

# **Vehicle Standard (Australian Design Rule 85/00 – Pole Side Impact Performance) 2015**

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

## **Explanatory Statement**

Issued by the authority of the Minister for Territories, Local Government and Major Projects

**December 2015**

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## 1. LEGISLATIVE CONTEXT

Vehicle Standard (Australian Design Rule 85/00 – Pole Side Impact Performance) 2015 is made under the *Motor Vehicle Standards Act 1989* (the Act). The Act enables the Australian Government to establish nationally uniform standards that apply to new road vehicles when they are first supplied to the market in Australia. The Act applies to such vehicles whether they are manufactured in Australia or imported.

The making of the vehicle standards necessary for the Act's effective operation is provided for in section 7 which empowers the Minister to "determine vehicle standards for road vehicles or vehicle components".

Vehicle Standard (Australian Design Rule 85/00 – Pole Side Impact Performance) 2015 (ADR 85/00) is a new standard and is not being made to replace any other standard.

## 2. CONTENT AND EFFECT OF ADR 85/00 – POLE SIDE IMPACT PERFORMANCE

### 2.1. Overview of the ADR

This vehicle standard prescribes mandatory oblique vehicle-to-pole side impact performance requirements for vehicles of category MA, MB, MC (light passenger cars, vans and SUVs) and NA (light commercial vehicles). It will apply to new model vehicles of category MA, MB and MC from 1 November 2017, new model vehicles of category NA from 1 July 2018, all new vehicles of category MA, MB and MC from 1 November 2021 and all new vehicles of category NA from 1 November 2022.<sup>1</sup>

The requirements are from the international standard United Nations Regulation No. 135, which were drawn from United Nations Global Technical Regulation No. 14.

### 2.2. Effect of the ADR

The function of this standard is to reduce the risk of serious and fatal injury of vehicle occupants in side impact crashes. This is achieved through setting performance limits on various forces, accelerations and deflections measured by an instrumented and human-like (biofidelic) side impact crash test dummy, and by requiring the integrity of the vehicle door and fuel systems to be maintained, in an oblique vehicle-to-pole side impact crash test.

Overall, this new standard is expected to reduce the cost of road trauma, particularly in relation to traumatic brain injuries, from a range of side impact crashes involving light passenger and light commercial vehicles, including side impacts with poles/trees and between vehicles.

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<sup>1</sup> This will exclude category MA, MB and MC vehicles with a gross vehicle mass greater than 3,500 kg and category NA vehicles not within the scope of paragraph 1.1(b) of UN Regulation No. 135 (incorporating supplement 1 to the Regulation in its original form).

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### 3. BEST PRACTICE REGULATION

#### 3.1. Business Cost Calculator

There are costs associated with mandating the ADR but as indicated by the Regulation Impact Statement (RIS) these are significantly outweighed by benefits. Overall, the new ADR will provide a reduction in road trauma estimated at a total of 128 lives saved and 195 severe or moderate traumatic brain injuries avoided from a 15 year period of regulation. Net benefits will be \$417 million.<sup>2</sup>

#### 3.2. General Consultation Arrangements

It has been longstanding practice to consult widely on proposed new or amended vehicle standards. For many years there has been active collaboration between the Commonwealth and the state/territory governments, as well as consultation with industry and consumer groups. Much of the consultation takes place within institutional arrangements established for this purpose. The analysis and documentation prepared in a particular case, and the bodies consulted, depend on the degree of impact the new or amended standard is expected to have on industry or road users.

Depending on the nature of the proposed changes, consultation could involve the Technical Liaison Group (TLG), Strategic Vehicle Safety and Environment Group (SVSEG), Transport and Infrastructure Senior Officials' Committee (TISOC) and the Transport and Infrastructure Council (the Council).

- TLG consists of technical representatives of government (Australian and state/territory), the manufacturing and operational arms of the industry (including organisations such as the Federal Chamber of Automotive Industries and the Australian Trucking Association) and of representative organisations of consumers and road users (particularly through the Australian Automobile Association).
- SVSEG consists of senior representatives of government (Australian and state/territory), the manufacturing and operational arms of the industry and of representative organisations of consumers and road users (at a higher level within each organisation as represented in TLG).
- TISOC consists of state and territory transport and/or infrastructure Chief Executive Officers (CEOs) (or equivalents), the CEO of the National Transport Commission, New Zealand and the Australian Local Government Association.
- The Council consists of the Australian, state/territory and New Zealand Ministers with responsibility for transport and infrastructure issues.

Editorial changes and changes to correct errors are processed by the Department of Infrastructure and Regional Development. This approach is only used where the amendments do not vary the intent of the vehicle standard.

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<sup>2</sup> Benefits have been revised from those in the RIS due to changes in the implementation dates.

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Proposals that are regarded as significant need to be supported by a RIS meeting the requirements of the Office of Best Practice Regulation (OBPR) as published in *the Australian Government Guide to Regulation* and the Council of Australian Governments' *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*.

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

The consultation process has been ongoing in nature, in particular through the development of international standards Global Technical Regulation No. 14 and United Nations Regulation No. 135. It was supported through consultation processes for the National Road Safety Strategy 2011-20 and the National Road Safety Action Plan 2015-2017. The proposal has been discussed a number of times at SVSEG and TLG meetings.

A consultation RIS was released for six weeks public comment in June 2015. The RIS conforms to the requirements established by the OBPR in relation to regulatory proposals where the decision maker is the Australian Government's Cabinet, the Prime Minister, minister, statutory authority, board or other regulator. The OBPR reference number for the RIS is 17694.

## 4. STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

### 4.1. Overview of the Legislative Instrument

ADR 85/00 is a new standard. It prescribes performance requirements to reduce the risk of serious and fatal injury of light passenger and light commercial vehicle occupants in side impact crashes.

### 4.2. Human Rights Implications

ADR 85/00 does not engage any of the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### 4.3. Conclusion

ADR 85/00 is compatible with human rights as it does not raise any human rights issues.