

ACRS Submission on Australian Design Rules Harmonisation Review 2024-25



About the Australasian College of Road Safety

The Australasian College of Road Safety was established in 1988 and is the region's peak organisation for road safety professionals and members of the public who are focused on saving lives and serious injuries on our roads.

The College Patron is Her Excellency the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia.

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Introduction

The Australasian College of Road Safety is the region's peak membership association for road safety with a vision of eliminating death and serious injury on the road. Our members include experts from all areas of road safety including policy makers, health and transport professionals, academics, community organisations, researchers, federal, state and local government agencies, private companies and members of the public. The purpose of the College is to support our members in their efforts to eliminate serious road trauma through knowledge sharing, professional development, networking and advocacy. Our objectives include the promotion of road safety as a critical organisational objective within government, business and the community; the promotion and advocacy of policies and practices that support harm elimination; the improvement of relative safety outcomes for vulnerable demographic and user groups within the community; the promotion of post-crash policies and practices; and the promotion of a collegiate climate amongst all those with responsibilities for and working in road safety.

The College believes that we should prevent all fatal and serious injuries on our roads; the road traffic system must be made safe for all road users; system designers should aim to prevent human error and mitigate its consequences; life and health are not exchangeable for other benefits in society; and that all College policy positions must be evidence based.

This review will:

1. Examine current processes for harmonising local and international road vehicle standards and identify opportunities to improve harmonisation practices.
2. Have primary regard to the following issues:
 - a. The current extent of ADRs harmonisation with international standards;
 - b. Opportunities for further ADR harmonisation with international standards along with principles to prioritise further work and outline any risks presented;
 - c. Factors relevant to determining appropriate ADR implementation timeframes
 - d. The implications of, as well as the risks and opportunities presented by, streamlining the process of ADR harmonisation, that is, the 'conversion' of United Nations regulations into ADRs.
3. Seek to identify practical changes to current harmonisation practices that will reduce the regulatory and administrative burden of providing road vehicles to the Australian market and remove any unnecessary productivity barriers, without compromising road safety objectives.

The importance of ADRs to ensure safety

Improvements in vehicle safety systems have been the primary driver of reductions in road trauma over the last few decades.(1, 2) While improvements in factors such as traffic laws, installation of safety infrastructure, and automated enforcement have all played a positive role, vehicle safety systems are responsible for the most significant contribution to avoided trauma.

Starting in the late 1990's, improvements in passive vehicle safety were found to progressively reduce the risk of collisions resulting in fatal or serious injuries.(3) More recently, active safety technologies have become more prevalent and the further reduction of trauma risk for each new generation of in-vehicle safety systems is expected to continue to be one of the best opportunities for maximising the safety of our road transport system.(2, 4)

Being responsible for the Australian Design Rules, which set the vehicle standards for safety among other requirements, the Australian Government therefore carries great responsibility in supporting state governments in achieving the national goal of zero fatal or serious injuries on our roads by 2050.(5) However, a review of each of the state/territory road safety action plans revealed that only one mentioned engagement with ADR regulations (usually in preference to encouraging ANCAP ratings). This, unfortunately, is likely to be an indication that the majority of the states/territories are disengaged, or due to a sentiment that they have little influence, with the ADR process. This situation robs the road safety teams of one of their most effective levers in addressing road trauma to reach their Vision Zero goals.

We must acknowledge that vehicles remain in the active fleet for many years after their manufacture. With the average age of the fleet in Australia being over 11 years (and even older in some jurisdictions), that means over a decade before a new life-saving technology starts to become common on Australian roads.(6) With the average age of heavy rigid vehicles being over 16 years(6), it is reasonable to anticipate a sizeable portion of the heavy rigid fleet entering the network today will still be on the road in 2050, when the Infrastructure and Transport Ministers have committed to zero deaths or serious injuries on our roads.(5)

As such, it is important that proven safety technologies are encouraged into the fleet as soon as possible to maximise the prevention of fatal and serious injuries on our roads, and ensure our ability to meet our goal of Vision Zero.

Some may argue that consumer ratings programs such as the Australasian New Car Assessment Program (ANCAP) provide a sufficiently agile means of encouraging safety technology onto new vehicles. However, we should not be relying only on ANCAP to set a standard for safe vehicles in Australia. First, this inevitability results in a socio-economic disparity as those who cannot afford a modern 5-star rated vehicle are forced to risk themselves (and others) in an ADR compliant vehicle equivalent to a 1-star rating.(7) To make matters worse, it is often the most vulnerable drivers – the young who are still learning to mature their driving skills and behaviours, and the elderly who are most susceptible to injury due to increased frailty – that will end up owning these poor performing vehicles.

Second, a poor ANCAP rating does not preclude a vehicle from being sold and driven in Australia, meaning more dangerous vehicles can enter the fleet where they will remain for decades to come. This is highlighted by several recent examples. The 2023 MG 5 achieved a shocking [ANCAP rating of zero stars](#) (although still ADR compliant) and the 2023 Hyundai i30 achieved an [ANCAP rating of only 3-stars](#).

Similarly, 2024 MG 3 achieved a mediocre [ANCAP rating of 3-stars](#), [with an executive then stating](#):
“... if we look at the product, MG 3 is mostly a city car. It's not a car that you would take from Sydney to Melbourne and be on the highways doing 100km/h.” As such, we have an ADR compliant vehicle that is legal to be driven on 100 km/h roads, but a manufacturer that seems to be implying this could be a risky decision.

The 2024 Suzuki Swift achieved a shameful [ANCAP rating of 1-star](#). But even more shocking is that it appears that the Swift was altered (presumably to save costs) for the Australian market as the same model achieved a [3-star rating in Europe](#). The alterations that were made still meet ADR requirements but mean that Australian lives are put at risk.

There may be an assumption that these poor ratings discourage sales, but the MG 3 and Suzuki Swift are the [top two selling vehicles in the light vehicle segment](#), with thousands being sold each month – likely to those who cannot afford to make the choice to consider safety ratings or were not aware of the safety rating at the time of purchase, instead relying on the assumption that a vehicle allowed to be sold in Australia would be safe.

This situation is not restricted to just the light vehicle segment, with the 2023 Mahindra Scorpio achieving an [ANCAP rating of zero stars](#) in the large SUV segment and the 2023 Jeep Avenger achieving an [ANCAP rating of just 3-stars](#) in the small SUV segment.

Australians place significant trust in the government to prevent the sale of unsafe passenger vehicles in the country. However, the current ADR standards have not fulfilled this responsibility.

General comments on ADR development performance

The nature and mechanics of ADR development and implementation is generally unclear, particularly for those who are unfamiliar with the processes involved. The [federal government website](#) does not provide any details regarding the committees responsible for ADR development, nor the processes involved in nominating, drafting, and implementing them. With regards to harmonisation, no list is provided to present the progress that has been made, what remains to be achieved, and what reasons there are for lack of progress in specific cases.

For example, after committing to introducing lane keep support as part of the NRSS,(5) the federal government released a Regulatory Impact Statement in 2021 to introduce ADR 107/00, a new regulation based on the EU regulation *EU 2021/646 Emergency Lane Keeping Systems*, with a proposed implementation date of March 2024 for new model vehicles.(8) As of January 2025, the ADR has not been introduced, and the ACRS is not aware of any communications explaining the delays.

While details about ADR processes are difficult to find from Australian Government sources, a significant amount of useful information was found within the 2009 Victorian Parliamentary Inquiry into ADRs.(7) The inquiry report should be considered essential reading as part of the 2024-25 ADR Harmonisation Review. While dated with respect to current ADR processes/committees, many of the findings of the report are (unfortunately) as relevant today as they were when it was conducted. Namely, that the states and territories should have more control over the ADR processes; that ADR introduction happens too slowly and ideally should automatically occur at the same time as UNECE adoption; and that manufacturers/industry have too much influence while a greater voice should be provided to road safety experts.

The terms of reference for this review support the idea that there is insufficient weight given to road safety currently. The review seeks to specifically improve processes for industry, 'without compromising road safety objectives'. Considering our vehicle safety standards fall so far behind world's best practice, while our road trauma numbers have increased for the past 4 years in a row, this review should be prioritising improving road safety outcomes. Setting the bar at not compromising them any further is totally inadequate.

The rate of ADR adoption has improved in recent years, but a worrying trend of adding exclusions has been occurring. Exclusion of vehicles for applicability of ADRs should be avoided in the absence of a significant reason for doing so due (e.g. unique factors within the Australian traffic environment). These reasons should ostensibly only consider safety factors. Industry business concerns are not a valid reason to water down life saving regulations that are in effect across multiple other international jurisdictions.

By way of example, consider the Regulatory Impact Statement for improvement to the stability and control of heavy vehicles.(9) Prior to consultation, the option to introduce a mandatory ADR was broken into sub-options of broad, medium and narrow scope, in which the applicability of the ADR was increasingly limited. The narrow scope option was recommended, due to the higher benefit cost ratio, despite the lower number of lives saved. Following community feedback, advocating for the broader scope ADR implementation, the Government proposed a "compromise solution" of the narrow scope option being slightly broader in application.

Other examples of exclusions for heavy vehicles are:

- the limited applicability of ADR 106 Side Underrun Protection for heavy vehicles, which is only applicable to heavy vehicles wider than 2500mm as part of the "safer freight vehicles" package
- the optional applicability of ADR 84/00 front underrun impact protection for heavy vehicles of 4.5-12 tonnes.

Considering the risks posed by heavy vehicles to other road users, their overrepresentation in road trauma, and the length of time in which they are anticipated to remain on our network, it is unacceptable to be allowing these vehicles to be admitted into the transport system with a compromised level of safety if the government is truly committed to a Vision Zero. All existing exclusions should be reviewed and amended to achieve harmonisation.

The ACRS also has concerns about the government's prioritisation when managing conflicting concerns, such as the introduction of electric vehicles onto the network. As a case in point, consider the delays in mandating acoustic vehicle alert systems (AVAS), a life-saving technology for pedestrians interacting with electric vehicles, particularly those who are blind or vision impaired.(10)

AVAS was mandated in Europe by July 2021 under UN Regulation No. 138/01, which has been developed by the United Nations (UN) World Forum for the Harmonisation of Vehicle Regulations (WP.29), of which Australia is a member. Despite our involvement in the development of the UN Regulation, DITRDC still felt it necessary to conduct their own impact analysis before mandating for Australia.

While the National Road Safety Action Plan 2023-25 (11) committed to legislating a new ADR for AVAS by mid-2023, a consultation impact analysis was only released in March 2023. This would mandate AVAS for new models by January 2025 and all affected vehicles by 2026. The analysis specifically excluded heavy vehicles from consideration, a deviation from R138/01. It was developed by the Land Transport Emissions and Environment Directorate of DITRDC, rather than the Vehicle Standards Directorate which normally

oversees the introduction of ADRs. Obviously, when it comes to introducing safety standards specifically applicable for electric vehicles, the priorities of the Emissions and Environment Directorate may be in conflict with those advocating for safety, and this may explain both the extensive delay in delivering this regulation compared to comparable jurisdictions internationally, and the initial exclusion of heavy vehicles from consideration. Following that consultation, there was strong community feedback to extend AVAS to heavy vehicles, which led to the ADR being extended to include them, but only with a further delay to the ADR being applicable to light vehicles, denying a critical safety measure for vision-impaired pedestrians. The ADR will now come into force for all new models from November 2025, and all new vehicles from November 2026, 5 years after Europe. The fact that the ADR was extended to heavy vehicles without further economic analysis indicates that this can be done with sufficient community demand.

While it is important to consider the speed at which harmonisation of new UN regulations occurs in Australia, there should also be efforts made to review the reasons for which long-existing regulations have been ignored. One notable example of this is UNECE Global Technical Regulation No. 9 (GTR 9 – Pedestrian Safety) which was published and adopted by the UN in 2009. In 2011, the Australian Department of Infrastructure and Transport released a Regulation Impact Statement (RIS) which recommended adoption as an ADR. However, this RIS was [withdrawn prior to the conclusion of the consultation period](#) (to the [dismay of multiple road safety advocates](#)) and no passive safety pedestrian protection ADR has ever been adopted in Australia. It is clear that [concern for the bulbar industry](#) was responsible for the abandonment of harmonisation with GTR 9, and no overt effort to reassess the regulation has occurred in the intervening 15 years.

ACRS response to the Terms of Reference

Ways in which the ADR process may be improved to reduce cost and improve timeliness

Considering the Australian Government's participation in Working Party 29, responsible for the development of vehicle regulations, the ACRS recommends a default position to adopt all UN regulations within a fixed timeline, possibly allowing for a period in which industry may raise objections, with the onus being on industry to demonstrate why a vehicle regulation should not be adopted in its entirety. This would both improve the timeliness of introduction of ADRs and reduce the costs on DITRDCA from needing to undergo extensive consultation.

To aid in this process, it would be advisable to encourage a greater understanding of, interest in, and participation with the processes around the development of ADRs. This would mean more stakeholder engagement during development, during which any concerns could be resolved, such that when it comes time for adoption there is little resistance. One example for ways to promote greater interest would be for the Australian Government to provide feedback to Australian stakeholders on what was presented or discussed following each session of UNECE WP.29 or the relevant subsidiary working parties. With Australia's attendance at the Enhanced Safety of Vehicles International Conference (where WP.29 updates are traditionally provided by each country) being unreliable, it is essential that another mechanism for this feedback is in place. Another example, as noted in previously above, would be providing greater opportunities for the states and territories to have an influence on the ADR process. Finally, while industry is consulted on vehicle standards through the Vehicle Standards Consultative Committee, the ACRS considers it important such feedback to be balanced with feedback coming from the road safety community – which would also encourage greater interest.

The extent to which the current ADR processes support or inhibit choice and price outcomes for consumers

While it is important for consumers to have choice and a range of prices for vehicles they wish to purchase, it is important for DITRCA to consider suitable protection for all road users. Safety features such as Lane Keep Assist, Autonomous Emergency Braking and AVAS may provide protection for the vehicle's occupants, but also for other road users, including vulnerable road users such as pedestrians and cyclists. It is important to balance the need for consumer choice with the need to protect other road users, who do not have the luxury in choice of what safety features are present in the vehicles in which they interact on a daily basis.

Opportunities for improving ADR processes to support the transition to net zero

ACRS understands and supports the need to address climate change through a transition to net zero.(12) However, any such efforts should not be to the detriment of road safety (see case study relating to AVAS previously), and should consider a range of potential safety issues and benefits (see ACRS submission on transition to electric vehicles).(13)

There are examples of EVs showing [better safety](#) performance than ICE vehicles in some assessments but, equally, [poorer performance in other situations](#). The ADR framework is the most appropriate way to manage the safe introduction of EVs on the condition that safety is the ultimate consideration, rather than the desire to reduce emissions.

Conclusion and Recommendations

ACRS welcomes the review of the ADRs, which are a crucial element of road safety in Australia and, arguably, have been the most influential in reducing road trauma over the last few decades. We recommend an increased prioritisation of safety through:

- Alignment of ADRs with European vehicle safety standards for for faster implementation of new safety technologies (adapted where necessary for unique Australian operating conditions for some heavy vehicles)
- Transparency of the ADR development and implementation processes
- Road safety expert representation on the Vehicle Standards Consultative Committee

The ACRS appreciates the opportunity to comment on the review of ADRs, and contribute to improved road safety. We would welcome the opportunity to provide further details on any of the points raised above, if required.



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