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**Explanatory statement—Vehicle Standard
(Australian Design Rule 72/01—Dynamic Side
Impact Occupant Protection) 2023**

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

Pending approval by the Hon Carol Brown MP, Assistant Minister for Infrastructure and Transport

2023

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1. Legislative Authority

1.1 National Road Vehicle Standards

Vehicle Standard (Australian Design Rule 72/01 – Dynamic Side Impact Occupant Protection) 2023, also referred to as ADR 72/01, is made under 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”.

1.2 Exemption from Sunsetting

ADR 72/01 is exempt from the sunsetting provisions of the *Legislation Act 2003*. It is appropriate that standards made under section 12 of the RVSA, 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.

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 (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 72/01 continues 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 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 RVSA which is to set nationally consistent performance-based standards.

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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.

Effect on Parliamentary Oversight

The exemption from sunseting does not mean that ADRs do not undergo regular evaluations. ADRs are subject to regular reviews, as resources permit, and when developments in vehicle technology necessitates 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 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.

1.3 International Harmonisation

A majority of Australian road vehicle standards such as ADR 72/01, 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.

ADR 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 approval process set out in the RVSA. Likewise, Section 7 provides for the acceptance of certain alternate 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 clarifies that this national road vehicle standard sets out, requirements to reduce the risk of serious and fatal injury of vehicle occupants in a lateral impact crash by limiting the forces, accelerations and deflections measured by anthropomorphic test devices in a dynamic side impact crash test and by other means.

The policy intent of the Dynamic Side Impact Occupant Protection mandated through ADR 72/01 is to minimise the likelihood of injury to the occupants in side impact crashes. Including the safety for vehicle occupants, these safety requirements also extends to first responders attending crash scenes and the public safety against electrical shock, fire, explosion and electrolyte leakage from the Rechargeable Electric Energy Storage System (REESS) into the passenger compartment.

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2.2 Dynamic Side Impact Occupant Protection – Design Requirements

The vehicle structure in a lateral collision to offer protection for the occupants in the passenger compartment, including any negative effects from interior fittings. Occupant protection is the space for occupant accommodation. The passenger compartment is bounded by the roof, floor, side walls, doors outside glazing, front bulkhead and the plane of the rear compartment bulkhead or the plane of the rear-seat back support.

During and post impact lateral collision, no door shall open on its own accord. The doors on the non-struck side of the vehicle are to unlock automatically if the door locks were activated. The purpose of this is to allow first responders to gain access into the vehicle.

Protection against electrical shock from High Voltage (HV) cabling or HV vehicle electric components if fitted. The specific voltage condition is that the maximum voltage of a galvanically connected electrical circuit between a DC live part and any other live part (DC or AC) is equal to or less than 30 V Alternating Current (AC) Root-Means-Square (square root of the time average of the voltage squared (rms)), and equal to or less than 60 V Direct Current (DC). There is acceptance globally amongst experts in industry and governments that these voltage limits are generally considered safe working voltages in preventing electric shock and ensuring safe handling.

Protection for the occupants from direct contact with live HV parts in the passenger compartment is the space for the occupant accommodation, as well as by the barriers and enclosures.

Clause 5.1 requires that all applicable vehicles for Dynamic Side Impact Occupant Protection meet the requirements set out in Appendix A of this standard, as varied by Section 6 Exemptions and Alternative Procedures. Appendix A is the UN Regulation No. 95 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES WITH REGARD TO THE PROTECTION OF THE OCCUPANTS IN THE EVENT OF A LATERAL COLLISION FOR M₁ AND N₁ VEHICLES (R95), incorporating the 03 series of amendments.

2.3 Dynamic Side Impact Occupant Protection – Specifications and Tests

Vehicle testing to be carried out on the driver’s side of the vehicle unless the vehicle has asymmetric side structures. Any vehicle equipped with electric power train operating on HV shall be assessed for all configurations. Protection against electrical shock with the absence of HV, the HV system shall be equal or less than 30 VAC or 60 VDC.

The Head Performance Criterion (HPC) shall be less than or equal to 1,000 when there is no head contact, then the HPC shall not be measured or calculated but recorded as “No head contact”.

The thorax performance criteria shall be:

- (a) Rib Deflection Criterion (RDC) less than or equal to 42 mm;
- (b) Soft Tissue Criterion (VC) less or equal to 1.0 m/sec.

The pelvis performance criterion shall be:

- (a) Pubic Symphysis Peak Force (PSPF) less than or equal to 6 kN.

The abdomen performance criterion shall be:

- (a) Abdominal Peak Force (APF) less than or equal to 2.5 kN internal force (equivalent to external force of 4.5 kN).

After the impact, it shall be possible without the use of tools to:

- (a) Open at least one door per row of seats. Where there is no such door, it be possible to allow the evacuation of all the occupants by activating the displacement system of seats, if necessary. In

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case no displacement system is available for the evacuation of a rear seated occupant, it shall be shown that a 50th percentile manikin can be evacuated without the use of any devices to support its weight and any other tools.

- (b) For vehicles of category NA this evacuation may be done via an emergency window, if this window can be easily opened, but if tools are necessary, (e.g. for breaking the window) these tools shall then be provided by the manufacturer and shall be visible and located in close proximity to that emergency window.

Fluid leakage, if there is continuous leakage of liquid from the fuel-feed installation after the collision, the rate of leakage shall not exceed 30 g/min; if the liquid from the fuel-feed system mixes with liquids from the other systems and the various liquids cannot easily be separated and identified, all the liquids collected shall be considered in evaluating the continuous leakage.

Electrolyte spillage, in the period from the impact until 30 minutes after, no electrolyte from the REESS shall spill into the passenger compartment. No more than 7 per cent of electrolyte shall spill from the REESS except open type traction batteries outside the passenger compartment. For open type traction batteries, no more than 7 per cent with a maximum of 5.0 litres shall spill outside the passenger compartment. This ensures the REESS maintains its sealing properties.

The REESS located inside the passenger compartment shall remain in the location in which they are installed and REESS components shall remain inside REESS boundaries. No part of any REESS that is located outside the passenger compartment for electric safety assessment shall enter the passenger compartment during or after the impact test.

The dimensions and masses of the side impact dummy represent a 50th percentile adult male, without lower arms. The dummy is corresponding with the specification of the ES-2 dummy.

2.4 Dynamic Side Impact Occupant Protection – Collision Test Procedure

The mobile deformable barrier speed at the moment of impact shall be 50 ± 1 km/h. If this collision test was performed at a higher impact speed and the vehicle met the requirements, the test shall be considered satisfactory.

The vehicle to be tested shall with unladen mass of the vehicle and increased by a mass of 100 kg (that is the mass of the side impact dummy and its instrumentation).

The trajectory of the mobile deformable barrier longitudinal median vertical plane shall be perpendicular to the longitudinal median vertical plane of the impacted vehicle.

The side windows at least on the struck side shall be closed. The doors shall be closed, but not locked.

In the case of vehicles equipped with an automatically activated door locking system, it shall be ensured that all the side doors are locked before the test.

In the case of vehicles equipped with an automatically activated door locking system, which is installed optionally and/or which can be de-activated by the driver, one of the following two procedures shall be used at the choice of the manufacturer:

- (a) All the side doors shall be locked manually before the start of the test.
- (b) It shall be ensured that the side doors on the struck side are unlocked and the side doors on the non-struck side locked before the impact; the automatically activated door-locking system may be overridden for this test.

The transmission shall be placed in neutral and the parking brake disengaged.

Tyres shall be inflated to the pressure specified by the vehicle manufacturer.

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The REESS shall be at any state of charge, which allows the normal operation of the power train as recommended by the manufacturer.

2.5 Exemptions and Alternative Procedures

Exemptions

Section 6 creates exemptions from some requirements of Appendix A (UN R95) 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 RVSA and the ADRs. Consequently, manufacturers supplying new vehicles to Australia are exempt from most administrative (non-technical) requirements of UN R95.

Clause 6.1 states that, sections 3, 4, 6, 7, 8, 9, 10, 11, Annex 1, and Annex 2 of UN R95 are not required for the purposes of complying with ADR 72/01. This is because they refer to gaining a Type Approval in the UN context.

Alternative Procedures

Section 6 identifies procedures to which vehicles may comply, which are acceptable alternatives to those created by UN R95. These have been adapted for the Australian market to enable vehicle manufacturer to demonstrate compliance to ADR 72/01 where they have not gained a type approval in the UN context.

Clauses 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8 and 6.9 clarifies that a “technical service” referred to in Appendix A is equivalent to an “Approved Testing Facility” under the RVSA.

Clause 6.10 clarifies that the manufacturer shall in addition demonstrate that the inertial load requirements in paragraph 6.1.4. of the 03 or 04 series of amendments to Regulation No. 11 or ADR 2/01 are met for the unlocked side doors on the non-struck side.

Clause 6.11 clarifies transitional period of 12 months after the entry into force of the 03 series of amendments, contracting parties applying this Regulation shall grant approvals only to those types of vehicles which comply with the requirements of Regulation No. 95 as amended by the 03 series of amendments.

2.6 Alternative Standards

Section 7 sets out standards which are considered to be equivalent to ADR 72/01. If a vehicle meets the requirements of this standard, it also complies with ADR 72/01. These alternative standards are acceptable because they do not compromise the performance requirements set out in UN R95. Vehicle manufacturers have the flexibility to gain compliance to ADR 72/01 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 states that vehicles Occupant Protection in Dynamic Side Impact complying with the technical requirements of the United Nations Regulation No.

95 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES WITH REGARD TO THE PROTECTION OF THE OCCUPANTS IN THE EVENT OF A LATERAL COLLISION, incorporating the 03 series of amendments are deemed to be equivalent to the technical requirements of this standard.

3. Matters Incorporated by Reference

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3.1 Other Legislative Instruments

Clause 4.1.1 of ADR 72/01 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 6.10 and 6.12 under Exemptions and Alternative Procedures/in Appendix A of ADR 72/01 each include references to the following ADRs:

- Australian Design Rule 2/... – Side Door Latches and Hinges, which prescribes specify requirements for passenger cars, forward-control passenger vehicles, off-road vehicles (other than omnibuses) and light goods vehicles to ensure side door retention components including latches, hinges, and other supporting means to minimize the likelihood of occupants being thrown from a vehicle as a result of impact.
- Australian Design Rule 4/... – Safety Belts, which prescribes specify requirements for motor tricycle, passenger cars, forward-control passenger vehicles, off-road vehicles, light and heavy omnibus, light, medium and heavy goods vehicles. The function for seatbelts to facilitate fastening and correct adjustment, to assist the driver to remain in the driver’s seat and provide protection to the vehicle occupants.
- Australian Design Rule 5/... – Anchorage for Seatbelts, which prescribes specify requirements for motor tricycle, passenger cars, forward-control passenger vehicles, off-road vehicles, light and heavy omnibus, light, medium and heavy goods vehicles. The function for seatbelt anchorages so that seatbelts may be adequately secured to the vehicle structure or seat and will meet comfort requirements in use.

The purpose of these clauses (6.10 and 6.12 of ADR 72/01) is to provide the manufacturer a choice on how to conduct vehicle testing to ensure safety for occupants following a crash. Should a manufacturer choose to conduct a vehicle-based test, compliance with the crash test requirements of the respective UN regulation or ADR is deemed acceptable.

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 RVSA, 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 Other Documents

International Organization for Standardization

Paragraph 2.5 of Appendix A Annex 4, instrumentation shall comply with ISO 6487:1987 unless otherwise specified in UN Regulation 95/03. Paragraph 7.1.1 head channel instrumentation, paragraph 7.1.2 thorax rib deflection channels, paragraph 7.1.3 pelvis force channel, paragraph 7.1.4 abdomen force channels all to comply with ISO 6487:1987. Paragraphs 6.3.2 and 6.3.3.4 of Appendix A Annex 5, instrumentation, paragraphs 6.6.2.2 and 6.6.2.3 accelerometer data, paragraph 6.6.2.4 load cell data all to comply with ISO 6487:1987.

Paragraph 4.2 of Appendix A Annex 5, manufacturer’s level of certification must be at least ISO 9002 standard.

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3. Matters Incorporated by Reference

Paragraph 6.1.2.2 of Appendix A Annex 5, cell mounting and plate surfaces shall be in accordance with the requirements set out in the annex to standard ISO 6487:1987.

Paragraph 5.2.2 of Appendix A Annex 6, all instrumentation channels shall comply with ISO 6487:2000 or SAE J211 (March 1995) data channel recording specifications.

Paragraph 5.5.3 of Appendix A Annex 6, peak resultant head acceleration filtered using ISO 6487:2000. Paragraph 5.6.5 Appendix A Annex 6, neck pendulum specifications that all channels have to be recorded according to the ISO 6487:2000 or SAE J211 (March 1995) data channel recording specification and filtered digitally using ISO 6487:2000 Channel Frequency Class (CFC) 180 or SAE J211:1995 CFC 180. The pendulum deceleration has to filtered using ISO 6487:2000 CFC 60 or SAE J211:1995 CFC 60.

Paragraph 5.7.7 of Appendix A Annex 6, acceleration of the impactor filtered using ISO 6487:2000. Paragraph 5.10.5 of Appendix A Annex 6, neck pendulum specification resulting in a velocity change. All channels have to be recorded according to ISO 6487-2000 or SAE J211 (March 1995) data channel recording specification and filtered digitally using ISO 6487:2000 CFC 180 or SAE J211:1995 CFC 180. The pendulum deceleration has to be filtered using ISO 6487:2000 CFC 60 or SAE J211:1995 CFC 60.

Paragraphs 5.11.7 and 5.12.6 of Appendix A Annex 6, impactor acceleration filtered using ISO 6487:2000. Paragraph 5.11.8 of Appendix A Annex A, abdominal force transducers, paragraph 5.12.7 pubic symphysis force, filtered using ISO 6487:2000.

ISO standards are available for purchase only from the International Organization for Standardization (ISO) and various associated national standards bodies. While not freely available, these ISO standards are all readily accessible and widely used by vehicle manufacturers and test facilities as part of their professional libraries.

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

Clause 11 of the RVSA 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.

United Nations Regulations and/or Resolutions

Clause 7.1 includes a reference to the 03 series of amendments of UN Regulation No. 95 – UNIFORM PROVISIONS CONCERNING THE APPROVAL OF VEHICLES WITH REGARD TO THE PROTECTION OF THE OCCUPANTS IN THE EVENT OF A LATERAL COLLISION FOR M₁ AND N₁ VEHICLES (UN R95). This is an international standard for Specific Requirements for the Occupant Protection in a Dynamic Side Impact Crash to passenger vehicles, forward-control passenger vehicles, off-road passenger vehicles and light goods vehicles.

Paragraph 1 of Appendix A includes a reference to the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6. This includes definitions for the UN vehicle category classifications used in Appendix A and the alternative standard under clause 7 of ADR 72/01.

Paragraph 4.5.1 of Appendix A clarifies a circle surrounding the letter “E” followed by the distinguishing number of the country which has granted approval. The distinguishing numbers of the Contracting Parties to the 1958 Agreement are reproduced in Annex 3 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), document ECE/TRANS/WP.29/78/Rev. 3, Annex 3 - www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html.

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4. Consultation

Paragraph 1.1 of Appendix A Annex 6 clarifies that the side impact dummy including the instrumentation and calibration. The dummy is corresponding with the specification of the ES-2 dummy. The number of the table of contents of the technical drawing is: No. E-AA-DRAWING-LIST-7-25-032 dated on 25 July 2003. The complete set of ES-2 technical drawings and the ES-2 User Manual are deposited with the United Nations Economic Commission for Europe (UNECE), Palais des Nations, Geneva, Switzerland and may be consulted on request at the secretariat.

The Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6, and the UN Regulations (including R11, R14, R16 and R95), 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.

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/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 a Preliminary Assessment (PA) meeting the requirements of the Office of Impact Analysis (OIA) as published in the *Australian Government Guide to Regulatory Impact Analysis* or the *Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies*.

4.2 Specific Consultation Arrangements

A PA conducted by the Department identified that regulatory and trauma savings and productivity gains would be gained by ensuring that the Dynamic Side Impact Occupant Protection Requirements ADR is implemented for lateral collision protection and HV electrical safety protection for occupants.

The Department consulted with the peak light vehicle body in early 2023 on the proposal options. The options were update ADR 72/01 with 03 series or the 02 series. Industry were fully supportive of updating the ADR to the 03 series as vehicles already complying, therefore no cost, providing not ahead of international timing. The Department considered the strongly supported feedback for the implementation of ADR 72/01 mandating protection for the vehicle occupant in a lateral type impact collision. As the Australia market is transitioning to alternative power trains for electric and hydrogen-fuelled cell vehicles, is to meet all safety requirements against electric shock for vehicle occupants and first responders. The options proposed in the PA included implementation timing to ensure market supply was not compromised as the 03 series came into force in 2023 and the Department proposal is for March 2025.

Technical Liaison Group (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).

5. Regulatory Impact

Strategic Vehicle Safety Environment Group (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).

4.3 Public Consultation

A public consultation for Dynamic Side Impact Occupant Protection, posted on the Department's website for an eight-week public comment period.

5. Regulatory Impact

Revising an amendment increase to Dynamic Side Impact Occupant Protection ADR, shows that there will be a positive net benefit to the economy. A Preliminary Assessment (OIA23-05379) conducted by the Department considered the impacts of revising ADR amendment increase in stringency. This view is supported by the light vehicle industry.

The Preliminary Assessment considered two options; Option 1 – Create a revised version ADR for Dynamic Occupant Protection, Option 2 – No intervention.

Option 1: Create a revised version ADR for Dynamic Occupant Protection (preferred option):

In this option, a revised version ADR would be made requiring all new light vehicles to comply with ADR 72/01 which would adopt UN R95/03.

This option is fully supported by the FCAI, and is cost effective, future focused and achieves the objective of government action.

Option 2: Create a revised version ADR for Dynamic Occupant Protection (preferred option):

In this option, a revised version ADR would be made requiring all new light vehicles to comply with ADR 72/01 which would adopt UN R95/02.

This option is also supported by the FCAI, and is cost effective, not future focused and achieves the objective of government action.

Option 3: Do nothing:

In this option, a revised version ADR would be made requiring all new light vehicles to comply with ADR 72/01 which would adopt UN R95/02.

This option is not by the FCAI, and is not cost effective, not future focused and does not achieve the objective of government action.

As discussed above, the impact of the proposed revised version ADR is minor in nature and it is feasible that the regulatory framework could continue to function without this revised ADR being made. However, as a better practise regulator, the Department seeks to ensure its legislation is appropriately maintained and aligned with government policy and up to date with internationally agreed standards.

Without this revised version ADR vehicle manufacturers would still be able to supply vehicles to the Australian market, however Australia would be allowing emerging market manufacturers to supply vehicles with older passive safety system. This option may increase the cost to manufacturers and eventually the consumer if a national certification pathway is not established.

6. Statement of Compatibility with Human Rights

This option may increase the burden to manufacturers in administration and monitoring of certification pathways in the absence of a national approach therefore negatively impacting operational efficiency and costs.

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 72/01 prescribes safety requirements with respect to occupant safety in a side impact collision, to passenger cars, forward-control passenger vehicles, off-road passenger vehicles and light goods vehicles. This includes the safety for vehicle occupants, first responders and public safety against electrical shock, fire, explosion and electrolyte leakage from the REESS into the passenger compartment.

6.2 Human Rights Implications

As such, ADR 72/01 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

ADR 72/01 is compatible with human rights, as it does not raise any human rights issues.