



3 September 2026

Department of Infrastructure, Transport
Regional Development, Communications, Sport and the Arts
Vehicle Safety Policy & Partnerships Branch
Road Vehicle Safety Division
GPO Box 594
Canberra, ACT, 2601

Submitted via: standards@infrastructure.gov.au

To whom it may concern,

RE: Consultation on Cyber Security and Software Update ADR drafts

The Federal Chamber of Automotive Industries (FCAI) welcomes the opportunity to provide the following submission on draft Vehicle Standard (Australian Design Rule 115/00 - Cyber Security) 2026 (ADR 115/00) and draft Vehicle Standard (Australian Design Rule 116/00 - Software Update) 2025* (ADR 116/00) provided to Vehicle Standards Consultative Forum (VSCF) members via email on the 31st July 2026. The FCAI is the peak industry body representing the Australian automotive industry. Its membership comprises manufacturers, importers and distributors of passenger vehicles, SUVs, light commercial vehicles and motorcycles into Australia. A list of current members can be found at <https://www.fcai.com.au/about-fcai/member-manufacturers/>.
(*please note a perceived minor drafting error, we anticipate this should be 2026)

In our response to the preliminary consultation submitted on the 28th May 2026, we indicated that the preferred pathway was to adopt Australian Design Rules (ADR) harmonised with UN Regulation 155 (UN R155) and UN Regulation 156 (UN R156). We are pleased to see that this is the pathway the Department is proposing to take with draft ADRs 115/00 and 116/00.

Our response to the preliminary consultation highlighted key implementation considerations. We have listed them in the below table, including our present understanding of how each consideration has been approached within the draft ADRs 115/00 and 116/00.

Key Point	Present Status
Acceptance of Certificates of Compliance (CoC) for Cyber Security Management Systems (CSMS) and Software Update Management Systems (SUMS)	<u>Not yet achieved.</u> The Department's present position is that a CoC issued by a Contracting Party is not sufficient in its own right to demonstrate compliance. FCAI's position is that a CoC issued under UN R155 or UN R156 already reflects a complete regulatory assessment of the CSMS or SUMS on behalf of all Contracting Parties and should be accepted as substantive evidence of compliance without requiring further data or documentation.
United Nations Economic Commission for Europe (UN ECE) type approvals	<u>Achieved.</u> Mutual recognition of UN R155 and 156 type approvals under the 1958 agreement.

Acceptance of management system certifications from recognised technical services	<u>Not achieved.</u> A mechanism to obtain accreditation in advance of a VTA application via a recognised certification body has not been identified.
Recognition and acceptance of the associated auditing and reporting mechanisms	<u>Unclear.</u> The administrative provisions relating to CoCs for CSMS and SUMS are defined in Section 6 of UN R155 and UN R156. This section is struck out of the draft ADRs. Guidance information regarding the Department's expectations is requested.
Avoidance of re-certification or duplicate assessments in Australia	<u>Partially achieved.</u> Mutual recognition of UN R155/156 approvals established, however acceptance of associated CoCs as substantive evidence has not.
Provision of adequate lead times of 3 years for new models and 5 years for all models from final rule publication	<u>Not achieved.</u> The draft ADRs propose 2 years for new models and 3 years for all models. This is highly ambitious and not necessarily achievable for all OEMs.

We provide further comment relating to draft ADR 115/00 and 116/00 provided in this 2nd consultation below:

CSMS and SUMS – Administration, Assessment and Guidance

The supplemental information provided by the Department via email to VSCF members on the 14th of August provided clarification of the Department's intentions in relation to the assessment process for draft ADRs 115/00 and 116/00. Based on this supplemental advice, the FCAI understands the present situation regarding draft ADRs 115/00 and 116/00 as follows:

1. UN R155 and UN R156 type approvals issued by a Contracting Party are mutually recognised under the 1958 agreement.
2. However, CoCs issued by Contracting Parties do not carry the same mutual obligations under the 1958 agreement. As such, the Department has indicated that a CoC issued by a Contracting Party will not be considered sufficient to demonstrate compliance with management system requirements.
3. Where an OEM holds a CoC for a CSMS or SUMS which accounts for supply and use in Australia, the Department will consider a CoC as substantive evidence of compliance.
4. Assessment of an OEM's CSMS or SUMS will not be carried out during the Vehicle Type Approval (VTA) process. Separate to the approval process, the Department may carry out an audit to ensure a manufacturer's management systems are being followed.

Recognition of CoCs (UN R pathway)

With regards to points 2 and 3 the Department's present posture regarding recognition of CoCs is a concern point. We believe there is an important nuance regarding the context of mutual recognition of CoCs, which we outline below.



The 1958 Agreement, at Article 1, establishes UN Regulations for wheeled vehicles, equipment and parts. Strictly read, it could be considered that this does not extend to management systems. However, all Contracting Parties, including Australia, agreed to bring UN R155 and UN R156 into the Agreement on the basis that the management system forms part of the vehicle type approval, in the same way a conformity of production system attaches to a vehicle type.

In practice, the FCAI understands that a Contracting Party will not issue a UN R155 or UN R156 approval unless they also issued the management system CoC. It is in this context that a CoC issued by another Contracting Party will not be recognised. However, once a UN R155 or UN R156 approval has been granted by the Contracting Party, then that approval must be mutually recognised by all Contracting Parties. Under the UNECE framework, a UN R155 or UN R156 approval is not limited to a vehicle assessment. The approval is based on a comprehensive evaluation of the manufacturer's underlying CSMS or SUMS, together with the corresponding vehicle related requirements. The management systems therefore constitutes an integral and indispensable element of the overall approval concept and specifically linked to the vehicle type that is the subject of the approval, and the subject of any VTA application for the same vehicle type.

Having proposed to adopt UN R155 and UN R156 on this basis, without amending the treaty text, our position is the Department should not interpret the draft ADRs as recognising only the technical requirements and not the management system component, as this is inconsistent with how we understand UN R155 and UN R156 was discussed at WP29 and how they are implemented by other Contracting Parties.

Recognition of an existing UN R155 or UN R156 approval should be understood as recognition of the complete regulatory assessment performed by the issuing Approval Authority. Requiring any additional market specific review of the already assessed management systems would undermine the objective of the 1958 Agreement, which seeks to avoid duplicated regulatory assessments and facilitate international acceptance of approvals issued by Contracting Parties.

We believe it is also important to note that issuance of a CoC is a concept before type approval and not after approval. On approval, the approval authority has confirmed the management system for all contracting parties and not only for itself and manages the needs for all contracting parties as well. This is consistent with article 3 and article 4 of the 1958 treaty.

Consequently, if an OEM chooses to meet draft ADR 115/00 or 116/00 via a Section 7 alternative standards pathway using a UN R155 or UN R156 approval issued by a Contracting Party, then the management system associated with the UN R approval will have been assessed by the Contracting Party as applicable to that vehicle type. This should be considered substantive evidence that the required management systems are in place, without the need for any further clarifications or evidence.

Assessment of Management Systems (ADR pathway)

The approval concept for UN R155 and UN R156 that forms the basis of ADR 115/00 and 116/00 is a two-stage process. The first stage is the assessment/approval of the management system, and the second stage is the assessment of the vehicle type itself against the technical requirements, with an approved management system being a prerequisite for type approval.

Draft ADRs 115/00 and 116/00 reverses this concept. The Department has indicated any assessment/audit of a management system will be conducted after a VTA has been granted, noting



that the framework to obtain a management system approval is struck out of the draft ADR text via the omission of section 6 of UN R155 and UN R156.

The absence of a management system approval pathway creates uncertainty. Whilst it could be argued that this situation is equivalent to Quality Management Systems (QMS), there is a pathway to obtain a QMS accreditation from an accredited international certification body, such as an ISO9001 approval certificate. This provides OEMs with a mechanism that provides procedural certainty. The absence of an approval pathway for a CSMS or SUMS under draft ADR 115/00 and 116/00 creates procedural uncertainty.

At this stage it appears the only mechanism available to obtain an advance accreditation for a CSMS or SUMS is to seek a CoC from a Contracting Party. However, the Department's present position is that a CoC issued by another Contracting Party would not be mutually recognised. This is not ideal given that the Department is not providing an CSMS or SUMS assessment and approval pathway themselves.

Guidance Information

Taking into consideration:

- the uncertainty of a post type approval assessment/audit process for CSMS and SUMS,
- no apparent pathway to achieve a CSMS or SUMS accreditation/approval prior to a VTA application via an accredited certification body,

clear and comprehensive guidance material that outlines the Departments expectations in relation to process, documentation, auditing and reporting will need to be available before the draft ADRs come into force. This will assist applicants to ensure that they will be able to meet all the Department's expectations regarding process and documentation and can positively and promptly respond when information is requested, without risk to the ongoing validity of their type approvals.

ADR Applicability / ROVER application process

The FCAI understands that administratively, the management system requirements will be managed in a similar way to QMS. On this basis we envisage there will be some form of declaration required to indicate that a requisite CSMS and SUMS are in place, similar to the way a declaration is required for a QMS system in the 'Design and manufacturing control' section of a ROVER VTA application.

With this in mind, it is noted that there is a separate applicability date specified for a CSMS and SUMS of 1 November 2028 (clause 3.1). This is in advance of the proposed 'all models' date of 1 November 2029.

Should the separate CSMS and SUMS implementation date proceed, for an existing model some form of initial VTA vary application would appear necessary in advance of 1 November 2028 to indicate that a CSMS and SUMS has been implemented. This would then be followed up by a second application in advance of 1 November 2029 to add draft ADR 115/00 and ADR 116/00 compliance information.

Submitting a single vary application to provide the envisaged CSMS and SUMS declarations and draft ADR 115/00 and 116/00 compliance information will be more efficient and can be achieved by aligning the management systems and draft ADR implementation dates. We believe this can be achieved by deleting clause 3.1 from draft ADR 115/00 and 116/00.



Implementation period

The FCAI's response to the preliminary consultation on cyber security and software update submitted on the 28 May 2026 indicated that the realistically achievable ADR implementation period is 3 years for new models and 5 years for all models.

In our preliminary response we highlighted that capability development is linked to regulatory clarity. Once regulatory clarity is achieved, an implementation period of at least 3 years is needed, particularly where system architecture changes are necessary, along with further development of necessary management structures, resourcing and training. This situation remains, and particularly so for origin markets that have not implemented cyber security and software update regulations aligned with UN R155 or UN R156.

Feedback received during this 2nd round of consultation has reinforced that substantial organisational and engineering effort is necessary to meet the requirements of draft ADR 115/00 and 116/00 for OEMs based in countries of origin that have not implemented UN R155 or UN R156 and/or do not send vehicles to markets that have. This includes the significant vehicle modification industry now operating in Australia that are preparing USA sourced pickups for our RHD market. These operations employ many people and are introducing vehicles from a source country that doesn't have these regulations in force. An aggressive implementation period that does not take this into account puts these operations at commercial risk.

The proposed implementation dates nominated in draft ADRs 115/00 and 116/00 of 1 November 2028 for new models, and 1 November 2029 for all models is highly ambitious and would be difficult to achieve across all industry participants.

Presuming that the draft ADRs are published prior to 1 November 2026, an appropriate implementation schedule is:

- 1 November 2029 for new models
- 1 November 2031 for all models.

A potentially shorter implementation period of 2 years / 4 years (1 November 2028 and 1 November 2029) may be achievable if existing models that do not have connectivity and/or OTA update capability were to be excluded from the draft ADRs due to their low risk relative to the purpose of the draft ADRs.

A common feature of international implementation of vehicle Cyber Security and Software Update regulations has been a phased approach under which requirements are first applied to new vehicle types and then extended to all vehicle types following an additional implementation period in the order of two years. Japan provided further transitional relief for vehicles without OTA software update capability. The FCAI's proposal is consistent with this approach.

VSI vs RXSWIN

The FCAI has fielded a number of questions regarding the premise of draft ADR 116/00 implementing a unique definition for Vehicle Software Identifier (VSI). For clarity, we have understood that the rationale for creation of the VSI definition is as follows:

The VSI is a more generic definition than that described for RXSWIN. It is created to support the situation where an OEM uses an ADR approval pathway rather than a UN R approval pathway.



An RXSWIN must incorporate the associated UN Regulation the software relates to.
Eg R178SWIN = Software relevant to UN R178 for Emergency Lane Keeping Systems (ELKS).

Using ELKS as an example, where an ADR pathway is utilised, the OEM may prefer to construct their software identifier for ADR 107/00 ELKS as R107SWIN or similar. The VSI definition provides the flexibility to do this.

Considering the above, we would like to confirm that an OEM is free to utilise the UN R156 RXSWIN protocol as their VSI, meaning that for ADR 107/00, a VSI of the form R178SWIN would also be acceptable.

UN R155 Special Provisions

Draft ADR 115/00 omits clauses 7.3.1 and a part of 7.3.4 from UN R155 which define special provisions for type approvals of vehicles first issued before 1 July 2024.

Our understanding is that the draft ADR omits these provisions because they relate to UN type approvals.

Where a UN R155 type approval is used as evidence of compliance per section 7 of the ADR, we would like to confirm that where the UN R155 approval was obtained under the special provisions set out in Sections 7.3.1 and 7.3.4 these would be accepted per the mutual recognition framework under the 1958 Agreement.

Summary

In summary, we request the Department consider the following in relation to draft ADRs 115/00 and 116/00:

- UN R155 and UN R156 approvals issued by Contracting Parties are recognised as substantive evidence that the OEM has the required CSMS and SUMS in place without the need for further documentation.
- Implement an assessment and approval process to enable CSMS and SUMS approval/accreditation to draft ADR 115/00 and 116/00 requirements in advance of a VTA application that can be relied upon as substantive evidence in a VTA application.
- Publish clear and comprehensive guidance regarding the Department's requirements relating to CSMS and SUMS.
- Advise the Department's intentions regarding how an applicant will demonstrate they have a requisite CSMS and SUMS in place as part of a VTA application. (eg. Declaration similar to QMS?)
- Align the implementation date for management systems with vehicles by deleting clause 3.1 of draft ADRs 115/00 and 116/00.
- Setting the implementation dates as:
 - 1 November 2029 for new models
 - 1 November 2031 for all models.

Or alternatively:

- 1 November 2028 for new models
- 1 November 2030 for all models.

Provided current models that do not have connectivity and/or OTA capability are omitted.



This is on the basis that draft ADRs 115/00 and 116/00 are published in advance of 1 November 2026. If this publication date slips, then the implementation dates must also push out accordingly.

- Confirm that an RXSWIN will be considered a VSI.
- Confirm that a UN R155 approval issued by a Contracting Party that was obtained under the specific provisions nominated in clauses 7.3.1 and 7.3.4 will be mutually recognised.

Should you wish to discuss the FCAI's submission please contact me by email or phone via the contact details below.

Kind regards,

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