

Vehicle Standard (Australian Design Rule) Alternative Standard Amendments 2025

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

Explanatory Statement

Approved by the Hon Anthony Chisholm, Assistant Minister for Regional Development

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1. LEGISLATIVE AUTHORITY

1.1. National Road Vehicle Standards

The Vehicle Standard (Australian Design Rule) Alternative Standard Amendments 2025 (“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 for the first time. 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”. These standards are also referred to as the Australian Design Rules (ADRs).

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 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, industry and the public.

Intergovernmental Dependencies

The exemption concerns ADRs that 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 generally 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 framework to regulate the importation and first provision of road vehicles to the market in Australia. The core principle of this framework is that vehicles that 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 primary purpose of the Amending Instrument is to update the acceptable alternative standards for each of the ADRs specified in a schedule below, to include more recent series of amendments to the relevant UN Regulations. The Amending Instrument also makes other much more minor editorial changes to the specified ADRs, as detailed below.

Schedule 1 Amendments

Schedule 1 amends the Australian Design Rule 3/04 – Seats and Seat Anchorages (ADR 03/04). The purpose of ADR 03/04 is to specify requirements for seats, their attachment assemblies, their installation and any head restraint fitted, to minimise the possibility of occupant injury due to forces acting on the seat as a result of vehicle impact.

Items [1] and [2] make minor editorial changes to clause 6.1 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘part’ or ‘section’, as per the established drafting practice for UN Regulations.

Item [3] makes minor changes to clarify that the requirements of Appendix A paragraph 6.2 need only be met ‘where applicable’ as per Appendix A.

Item [4] moves the current alternative standard, the technical requirements of UN Regulation No. 17 (R17) incorporating the 08 series of amendments, which is referenced at the current clause 7.1 of the ADR, to a new clause 7.4.

Items [5], [6], and [7] add alternative standards to the ADR through new clauses 7.1, 7.2, and 7.3. These cover the technical requirements of the 11, 10 and 09 series of amendments to UN R17. The 09 series adds requirements to UN R17 to require in the case of damage to a safety belt retractor during the displaced luggage block test, that such a damaged retractor is either locked after the test or that it can still be locked by a manual pull out of the strap. The 10 series transposes UN Global Technical Regulation No. 7, Phase 2 (GTR7-PH2) into UN R17, including by introducing the use of the BioRID II test dummy into dynamic performance requirements, together with a new head restraint height and back set measurement method. The 11 series amends a requirement limiting downwards movement of adjustable head restraints to no more than 25 mm when a force of 500 N is applied to the top of the head restraint, to also apply to non-adjustable head restraints.

Schedule 2 Amendments

Schedule 2 amends the Australian Design Rule 4/06 – Seatbelts (ADR 4/06). The purpose of ADR 04/06 is to specify requirements for seatbelts, including to restrain vehicle occupants under impact conditions, and to provide protection against ejection in an accident.

Item [1] replaces ‘Section’ with ‘clause’ to reflect current ADR drafting practices.

Item [2] amends clause 5.1 of the ADR to refer to ‘clause 6 (Exemptions and Alternative Procedures)’, instead of ‘Section 6 Exemptions and Alternative Procedures’, which is a minor editorial change, to be consistent with the current ADR drafting practices.

Items [3], [4] and [5] make minor editorial changes to clauses 6.1 and 6.6 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘part’ or ‘section’, as per the established drafting practice for UN Regulations.

Items [6] and [7] update the latest series of amendments of UN Regulation No. 16 (R16) accepted through clauses 7.1 and 7.2 of the ADR, from the 07 series to the 09 series. The 08 series improves the requirements for the airbag warning label (including for clearer interpretation), which is required for passenger seats fitted with a frontal protection airbag, to warn against the use of a rearward-facing child restraint. The 09 series introduces definitions, requirements and a test procedure for lower tether anchorages, if fitted, for securing child restraints to the vehicle.

Item [8] makes minor editorial changes to clauses 7.2 and 7.4.2 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘section’, as per the established drafting practice for UN Regulations.

Items [9], [10], and [11] are included to add the technical requirements of UN R16, incorporating the 10 series of amendments as an alternative to the technical requirements of Appendix A, paragraph 5.3.1, paragraph 6 (Specifications) and paragraph 7 (Tests) for safety-belts and restraint systems. UN R16 incorporating the 10 series of amendments includes the same requirements for safety-belts and restraint systems (i.e. the components), as UN R16 incorporating the 09 series of amendments.

Item [12] adds the technical requirements of UN Regulation No. 173 (R173) as an alternative to the technical requirements of Appendix A, paragraphs 8.1 to 8.3 on safety-belt and restraint system installation in the vehicle. UN R173 includes the same technical requirements for safety-belt installation, as UN R16 incorporating the 09 series of amendments.

Item [13] adds the technical requirements of UN Regulation No. 174 (R174) as an alternative to the technical requirements of Appendix A, paragraph 8.4 on safety-belt reminder equipment. UN R174 includes the same technical requirements for safety-belt reminders, as UN R16 incorporating the 09 series of amendments.

Schedule 3 Amendments

Schedule 3 amends the Australian Design Rule 5/06 – Anchorages for Seatbelts (ADR 5/06). The purpose of ADR 05/06 is to specify requirements for seatbelt anchorages so that seatbelts may be adequately secured to the vehicle structure or seat and will meet comfort requirements in use.

Items [1], [2], [3] and [4] make minor editorial changes to clauses 6.1, 6.2, and 6.3 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘part’ or ‘section’, as per the established drafting practice for UN Regulations.

Item [5] repeals clauses 7.1 to 7.2.1, to make way for a restructure and expansion of the alternative standards under clauses 7.1 to 7.3.1.

Item [6] adds the technical requirements of UN Regulation No. 14 (R14) incorporating the 09 series of amendments as an alternative standard, through a new clause 7.1. The 09 series of UN R14 only permits a reduced distance between the effective lower belt anchorages (at least 240 mm) in cases where there is only one central seating position in a row of three seating positions, and so requires all rear row seats with an even number of seating positions to have a distance of at least 350 mm between the effective lower belt anchorages.

Items [8] and [10] re-introduce the technical requirements of UN R14 incorporating the 08 and 07 series of amendments as alternative standards, through new clauses 7.2 and 7.3, respectively. This will continue to allow for vehicles to meet the technical requirements of UN R14 incorporating these series of amendments, as per the previous clauses 7.1 and 7.2 in place since ADR 5/06 was first made.

Items [7], [9] and [11] vary the requirements of the alternative standards, to require side-facing seats to have anchorages for seatbelt assemblies that comply with clause 5.2 of the ADR.

Schedule 4 Amendments

Schedule 4 amends the Australian Design Rule 14/03 – Devices for Indirect Vision (ADR 14/03). The purpose of ADR 14/03 is to specify 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.

Item [1] makes a minor editorial change to clauses 6.1 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘part’, as per the established drafting practice for UN Regulations.

Item [2] renumbers clauses 8.1.1 to 8.1.2, as clauses 8.1.2 to 8.1.3. This is simply to make way for a new alternative standard at clause 8.1.1, while keeping the existing alternative standards at the new clauses 8.1.2 to 8.1.3.

Item [3] adds the technical requirements of UN Regulation No. 46 (R46) incorporating the 06 series of amendments as an alternative standard, through a new clause 8.1.1. The 06 series clarifies requirements for impact testing of devices for indirect vision, adjusts requirements to also apply and be suitable for centre-steered vehicles, clarifies possibilities for frameless exterior mirrors and foldable camera wings, as well as making a series of other minor improvements to UN R46.

Schedule 5 Amendments

Schedule 5 amends the Australian Design Rule 18/03 – Instrumentation (ADR 18/03). The purpose of ADR 18/03 is to specify requirements for speedometers.

Item [1] replaces ‘section’ with ‘clause’ to reflect current ADR drafting practices.

Items [2], [3], [4] and [5] collectively make minor editorial changes to clause 5 of the ADR, to separate the content into sub-clauses, as per the current ADR drafting practice, as well as to cross-reference by paragraph of the UN Regulation in Appendix A of the ADR, instead of by clause or section, as per the established drafting practice for UN Regulations.

Item [6] omits the text under the clause 6 heading to make way for new clauses 6.1, 6.2, and 6.3.

Item [7] adds the technical requirements of UN Regulation No. 39 (R39) incorporating the 02 series of amendments as an alternative standard, through a new clause 6.1. The 02 series of UN R39 improves the requirements for odometers by adding provisions on accuracy and anti-tampering.

Item [8] adds the technical requirements of UN R39 incorporating the 01 series of amendments as an alternative standard, through a new clause 6.2. The 01 series of UN R39 adds requirements for odometers (the 00 series only includes requirements for speedometers).

Item [9] re-introduces the technical requirements of UN R39 incorporating the 00 series of amendments as an alternative standard, through a new clause 6.3, to continue to allow for vehicles to meet the technical requirements of this original version of UN R39, as per the previous clause 6 in place since ADR 18/03 was first made.

Schedule 6 Amendments

Schedule 6 amends the Australian Design Rule 92/00 – External Projections (ADR 92/00). The purpose of ADR 92/00 is to reduce the risk or seriousness of bodily injury to a person hit by or brushing against the bodywork of a vehicle in the event of a collision.

Item [1] amends clause 5.2 of the ADR to refer to ‘clause 6 (Exemptions and Alternative Procedures)’, instead of ‘Section 6 Exemptions and Alternative Procedures’, which is a minor editorial change, to be consistent with the current ADR drafting practices.

Items [2] and [3] make minor editorial changes to clause 6.1 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘part’ or ‘section’, as per the established drafting practice for UN Regulations.

Item [4] moves the current alternative standard, the technical requirements of UN Regulation No. 26 (R26) incorporating the 03 series of amendments, which is referenced at the current clause 7.1 of the ADR, to a new clause 7.2.

Item [5] adds the technical requirements of UN R26 incorporating the 04 series of amendments as an alternative standard for category MA, MB, and MC vehicles, through a new clause 7.1. The 04 series adds a new figure for windscreen wipers, as well as further details on how compliance for wipers is to be verified.

Schedule 7 Amendments

Schedule 7 amends the Australian Design Rule 93/00 – Forward Field of View (ADR 93/00). The purpose of ADR 93/00 is to ensure the driver has an adequate field of view to either side and in all directions in front of the vehicle.

Item [1] amends clause 5.4 of the ADR to include category NA vehicles in the categories of vehicles which may use Appendix A to meet the ADR.

Item [2] amends clause 5.4 of the ADR to refer to ‘clause 6 (Exemptions and Alternative Procedures)’, instead of ‘Section 6 Exemptions and Alternative Procedures’, which is a minor editorial change, to be consistent with the current ADR drafting practices.

Items [3] and [4] make minor editorial changes to clause 6.1 of the ADR, to cross-reference by ‘paragraph’ of the UN Regulation in Appendix A of the ADR, instead of by ‘part’ or ‘section’, as per the established drafting practice for UN Regulations.

Item [5] repeals clause 7.1, to make way for a restructure and expansion of the acceptable alternative standards for this ADR, including to account for a change in scope of UN Regulation No 125 (R125) to also cover light goods vehicles (UN N₁ category vehicles).

Items [6], [7], [8] and [9] add alternative standards to the ADR through new clauses 7.1, 7.2, and 7.3. These cover the technical requirements of the 03, 02, 01 and 00 series of amendments to UN R125. The technical requirements of the original version of the regulation (00 series) and 01 series were previously accepted as alternative standards for ADR category MA, MB, and MC vehicles, through clause 7.1. The technical requirements of the 00 series will continue to be accepted for these vehicles through the new clause 7.4. The technical requirements of the 01 series will continue to be accepted for these vehicles as well as ADR category NA vehicles through the new clause 7.3. The technical requirements of the 02 series will be accepted for ADR category MA, MB, MC, and NA vehicles through the new clause 7.2. The 02 series introduces changes to allow for the transparent field of vision to be overlaid by a Field of Vision Assistant (FVA), together with requirements for such an FVA, including a requirement to ensure drivers have the option to deactivate the FVA. The technical requirements of the 03 series will be accepted for ADR category MA, MB, MC, and NA vehicles through the new clause 7.1. The 03 series introduces changes to require where the transparent field of vision is overlaid by an FVA, for the FVA to meet a more specific and detailed set of requirements in a new UN Regulation No. 176.

Items [10], [11], [12], and [13] introduce the changes in Supplement 1 to the 01 series of amendments to UN R125 into the text of Appendix A. These include a change in the scope of UN R125 to also apply to light goods vehicles (UN N₁ category vehicles), and a very minor change to remove a zone limitation on where defrosting/demisting elements can be located, without these being counted as obstructions to the field of vision.

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

3.2. Other Documents

Each schedule to the Amending Instrument incorporates one or more references to a UN Regulation adopted by the Contracting Parties to 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” (the 1958 Agreement). UN Regulations are adopted to address safety requirements for vehicles, their environmental performance (air and noise pollution), energy-efficiency and security.

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

UN Regulations and the 1958 Agreement 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

The Commonwealth's two major consultative groups for the development and administration of the ADRs are the Road Vehicle Regulators' Forum (RVRF) and the Vehicle Standards Consultative Forum (VSCF). RVRF consists of the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department) as the Commonwealth representative, state and territory governments, the New Zealand Government and Australian Government entities including the National Heavy Vehicle Regulator (NHVR), Austroads and the National Transport Commission. VSCF consists of the same members as the RVRF with the addition of peak bodies representing the vehicle industry, consumers and road safety.

The Department consulted with the RVRF and the VSCF. Submissions were received in support of the proposal, and there were no objections to updating each of the relevant ADRs to accept the more recent series of UN Regulations as alternative standards.

5. REGULATORY IMPACT

5.1. Impact Analysis

The department consulted with the OIA within the Department of the Prime Minister and Cabinet on this Amending Instrument, following the consultation with the RVRF and VSCF. A Preliminary Impact Analysis was completed, and the OIA advised that further detailed analysis is not required under the Australian Government's Policy Impact Analysis Framework. The reference number is OIA25-10591.

5.2. Benefits and Costs

The Amending Instrument will reduce regulatory burden by allowing additional pathways for certification to the relevant ADRs. Manufacturers may save certification costs when supplying to the Australian market by using the more recent and commonly used and up-to-date series of internationally agreed UN Regulations. Negative impacts are not expected for either industry or consumers.

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 updates the acceptable alternative standards for each ADR specified in a Schedule to this instrument, while also making minor editorial improvements.

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.