



HEAVY VEHICLE (VEHICLE STANDARDS) NATIONAL REGULATION AMENDMENT REGULATION 2018

AUSTRALIAN TRUCKING ASSOCIATION SUBMISSION 1 AUGUST 2018

About the ATA

The ATA is the peak body representing the trucking industry. Its members include state and sector trucking associations, major logistics companies and businesses with leading expertise in truck technology. The ATA represents many thousands of trucking businesses, ranging from owner-drivers to large fleets.

Introduction

The National Transport Commission has released a consultation draft of proposed amendments to the *Heavy Vehicle (Vehicle Standards) National Regulation*.

The draft proposes an amendment to s 11 of the regulation to require safety equipment to be in working order and connected.

The ATA supports the intent of this amendment, but a change is needed to reflect the diverse range of vehicles used in the industry. Without the change we propose, many semitrailers and multi-combination vehicles could become technically non-compliant. This would be inconsistent with the policy intent behind the amendment and the general regulatory approach taken to vehicle standards.

About the proposed amendment to section 11

Clause 5 of the proposed regulation would amend s 11 of the *Heavy Vehicle (Vehicle Standards) National Regulation* as follows:

Existing	Consultation draft amendment
A vehicle is taken to have equipment mentioned in this Regulation only if the equipment is in working order.	A vehicle is taken to have equipment mentioned in this Regulation only if the equipment is— (a) in working order; and (b) if the equipment must be connected to the vehicle for it to perform its intended function—connected to the vehicle.

The amendment would address a concern we raised in response to the DIRDC consultation RIS on improving the stability and control of heavy vehicles.

The ATA argued that the NHVIM should be amended to provide inspectors and the industry with guidance that the ABS/EBS cables connecting new trucks and new trailers in road train combinations must be configured and connected to supply 24V power.¹

The ATA recommendation, however, related only to new prime movers and new trailers that were physically capable of being connected.

The consultation draft of s 11 implies that all trailer safety equipment must be connected, but this is not always possible because of the wide range of equipment used in the industry and the non-retrospective nature of vehicle standards.

Non-required or incompatible connectors

The Australian Design Rules (ADRs) for road vehicles apply to new vehicles as they are supplied to the market.² They are not retrospective.

Similarly, the *Heavy Vehicle (Vehicle Standards) National Regulation* requires vehicles to comply with the ADRs that were in force at the time the vehicle was built, not later versions.³

The safety requirements for prime movers and trailers have evolved over time as new technologies have become available. For example, ADR 38/05 will progressively come into force from 1 July 2019. Under this ADR:

- heavy trailers exceeding 10 tonnes GTM will generally need to be equipped with a vehicle stability function that includes at least roll-over control. This is often described as an electronic braking system (EBS).
- trailers weighing more than 4.5 tonnes will generally need to be fitted with an anti-lock braking system (ABS)
- trailers equipped to tow another trailer weighing more than 4.5 tonnes will need to be fitted with front and rear ISO 7638-1:2003 connectors configured to distribute 24V power to the ABS/EBS systems of towed trailers.⁴

Given the wide range of vehicles and trailers in use in the industry, it is entirely possible that a trailer built in accordance with this ADR and fitted with ABS/EBS and 24V connectors could need to be:

- coupled to a prime mover that does not itself have an ABS/EBS connector because it was built before ADR 35/06 came into force from July 2014
- coupled to a prime mover that only has a 12 volt (ISO 7638-2) connector. In this combination, the trailer ABS/EBS would only be able to be connected if the trailer has a compliant multi-volt connector or a secondary 12 volt connector.

It should be noted that these combinations would all be compliant with the ADRs and the vehicle standards regulations. The lack of an ABS/EBS connection would not affect the trailer's foundation brakes, which would be actuated by air. The trailer's lights would be controlled and powered through their own cable.⁵

¹ ATA, [Improving the stability and control of heavy vehicles](#). 2 February 2018, 11.

² [Motor Vehicle Standards Act 1989](#) (Cth), s 14.

³ [Heavy Vehicle \(Vehicle Standards\) National Regulation 2018](#), s 2(2)(a).

⁴ [Vehicle Standard \(Australian Design Rule 38/05 – Trailer Brake Systems\) 2018](#)

⁵ [Heavy Vehicle \(Vehicle Standards\) National Regulation 2018](#), sch 2, s 17(3).

As drafted, the proposed amendment to s 11 could make these combinations non-compliant, because the trailer ABS/EBS equipment could not be connected.

This would be inconsistent with the underlying policy issue that led to this proposed amendment, which the NHVR described as followed:

The NHVR has considered this issue and is of the opinion that section 11 of the regulation would require these systems to be connected to be considered "in working order". **This is subject to the towing vehicle being fitted with compatible components that allow for the system to be connected** (for example, where a prime mover has an ABS plug and is towing a trailer fitted with ABS the ABS system on the trailer must be connected to the prime mover)

[ATA bolding for emphasis]

It would also be inconsistent with the general principle underlying the ADRs and the vehicle standards regulations, which is that vehicles must comply with the ADRs that were in force at the time the vehicle was built, not later versions of the ADRs.

In the ATA's view, the amendment should be modified to clarify that equipment only needs to be connected when compatible connections are available.

Vehicle configuration issues

Similar issues can occur in a multi-combination vehicle that mixes trailers with ABS/EBS and trailers that are not fitted with these technologies.

The requirement that trailers used in multi-combination vehicles be fitted with rear ABS/EBS connectors configured to distribute 24V power to their towed trailers is not retrospective.

As a result, a multi-combination vehicle such as a road train could consist of:

- one or two older semitrailers and converter dollies without 24 volt ABS/EBS rear connectors and
- a new semitrailer fitted with ABS/EBS at the rear of the road train whose ABS/EBS functionality was inoperative because it could not be connected. The semitrailer could be located at the rear of the combination for any number of legitimate commercial, operational or technical reasons. For example, the trailer may normally be used in B-triples and not be equipped with a tow hitch.

The proposed wording of s 11 could be seen as making this combination non-compliant, even though the trailer's foundation brakes and lights would work normally and it would not be physically possible to connect it to the ABS/EBS control line.

Again, this would not be consistent with the policy intent of the amendment.

Recommendation

Given these technical issues, the ATA recommends that proposed s 11(b) be redrafted as follows:

- (b) if the equipment must be connected to the vehicle for it to perform its intended function **and a compatible connection is available in the current vehicle configuration**—connected to the vehicle.