.

Schedule 3 Amendments

Schedule 3 of the Amending Instrument makes the equivalent amendments to the Australian Design Rule 43/03 – Vehicle Configuration and Dimensions (ADR 43/03) as ADR 43/04. This is necessary as ADR 43/03 is an acceptable prior rule for ADR 43/04.

Schedule 4 Amendments

Schedule 4 of the Amending Instrument makes the equivalent amendments to the Australian Design Rule 43/02 – Vehicle Configuration and Dimensions (ADR 43/02) as ADRs 43/04 and 43/03. This is necessary as ADR 43/02 is an acceptable prior rule for ADRs 43/04 and 43/03. This schedule also corrects a spelling error in ADR 43/02.

Schedule 5 Amendments

Schedule 5 of the Amending Instrument makes the equivalent amendments to the Australian Design Rule 43/01 – Vehicle Configuration and Marking (ADR 43/01) as ADRs 43/04, 43/03, and 43/02. This is necessary as ADR 43/01 is an acceptable prior rule for ADRs 43/04, 43/03, and 43/02.

Schedule 6 Amendments

Schedule 6 of the Amending Instrument makes the equivalent amendments to the Australian Design Rule 43/00 – Vehicle Configuration and Marking (ADR 43/00) as ADRs 43/04, 43/03, 43/02, and 43/01. This is necessary as ADR 43/00 is still applicable for some older vehicles currently in service. This schedule also corrects two spelling errors in ADR 43/00.

3. MATTERS INCORPORATED BY REFERENCE

3.1. Legislative Instruments

Each legislative instrument (ADR) that is specified in a schedule to the Amending Instrument is amended as set out in the applicable items in the schedule concerned.

The amendments to the ADRs specified in each of the two schedules to the Amending Instrument do not incorporate any other legislative instruments by reference.

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 Amending Instrument does not incorporate any other documents by reference.

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

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) has consulted at various points in time since 2018 on options to increase the maximum permissible spacing between twin steer axles of motor vehicles. This has included targeted consultation through the department's established ADR consultative forums with states and territories, industry, and road user groups, as well as full public consultation through the release of a discussion paper in 2021.

Following the release of the 2021 discussion paper, the proposed increase in twin steer axle spacing (to a maximum of 2.5 metres) was agreed by what was at that time the department's Technical Liaison Group (TLG). Members of the TLG included the NHVR, state and territory vehicle registration authorities, the TIC, the Australian Trucking Association, the Bus Industry Confederation, and Heavy Vehicle Industry Australia. These members continue to participate in the department's ADR consultative forums.

5. REGULATORY IMPACT

5.1. Impact Analysis

The department consulted with the OIA within the Department of the Prime Minister and Cabinet on this amendment to increase the longitudinal spacing between twin steer axles. An Impact Analysis was not required. The OIA reference number is 24-07808.

5.2. Benefits and Costs

Axle load limits, including those for twin steer axles, are primarily a matter for state and territory governments, and are set through the in-service regulations for heavy vehicles. The economic viability of trucks with more than 2.0 metres and no more than 2.5 metres spacing between twin steer axles, as well as any impacts in terms of road infrastructure will therefore depend on any subsequent changes to the relevant in-service legislation. This includes the Heavy Vehicle (Mass, Dimension and Loading) National Regulation under the Heavy Vehicle National Law and similar requirements in WA and the NT. For an interim period, it may also include exemption notice or permit arrangements.

The relevant decision makers should be able to set appropriate load limits to minimise any impacts of the new wider-spaced (over 2.0 metres) Twin Steer Axle Groups on road pavements and bridges, as well as to allow for an ongoing viable supply of twin steer trucks, which are essential for various specialised freight tasks, including within the construction sector.

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 increases the maximum permissible longitudinal spacing between twin steer axles on motor vehicles, from 2.0 to 2.5 metres. This increase applies to groups of two axles with single tyres, which are fitted to motor vehicles, are connected through the same steering mechanism, and are related to each other through a Load Sharing Suspension.

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.