

RVSA Implementation Consultation Framework

RVSA Tools Consultation Group

Meeting 1 – Outcomes

2pm – 4pm | Thursday 22 November 2018

Quest Melbourne Airport | 20 Annandale Road, Melbourne Airport, VIC

Participants

Chair - Sharon Nyakuengama, General Manager, Vehicle Safety Standards Branch (VSS), Department of Infrastructure, Regional Development and Cities (the Department)

Infrastructure

Graham Evans, Director, Program Support & Stakeholder Management, VSS

Christopher Karas, Assistant Director, Regulatory Design & Operational Implementation, VSS

Linda Rasmussen, Director, Imports and Client Services, VSS (via telephone)

Matt Skinner, Policy Officer, Regulatory Design & Operational Implementation, VSS

Stephen Spencer, Director, Technical Standards & Determinations, VSS

Alison Watson, Director, Regulatory Design & Operational Implementation, VSS

Industry

Organisation	Representative/s
Allied Automotive	Gerard Polidano
Australian Automotive Aftermarket Association (AAAA)	Lesley Yates
Australian Automobile Dealers Association (AADA)	Alex Tewes
Australian Historic Motoring Federation (AHMF)	Neil Athorn
Australian Historic Vehicle Interest Group (AHVIG)	Daryl Meek Doug Young
Australian Imported Motor Vehicle Industry Association (AIMVIA)	Kristian Appelt Euan Philpot Don Rossell
Australian Road Transport Suppliers Association (ARTSA)	David Sinclair
Australian Trucking Association (ATA)	Paul Walsh
Bus Industry Council (BIC)	Luke Hardy Michael Kearney
Caravan Industry Association of Australia (CIAA)	James Field Rolland Zhang

Daimler Truck and Bus	Steven Ghaly
Federal Chamber of Automotive Industries (FCAI)	James Hurnall
General Motors (GM)	Rob Dyer
Heavy Vehicle Industry Australia (HVIA)	Greg Forbes
Hino Truck and Bus	Barry Noble
Honda MPE	Greg Snart
Mercedes-Benz	Ellen Boyle
National Heavy Vehicle Regulator (NHVR)	Peter Austin
Nissan	Daron Ng
OT Solutions	Tom Eley
Peter L Smith Engineering	Peter Smith
Protech Developments	Pete Campbell
Queensland Department of Transport and Main Roads	Anant Bellary
RAWS Association	Rob Ogilvie Murray Robertson
Toyota	Dragi Stojanovski
Transport for NSW	Barry Craig Greg Dikranian
Truck Industry Council (TIC)	Mark Hammond Chris Loose
VicRoads	Michael Chan Tracee Piper

Chair's opening remarks

The Chair, Sharon Nyakuengama, opened the meeting by welcoming members and thanking them for their attendance.

Sharon provided an update on the status of the Road Vehicle Standards (RVS) legislation, saying that they passed the House of Representatives in May and were expected to be debated in the Senate during the next sitting period from 26 November to 6 December [note: the RVS suite of Bills was subsequently passed by Parliament on 28 November].

Sharon confirmed that the legislation would take effect 12 months after receiving Royal Assent and reaffirmed the Department's view that ongoing consultation with stakeholders through this forum was key to the successful implementation of the RVS legislation [note: the Bills received Royal Assent on 10 December, meaning that the main provisions of the Road Vehicle Standards Act 2018 will commence on 11 December 2019].

Agenda #	Item	Status	Action required	Action status
2	Introduction to the Specialist and Enthusiast Vehicles Register	Ongoing – range of options under consideration	Department to consider: (1) process for consulting manufacturers regarding SEVs Register applications (2) establishing ‘middle weight’ category for SEVs Register	Department will be developing guidance material to clarify a range of issues for stakeholders

Discussion: Heavy vehicle industry representatives asked why a 12 tonne limit had been chosen to distinguish between light and heavy SEVs vehicles. The Department explained that this was a decision made by the Government and was to accommodate the larger American utes and SUVs. The Department also noted that another reason this higher limit was chosen was to minimise the risk of commercial vehicles entering the RAV through this sub-category.

There was significant discussion relating to SEVs variants, particularly on how “significantly different” would be interpreted. The Department confirmed that there were certain differences that would definitely qualify as being significantly different (for example, a different engine – but not just a different state of tune – or different transmission) and some that would definitely not qualify (for example, different cosmetic features or marketing names). The Department acknowledged that there were some grey areas, and that a combination of differences that in themselves would not be sufficient to distinguish a variant as being significantly different might, in combination, qualify.

In response to a question on this issue, the Department said that it had considered a ‘points’/rating system to try to be able to consistently quantify significantly different variants but had decided against this approach due to a number of reasons – including the difficulty of assigning ratings to every design characteristic and the possibility of unintended consequences (such as having to approve vehicles that were unsuitable) resulting from such a fixed system.

The HVIA advised that it was common practice for significant modifications to be made to heavy vehicles in accordance with VSB6 and suggested that, where modifications could be made under VSB6 to an existing approved heavy vehicle to make it the same or insignificantly different from a proposed variant, then the proposed variant should not be considered to be significantly different.

The FCAI asked whether the Department would consult with manufacturers when assessing applications for variants to be entered on the SEVs Register. After discussing the requirement for making decisions within legislated timeframes, it was agreed that the Department could (where there was some doubt regarding the eligibility of a particular variant) consult the relevant manufacturer and include a timeframe within which the manufacturer must respond if they wished to.

There was debate about the need for greater clarity regarding the distinction between passenger and commercial vehicles below 12 tonnes (for example, would one of the larger American ‘pick up’ trucks be regarded as a commercial vehicle). A suggestion was made that there should be some form of ‘middle weight’ category for the SEVs Register, and the Department agreed to consider this proposal.

The FCAI and some of its member organisation representatives expressed concern regarding the three month period after which variants could be entered on the SEVs Register if they hadn’t yet been made ‘genuinely available’ in Australia by the manufacturer. They argued that, due to approval processes that needed to be adhered to, it was highly unlikely that some variants could be supplied in Australia within three months of being made available in another country.

The Department advised members that, once added to the SEVs Register, a variant would remain on the Register for three years. Manufacturers expressed concerns that this would open up the possibility of parallel imports. The Department noted there were a number of significant barriers that would deter parties from considering this option, including the considerable costs involved in meeting the requirement to develop a model report, be complied by a RAW and inspected by an AVV, and the fact that consumers would be aware that such vehicles would not be backed by a factory/manufacturer warranty. RAWS Association representatives agreed that it would be unlikely for them to pursue this option.

Agenda #	Item	Status	Action required	Action status
3	Introduction to Testing Facility Approvals	Ongoing	Department to: (1) consider use of older test evidence in certain circumstances (2) circulate draft guidance material to members for comment prior to finalising	Testing facility guidance material to be developed as part of forward work agenda

Discussion: No major concerns were raised, although members highlighted the importance of maintaining the same testing facility (registration) number from the MVSA if the facility sought (and was granted) approval under the RVSA. The Department confirmed that agents could apply for approval on behalf of testing facilities, and that advice regarding the outcome of the application would be provided to both the agent and relevant testing facility. The Department also confirmed that an approval could cover multiple testing facility locations, as long as certain requirements were met, including that the facilities were all owned by the same company and had the same quality management systems in place across all locations.

Members noted that there were no opt in provisions for CRN and SARN holders (to transition to CTAs) and asked if test evidence from MVSA testing facilities (that might not seek approval under the RVSA or may no longer exist) could be used to support applications [note: this issue was also raised in the Type Approvals Consultation Group meeting]. The Department acknowledged that in some cases it would be difficult and/or expensive to conduct retesting and agreed to consider

this further. The Department also confirmed that a range of evidence could be considered when assessing applications under the RVS legislative framework, including reports from testing facilities that were written prior to obtaining RVSA approval and declarations accepting responsibility for previous test evidence.

Members referred to the existence of a test inspection manual and asked whether this would be rewritten or maintained. The Department acknowledged the need for comprehensive guidance material to be developed and agreed to circulate draft material to group members prior to finalising.

	Subsequent feedback			
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Following the Chair's invitation to members to provide additional feedback/answers to questions posed in the discussion papers, the Department received a submission from the CIAA. The CIAA sought clarification on whether different interior model layouts in recreational vehicles would be sufficient for them to be considered a different variant. The Department notes that the legislation states that cosmetic changes alone are insufficient to qualify as 'significantly different', however, acknowledges that combinations of less significant differences may, in combination, qualify. Applications will be assessed on a case-by-case basis in accordance with internal policy and procedural documents being developed by the Department to ensure consistency in its decision making process.

The CIAA also advised that it supported other associations and OEMs who requested that the Department should consult with relevant manufacturers regarding whether a variant was genuinely available in Australia prior to approving entry on the SEVs Register.