

# **Vehicle Standard (Australian Design Rule) Vehicle Lighting Amendment 2025**

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

## **Draft for Consultation Explanatory Statement**

Approved by the Hon XXX, XXX

**XXX 2025**

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## 1. LEGISLATIVE AUTHORITY

### 1.1. National Road Vehicle Standards

The Vehicle Standard (Australian Design Rule) Vehicle Lighting Amendment 2025 (“the Amending Instrument”) is made under the *Road Vehicle Standards Act 2018* (RVSA).

The RVSA enables the Australian Government to establish nationally uniform standards that apply to 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 national road 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 sunseting provisions of the *Legislation Act 2003*.

#### *Source of the Exemption*

A standard made under section 12 of the RVSA is not subject to the sunseting 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 continue to remain in force and available to regulators, industry and the public.

#### *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 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 updated regularly to reflect changes in technology, it is not possible to apply these new standards retrospectively to vehicles that are already in use. With prior versions 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 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.

#### *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 Australian Design Rules 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 Amending Instrument includes revisions to four existing ADRs. The ADRs amended by this instrument are the Australian Design Rule 13/00 – Installation of Lighting and Light-signalling Devices on other than L-Group Vehicles (ADR 13/00), the Australian Design Rule 19/02 – Installation of Lighting & Light-signalling Devices on L-Group Vehicles (ADR 19/02), the Australian Design Rule 19/01 – Installation of Lighting & Light-signalling Devices on L-Group Vehicles (ADR 19/01) and the Australian Design Rule 67/00 – Installation of Lighting and Light Signalling Devices on Three-Wheeled Vehicles (ADR 67/00).

The Amending Instrument introduces three new ADRs as equivalent alternatives to the existing vehicle lighting ADRs referenced in ADRs 13/00, 19/02, 19/01 and 67/00. These new ADRs are Australian Design Rule 102/00 – Light Signalling Devices (ADR 102/00), Australian Design Rule 103/00 – Road Illumination Devices (Lamps) (ADR 103/00) and Australian Design Rule 104/00 – Retro-Reflective Devices (ADR 104/00).

ADR 102/00 combines the technical provisions of individual ADRs (UN R No), 1 (23) – Reversing Lamps, 6 (6) – Direction Indicators, 48 (4) – Devices for Illumination of Rear Registration Plates, 49 (7) – Front and Rear Position (Side) Lamps, Stop Lamps and End-outline Marker Lamps, 52 (38) – Rear Fog Lamps, 53 (50) – Front and Rear Position Lamps, Stop Lamps, Direction Indicator & Rear Registration Plates Lamps for L-Group Vehicles, 74 (91) – Side Marker Lamps, 76 (87) – Daytime Running Lamps and 86 (77) – Parking Lamps.

ADR 103/00 combines the technical provisions of individual ADRs (UN R No), 50 (19) – Front Fog Lamps, 77 (98) – Gas Discharge Headlamps, 46 (112,113) – Headlamps, 87 (119) – Cornering Lamps, ADR 13/00 Section 6.22 (123) – Adaptive Front Lighting Systems.

ADR 104/00 combines the technical provisions of individual ADRs (UN R No), 47 (3) – Retro-reflecting devices, (27) – Advanced warning triangles, (69) – Rear marker plates for slow moving vehicles, (70) – Rear marking plates for heavy and long vehicles, (104) – Retro reflective markings.

### Schedule 1 Amendments

Schedule 1 of the Amending Instrument amends ADR 13/00. The purpose of ADR 13/00 is to prescribe requirements for the number and mode of installation of lighting and light signalling devices on motor vehicle other than L-group vehicles.

The Amending Instrument inserts new ADRs to Table 1 in clause 7.7 allowing additional certification pathways for vehicle lighting components. Table 1 in clause 7.7 includes references to United Nations (UN) regulations and equivalent ADRs for vehicle lighting components. Following this amendment, manufacturers are provided additional pathways via the new ADRs to certify their vehicle lighting components.

The Amending Instrument inserts a new clause 7.8 which includes a table with references to UN regulations and equivalent new ADRs. The purpose of this new table is to allow specific vehicle lighting components to certify to UN regulations where there was no equivalent ADR in the past. This ensures manufacturers are not forced to certify these specific vehicle lighting components to the new ADRs the day after this Amending Instrument is registered.

The Amending Instrument inserts new ADRs to Table 1 in clause 8.2 identifying additional certification pathways via the new ADRs for vehicle lighting components. Table 1 in clause 8.2 lists the colours and the relevant component lighting standards (ADRs) applicable for each type of lamp. Following this amendment, manufacturers are provided additional pathways via the new ADRs to certify their vehicle lighting components.

These changes do not increase the stringency of requirements with regard to vehicle lighting components, so will not require any vehicles demonstrated to comply with the original version of the ADR prior to these amendments to be re-tested or re-certified.

#### Schedule 2 Amendments

Schedule 2 of the Amending Instrument amends ADR 19/02. The purpose of ADR 19/02 is to prescribe requirements for the number and mode of installation of lighting and light-signalling devices on L-group vehicles.

The Amending Instrument inserts new ADRs to Table 1 in clause 9.4 identifying additional certification pathways for vehicle lighting components. Table 1 in clause 9.4 identifies the color of light emitted by lamps and reflectors and includes references to the respective ADRs for vehicle lighting components. Following this amendment, manufacturers are provided additional pathways via the new ADRs to certify their vehicle lighting components.

These changes do not increase the stringency of requirements with regard to vehicle lighting components, so will not require any vehicles demonstrated to comply with the original version of the ADR prior to these amendments to be re-tested or re-certified.

#### Schedule 3 Amendments

Schedule 3 of the Amending Instrument amends ADR 19/01. The purpose of ADR 19/01 is to prescribe requirements for the number and mode of installation of lighting and light-signalling devices on L-group vehicles. ADR 19/01 is an acceptable prior rule for ADR 19/02.

The Amending Instrument inserts new ADRs to Table 1 in clause 6.4 identifying additional certification pathways for vehicle lighting components. Table 1 in clause 6.4 identifies the color of light emitted by lamps and reflectors and includes references to the respective ADRs for vehicle lighting components. Following this amendment, manufacturers are provided additional pathways via the new ADRs to certify their vehicle lighting components.

These changes do not increase the stringency of requirements with regard to vehicle lighting components, so will not require any vehicles demonstrated to comply with the original version of the ADR prior to these amendments to be re-tested or re-certified.

#### Schedule 4 Amendments

Schedule 4 of the Amending Instrument amends ADR 67/00. The purpose of ADR 67/00 is ensure that the installation of the lighting and light-signalling devices on a three-wheeled vehicle is such that the effective operation of these devices is not impaired. Three-wheeled vehicles certified to ADR 19/... need not comply with ADR 67/00.

The Amending Instrument inserts new ADRs where applicable which are equivalent to the existing lighting ADRs thereby providing additional certification pathways for

vehicle lighting components. Following this amendment, manufacturers are provided additional pathways via the new ADRs to certify their vehicle lighting components.

The Amending Instrument inserts the new ADR 102/00 to clauses 7.3.2.1.1., 7.3.2.1.2., 7.3.2.2.1., 7.3.2.2.2., 7.3.2.2.3., 7.3.2.3.1., 7.3.2.3.2., 7.3.2.3.3., 7.4.1.1., 7.4.1.2., 7.4.1.3., 7.5.1.2., 7.5.1.3., 7.6.1.1.1., 7.6.1.2.1., 7.7.1.1., 7.7.1.2., 7.7.1.3., 7.11.1.1., 7.11.1.2., 7.13.2.1.1., 7.13.2.1.2., 7.13.2.2.1., 7.13.2.2.2., 7.14.1., 7.17.2., 7.18.2., 7.19.1.1. and 7.19.2.1 identifying additional certification pathways for light signalling devices.

The Amending Instrument inserts the new ADR 103/00 to clauses 7.1.1.1., 7.1.1.2., 7.2.1.1., 7.2.1.2., 7.2.1.3., 7.10.1.1., 7.10.1.2. and 7.16.1 identifying additional certification pathways for road illumination devices.

The Amending Instrument inserts the new ADR 104/00 to clauses 7.8.1.1., 7.8.1.2., 7.12.1., 7.15.1.1. and 7.15.1.2. identifying additional certification pathways for retro-reflective devices.

These changes do not increase the stringency of requirements with regard to vehicle lighting components, so will not require any vehicles demonstrated to comply with the original version of the ADR prior to these amendments to be re-tested or re-certified.

### **3. MATTERS INCORPORATED BY REFERENCE**

#### **3.1. Legislative Instruments**

[To be completed after public consultation]

#### **3.2. Other Documents**

[To be completed after public consultation]

### **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 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**

[To be completed after public consultation]

### **5. REGULATORY IMPACT**

#### **5.1. Impact Analysis**

[To be completed after public consultation]

## **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 includes changes to ADRs 13/00, 19/02, 19/01 and 67/00 to introduce three new ADRs as equivalent alternatives to the existing vehicle lighting ADRs. These new ADRs are Australian Design Rule 102/00 – Light Signalling Devices (ADR 102/00), Australian Design Rule 103/00 – Road Illumination Devices (Lamps) (ADR 103/00) and Australian Design Rule 104/00 – Retro-Reflective Devices (ADR 104/00).

### **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.