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| **Submission to:** | The National Transport Commission |
| **Title:** | Australian Vehicle Standards Rules 8th Amendment Package: Explanation of Amendments. |
| **Date:** | 20 February 2014 |

**Contents**

1. Introduction 3

2. Australian Trucking Association 3

3. Recommendations 3

4. Proposed amendments 3

4.1 Consistency with the Heavy Vehicle National Regulation 3

4.2 Policy Changes 4

# Introduction

The National Transport Commission (NTC) continues to develop and maintain nationally consistent road, rail and intermodal transport reform to improve safety productivity and environmental outcomes. While the National Heavy Vehicle Regulator (NHVR) is taking precedence with many heavy vehicle standards applied under the *Heavy Vehicle (Vehicle Standards) National Regulation*, the Australian Vehicle Standards Rules (AVSR) continue to be the model for heavy vehicle standard law.

This is the 8th Amendment package to the AVSRs and will only take effect once they are adopted into the law of each state or territory. The amendments will only apply to heavy vehicles where the Heavy Vehicle National Law (HVNL) applies when the relevant national regulation for heavy vehicle standards is amended.

The AVSR covers gaps in the application of the Australian design rules, including:

* vehicles built before 1969;
* combinations of vehicles;
* every safety feature for vehicles built between 1969 and 1988;
* certain standards made by bodies outside Australia; and
* ongoing maintenance requirements.

The AVSR are model rules that set standards in relation to the construction and performance of motor vehicles, trailers and combinations. In the future they will apply to heavy vehicles as a result of the *Heavy Vehicle (Vehicle Standards) National Regulation (HVNR)* made under the HVNL.

While many of the amendments are minor and technical the ATA has some concerns over the effects of changing Rules 147 and 148, which refer to DT80 tests and exhaust placement.

# Australian Trucking Association

The ATA is the peak body that represents the trucking industry. Its members include state and sector-based trucking associations, some of the nation’s largest transport companies, and businesses with leading expertise in truck technology.

# Recommendations

**Recommendation 1**

Rules 147A and 147B should have an additional clause included indicating that if a vehicle fails the DT80 test but is as originally constructed and within normal deterioration limits it should not be defected. This clause should be reflected in the HVNL.

**Recommendation 2**

Rule 148 amendments regarding deleting the requirement for exhaust placement should include the NC vehicle category in addition to NA and NB. This is due to the industry’s need to comply with dangerous goods requirements which are in conflict in the current AVSR Rule. Requests are pending to delete these requirements from the ADR.

# Proposed amendments

The NTC has aimed to make sure the 8th Amendment package proposals to the AVSRs correspond to changes that were made when the HVNL was drafted.

# Consistency with the Heavy Vehicle National Regulation

The ATA agrees with the changes to Rules 35, 44, 118, 125 and the widening of part 10 subdivision 3. However, we have concerns with the amendment and application of Rule 147A (Exhaust Emissions – diesel powered vehicles).

This Rule refers to the DT80 test used for clearing defects. The NTC have indicated that in order for the AVSR to be in line with the HVNL, specially Schedule 2 clauses 96, 97 and 98, amendments need to be made to Rule 147A and Schedule 1 (*DT80 transient test procedures for testing of diesel fuelled vehicle exhaust emissions)*. As well as the insertion of a new rule 147B *Requirements of DT80 test cycle* and the definition of an exempt vehicle.

The ATA believes an additional clause should be included under this Rule stating that if a vehicle ensures it meets its ‘as built’ standards it should not be rejected by the DT80 test and therefore defected.

This is because the test may not be suitable for older designs still in service. Further, the clause is needed to address the situation where the operator’s location is not within reasonable distance of a DT80 test service, as DT80 testing services are not readily available. To the ATA’s knowledge only three DT80 services stations exist in Australia.

The impact statement for the national environment protection measure specifically states:

The proposed in-service Standards take into account the emission standard to which a vehicle was originally constructed, normal deterioration of engine components under adequate maintenance regimes and the emissions level at which vehicle repair invariably produces an improvement in emission performance.[[1]](#footnote-1)

Therefore a clause allowing a defect to be lifted even if the DT80 test failed or was unavailable upon evidence by a repairer that a vehicle is as “originally constructed and within normal deterioration limits” before a repair or rebuild would normally be required.

This additional clause also needs to be reflected in the HVNL as well as the AVSRs.

Recommendation 1

Rules 147A and 147B should have an additional clause included indicating that if a vehicle fails the DT80 test but is as originally constructed and within normal deterioration limits it should not be defected. This clause should be reflected in the HVNL.

# Policy Changes

The ATA agrees with the NTC proposed amendments for Rules 10, 66 and 149. However, Rule 148 (Exhaust Systems) needs to be re-drawn to include the NC (heavy goods vehicle with gross vehicle mass over 12 tonnes) category.

The existing rule prescribes exhaust outlet positioning requirements for all classes of vehicles. Compilation 4 of the ADR 42/04 (General Safety requirements) deletes exhaust outlet location requirements for NA (Light Goods Vehicle) and NB (Medium Goods Vehicle) category vehicles from the ADRs. NA and NB category vehicles are vehicles built to carry goods with a gross vehicle mass of less than 12 tonnes.

However, the amendments omit mention of NC vehicles. NC vehicles should also be deleted in this amendment because this rule causes conflict with the exhaust placement and the safe loading requirements of dangerous goods vehicles.

Industry has been seeking removal of exhaust position controls for heavy trucks as similar controls have already been removed for lighter trucks and cars.

Please note that because of the importance of the exhaust placement for dangerous goods, the ATA has proposed that on the Government repeal day rules regarding the exhaust position for NC category vehicles be repealed (in the ADRS). This AVSR package should follow suit.

Recommendation 2

Rule 148 amendments regarding deleting the requirement for exhaust placement should include the NC vehicle category in addition to NA and NB. This is due to the industry’s need to comply with dangerous goods requirements which are in conflict in the current AVSR Rule. Requests are pending to delete these requirements from the ADR.

1. Page iii – Diesel Emissions: Impact Statement for the Draft National Environment Protection (Diesel Vehicle Emissions Measure) - National Environment Protection Council – February 2001. [↑](#footnote-ref-1)