



Australian Light Vehicle
Standards Rules and
Heavy Vehicle (Vehicle
Standards) National
Regulation
2019 Amendment Package
Consultation Draft
September 2019

Report outline

Title	Australian Light Vehicle Standards Rules and Heavy Vehicle (Vehicle Standards) National Regulation Explanation of 2019 amendments
Type of report	Information Report – Public Consultation
Purpose	To support the public consultation process for the 2019 amendments to the Australian Light Vehicle Standards Rules and the Heavy Vehicle (Vehicle Standards) National Regulation.
Abstract	This report explains the proposed amendments to the Australian Light Vehicle Standards Rules and the Heavy Vehicle (Vehicle Standards) National Regulation. Both the light and heavy vehicle standards are being amended to improve consistency with the <i>Australian Design Rules</i> and to clarify or improve the operation of current standards. The proposed changes will be considered by Ministers for approval in November 2019.
Submission details	<p>Your comments regarding the draft changes are sought. Your comments will inform the recommendations we present to ministers at the Transport and Infrastructure Council meeting in November 2019.</p> <p>Any individual or organisation can make comments by way of a submission to the NTC. To make an online submission, please visit www.ntc.gov.au and select 'Submissions' from the top navigation menu.</p> <p>Alternatively, you can post your comments to: Att: Head of Legislative Reform National Transport Commission Level 3/600 Bourke Street Melbourne VIC 3000 Australia</p> <p>Where possible, you should provide evidence, such as data and documents, to support your views.</p> <p>If you have any questions about the submission process, please email enquiries@ntc.gov.au.</p> <p>The public consultation period is open until 23 September 2019. Comments may be submitted online at www.ntc.gov.au</p>

Key words

Australian Design Rules, Australian Light Vehicle Standards Rules, Heavy Vehicle (Vehicle Standards) National Regulation.

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Executive summary

The *Australian Light Vehicle Standards Rules 2015* (ALVSRs) are model rules that provide a basis for the in-service light vehicle standards in each jurisdiction.

For jurisdictions that apply the Heavy Vehicle National Law, in-service heavy vehicle standards are set out in the *Heavy Vehicle (Vehicle Standards) National Regulation* (HV(VS)NR). Jurisdictions that do not participate in the heavy vehicle national law scheme still use the HV(VS)NR as the basis for their in-service heavy vehicle standards.

The standards set out in the ALVSRs and the HV(VS)NR are based on the *Australian Design Rules* (ADRs) which are developed and administered by the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development. Both the light and heavy vehicle standards require a vehicle that is subject to an ADR when supplied to the market to continue to comply with that ADR for the life of the vehicle.

The ADRs have certain gaps in their application which are covered by the ALVSRs and the HV(VS)NR. In particular, the ADRs do not cover:

- Vehicles built before 1969.
- Combinations of vehicles.
- Every safety feature for vehicles built between 1969 and 1988.
- Ongoing maintenance requirements.

This document outlines the proposed amendments to the light and heavy vehicle standards, which will align the ALVSRs, the HV(VS)NR and the ADRs. It is not anticipated that any of the proposed amendments will have a significant impact on vehicle operators, other road users or the general public.

NTC will seek Ministerial approval of these amendments in November 2019.

The NTC is seeking comment on the proposed amendments. The consultation period is open until 23 September 2019.

Context

The purpose of this report is to support the public consultation process and provide stakeholders with:

- an explanation of the proposed changes to the standards and the reasons for them
- a draft of the proposed changes to the standards.

1 Proposed amendments

Key points

The proposed amendments address emerging issues or other problems with the standards identified by key stakeholders.

The amendments to the HV(VS)NR allow a heavy vehicle to be fitted with a front safety mirror. A consequential amendment to the Heavy Vehicle (Mass, Dimension and Loading) National Regulation provides that such a mirror is not included in the measurement of the length of the heavy vehicle.

The amendments to the ALVSRs update definitions and cross references and clarify application of omitted ADR requirements regarding motor bike handlebars.

The amendments to both the HV(VS)NR and the ALVSRs clarify application of omitted ADR requirements regarding steering system components.

1.1 Proposed amendments – Heavy Vehicle (Vehicle Standards) National Regulation (and consequential amendment to the Heavy Vehicle (Mass, Dimension and Loading) National Regulation

1.1.1 Class VI Mirror (front safety mirror)

The findings of the Meyer inquest in Queensland highlight the safety risk of truck blind spots. It is well recognised that truck drivers cannot observe pedestrians, cyclists and other vehicles immediately to the front of the vehicle from their normal operating position.

The installation of a class VI mirror (that is a mirror at the front of the vehicle that affords the driver a view of the immediate front of the vehicle from the driving position) is an affordable mechanism to control this risk, but whilst these mirrors are mandatory on all new heavy vehicles in the EU, these mirrors are seldom used in Australia.



Example of a class VI mirror fitted to a heavy vehicle (note – left hand drive)

One reason is that installation of such a mirror may (depending on the combination) result in an infringement of the length restrictions in schedule 6 of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (HV(MDL)NR).

The HV(MDL)NR prescribes the maximum width and length of heavy vehicles. Whilst section 8 provides that safety equipment such as side mirrors are excluded from the measurement of a vehicle's width there is no similar exemption for a front safety mirror relating to a vehicle's length.

The amendments provide that a heavy vehicle may be fitted with a Class VI mirror and, like existing exemptions regarding side mirrors, measurement of the length of a heavy vehicle does not include a front safety mirror, provided that the mirror does not protrude more than 150mm.

Although further work needs to be undertaken with regard to ensuring consistency with the ADR's as they relate to mirrors generally, this current proposed amendment is an important safety initiative that should not be delayed further.

1.1.2 Steering

The equivalent provision to Regulation 4(3) in the ADRs was removed upon the commencement of ADR 42/04, with the effect that a vehicle built on or after 1 January 2005 is not required (under the ADRs) to have mechanical steering. For consistency with the ADRs, clause 4 amends Regulation 4(3) so that it only applies to vehicles built before 1 January 2005.

The equivalent provision to Regulation 4(4) in the ADRs was removed upon commencement of ADR 42/05, with the effect that a vehicle built after 1 July 2019 is not required (under the ADRs) to be built in such a way that failure of a non-mechanical component of the steering system does not prevent effective steering of the vehicle. For consistency with the ADRs, clause 4 amends Regulation 4(4) so it only applies to vehicles built before 1 July 2019.

These amendments result in the HV(VS)NR reflecting the current requirements of the ADRs whilst preserving the application of the previous ADRs as they applied to older heavy vehicles at the time of their manufacture.

1.2 Proposed amendments – Australian Light Vehicle Standards Rules

1.2.1 Updated definition

Clause 3 amends the ALVSRs to insert a definition of **ADR (*Definitions and Vehicle Categories*)** and clauses 4 and 7 make consequential amendments. This is a minor or technical amendment that also corrects a cross reference to the *Motor Vehicle Standards Act* (Cth).¹

¹ Reference to the *Road Vehicle Standards Act* is omitted, due to the delayed commencement of that Act. Transitional provisions in that Act will ensure the relevant ADR's are referenced until these Rules are updated once the Act commences

1.2.2 Steering (Rule 26)

The equivalent provision to Rule 26(3) in the ADRs was removed upon the commencement of ADR 42/04, with the effect that a vehicle built on or after 1 January 2005 is not required (under the ADRs) to have mechanical steering. For consistency with the ADRs, clause 5 amends Rule 26 so that 26(3) only applies to vehicles built before 1 January 2005.

The equivalent provision to Rule 26(4) in the ADRs was removed upon commencement of ADR 42/05, with the effect that a vehicle built after 1 July 2019 is not required (under the ADRs) to be built in such a way that failure of a non-mechanical component of the steering system does not prevent effective steering of the vehicle. For consistency with the ADRs, clause 5 amends Rule 26 so Rule 26(4) only applies to vehicles built before 1 July 2019.

These amendments result in the ALVSRs reflecting the current requirements of the ADRs whilst preserving the application of the previous ADRs as they applied to older light vehicles at the time of their manufacture.

1.2.3 Window tinting (Rule 44)

Rule 44 requires a vehicle to be primarily designed for the carriage of goods as one of three criteria to be met to permit 0% luminous transmittance of rear glazing.

However, the Rules themselves do not establish what constitutes a vehicle designed primarily for the carriage of goods.

Clause 6 inserts a note to clarify that the ADRs provide for the vehicle category of goods vehicle.

1.2.4 Steering gear and handlebars (Rule 53(1))

Rule 53(1) establishes the maximum distance that handlebars may extend each side of a motor bike is 450mm.

Rule 53(1) does not reflect the current ADR 57/00 – clause 57.2.1.

The current ADR permits the handlebars of a motor bike in classes LC or LD² to extend up to 550mm on each side of the centreline.

Clauses 8 and 9 amend the Rules to be consistent with current ADR requirements.

1.2.5 Motor bike handlebar height (Rule 53(3))

Rule 53(3) establishes the maximum height for motor bike handgrips on the handlebars – which is 380mm above the attachment point of the handlebars to the motor bike.

The way height is measured under the Rule is inconsistent with the way height is measured under ADR 57/00, which measures height from the lowest part of the upper surface of the driver's seat.

The ADR has consistently referred to the seat but, for reasons which are currently unknown,

² LC = Motor cycle manufactured on or after 1 July 1998
LD = Motor cycle and side car manufactured after 1 July 1998

rule 55(3) of the original model law (Australian Vehicle Standards Rules 1999) changed the reference point to the attachment point.

The attachment point and the seat surface are almost invariably at a different height and the inconsistency can permit modifications from manufacturers design that may not be desirable from a safety perspective. The inconsistency also causes confusion, and it is therefore appropriate that the Rule is amended to align with the ADR.

Clause 10 inserts a new Rule 53 to provide that, for motorbikes manufactured on or after 1 July 2020, the lowest part of the height of the lowest part of the handgrip above the lowest part of the upper surface of the driver's seat must not exceed 380 mm (thus mirroring the ADR).

The date of 1 July 2020 is chosen to ensure that modifications done lawfully under the current Rule are not made unlawful by the amendment.

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