



Australian Government
**Department of Infrastructure, Transport,
Cities and Regional Development**



Road Vehicle Standards

A background image showing a road with glowing blue light trails curving into the distance under a dark sky.

RVSA Implementation Consultation Framework

Type Approvals Consultation Group

Position Paper TA8P – Test, evaluation and pre-release vehicles

20 November 2019



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Introduction

The *Road Vehicle Standards Legislation Amendment Act 2019* has postponed the commencement of the substantive provisions of the Road Vehicle Standards (RVS) legislation to a date to be fixed by Proclamation, or 1 July 2021 if not fixed before this date. In preparation for commencement of the legislation, the department is currently undertaking policy and procedures development to ensure an effective transition.

The department has continued to consult with stakeholders and is aware that some industry participants remain concerned about how certain aspects of the legislation will work in practice. The Road Vehicle Standards Act (RVSA) Implementation Consultation Framework (the framework) was established as a mechanism to continue to engage with the road vehicle industry and in-service regulators to identify and develop practical solutions to issues relevant to the administration of the RVS legislation.

Feedback

Thank you for the feedback received during and since the last consultation meeting. The feedback indicated the information in [Discussion Paper TA8 – Test, evaluation and pre-release vehicles, July 2019](#), was not as clear as intended, and so the department undertook further consultation with a small group to settle the final position. Diagrams created to further explain the concepts for the different options are included at the end of this paper.

Options for test and evaluation, and pre-release vehicles under RVSA

The department has settled on three options available to Type Approval (TA) holders to replace the pre-release evaluation option in MVSA 0-4-8.

The table below summarises the three options for test and evaluation, and pre-release vehicles under RVSA.

Option	Eligibility	Description	Further information
1 - Test and evaluation	All applicants	Non-RAV entry	Test and Evaluation Vehicles
2 - Pre-release evaluation with substantial compliance	Existing TA holder	Type approval entry with specific conditions	Pre-release evaluation substantial compliance
3 - Pre-release evaluation with full compliance	Existing TA holder	Type approval entry with specific conditions	Pre-release evaluation full compliance

The first option is outlined in the test and evaluation information below, adding to the RAV under the concessional RAV entry pathway if the vehicle is identical to the vehicle covered by the TA. The second and third options are based on the original discussion paper and the allowances in Administrator's Circular 0-4-8. The evidence that the applicant held to support the claim that the vehicles met national standards would determine if the TA would be issued as substantial compliance or full compliance.

Department's position – Test and evaluation vehicles

Test and evaluation vehicles

The majority of vehicles imported under the provision of Administrator's Circular 0-4-8 can be accommodated under RVS legislation using non-RAV entry import approvals (section 151 of the Road Vehicle Standards Rules 2019 (the Rules)). The Test and Evaluation diagram at [Figure 2](#) demonstrates the process flow for this option.

The eligibility criteria for testing or market evaluation includes that the vehicle will not be used on a public road or used on a public road only in exceptional circumstance. Exceptional circumstances may include situations where road use occurs on a regular basis but use on the road is controlled or limited by registration authorities and conditions of the approval.

An application for a non-RAV entry import approval for the purposes of test and evaluation is for a single vehicle only. If additional vehicles are required to be imported, justification for each vehicle should be included in the test plan and attached to each separate application. Further guidance regarding the test plan will be developed. A test plan will be a basic description of how and where the vehicle will be tested, who will operate the vehicle, and the intended management of the vehicle after testing is completed.

A TA holder with no prior contraventions to RVS legislation will not be required to obtain in-principle support to include with the application. In cases where the applicant is not a TA holder and the applicant intends to use the vehicle on a public road, the applicant will be required to provide information demonstrating in-principle support from the state or territory registration authority (or the NHVR if applicable) for the vehicle to be used on a public road.

As outlined in [Discussion Paper TA8 – Test, evaluation and pre-release vehicles, July 2019](#), the approval would be subject to conditions similar to MVSA Administrator's Circular 0-4-8 conditions.

A non-RAV entry import approval granted in relation to a test and evaluation vehicle to be imported for a purpose that involves use on a public road only in exceptional circumstances will include a condition requiring that the vehicle be exported or destroyed after the testing is completed (unless the vehicle satisfies the requirements of the concessional RAV entry pathway).

A vehicle that has been used in transport on a public road is not eligible for entry on the RAV under the TA pathway as it does not meet the definition of a 'new vehicle'.

Section 41 of the Rules allows a vehicle to be added to the RAV if the Minister is satisfied that the vehicle is suitable for entry on the RAV. In the case a vehicle is identical to a vehicle identified in a TA, other than the fact it has been used on a public road, the Minister may be satisfied it is suitable for entry on the RAV based on a declaration from the TA holder. An application for concessional RAV entry would be on a vehicle by vehicle application and approval basis. The RAV would record the vehicle RAV entry pathway as 'Concessional – Vehicle'.

Department's position – Pre-release evaluation vehicles

Consistent with MVSA Administrator's Circular 0-4-8 pre-release evaluation approvals are only available to applicants who already hold a TA or identification plate approval for another vehicle type. Additionally, in accordance with section 20 of the Rules, the Secretary may consider prior contraventions in deciding whether to grant a TA.

A TA would be granted, allowing the TA holder to import vehicles covered by the approval without having to identify VINs in the application. The approval will continue to include conditions to limit the use and transfer/control of the vehicles in addition to supplying acceptable evidence to support the TA within six months of the original approval. These conditions would be removed once the remaining evidence is supplied and approved. The applicant must provide sufficient information in the application for the Secretary to be satisfied that all other criteria in s19(b) to (g) of the Rules are met. The vehicle must be in one of the categories MA, MB, MC, MD, NA, NB or NC. The vehicle must not be a development prototype.

Pre-release evaluation substantial compliance

A person can apply for a TA and request consideration for pre-release evaluation (non-standard approval). The applicant would make a declaration the vehicles comply with all applicable non-exempted Australian Design Rules (ADRs). In addition, the applicant will agree to any vehicles imported under the approval being exported or destroyed if the evidence to support compliance with all applicable ADRs is not supplied within six months of the approval date or the vehicles are not manufactured in accordance with the final approved design. See the RVSA substantial compliance row of [Figure 1](#) for reference.


The applicant would need to retain evidence that all applicable ADRs have been met with the exception of the exempted ADRs listed below. This evidence may be in the form of computer-aided engineering (CAE) simulations or pre-certification test results. The exempted ADRs are the relevant versions of ADR 11, 21, 23, 25, 30, 45, 50, 51, 52, 61, 75, 76, 79, 80, 81, 82, 83, 86, 87, 93, 94, 95 and 96.

If the holder of the approval was to enter a pre-release evaluation vehicle with substantial compliance on the RAV, the "entry pathway sub-category" field on the RAV would be identified as "Type Approval - Non-standard". The road vehicle type approval would specify the extent to which vehicles covered by the approval are not required to comply with the national road vehicle standards in order to be entered on the RAV.

For a Type Approval and RAV entry to be changed to "Type Approval - Standard":

- the holder of the approval would need to apply to vary the road vehicle type approval, providing evidence demonstrating the vehicle of the type complies with all applicable ADRs
- the Secretary must have decided to vary the approval by way of removing the extent to which the vehicles covered by the approval are not required to comply with the national road vehicle standards and removing conditions of the approval that related to pre-release evaluation vehicles

Once a road vehicle type approval has been varied in this manner, if a vehicle had been entered on the RAV before the variation, it is proposed that the details on the RAV about the entry pathway sub-category could



later be amended to reflect the entry pathway sub-category as “Type Approval - Standard”. This would only occur if the vehicle matched the final approved design covered by the varied road vehicle type approval.

Pre-release evaluation full compliance

Since the previous consultation group meeting we have identified a way in which pre-release vehicles entered on the RAV could be identified as “Standard” avoiding the need to update the sub-category from “non-standard” as long as a declaration was given about the compliance of the vehicle with all applicable standards. See the RVSA full compliance row of [Figure 1](#) for reference.

The applicant would make a declaration that, the vehicles fully comply with standards and they have information to support the declaration. The applicant would need to ensure the declaration was supported by appropriate information that would support the accuracy of that declaration. The information could include CAE simulations or pre-certification test results. The TA would still be subject to conditions until the TA was varied by submitting the evidence to support the declaration and the variation was approved.

In the case of pre-release evaluation full compliance, if the vehicle was added to the RAV the approval holder would not have to make any changes to the RAV record after the TA had been varied by supplying evidence and having the pre-release evaluation conditions removed from the approval notice.

Assessment timeframes

The timeframe for deciding:

- Type Approval applications would be in accordance with the legislative decision making timeframe set out in section 21 of the Rules and service standards to be published
- Non-RAV import approval applications would be in accordance with the legislative decision making timeframe in section 154 of the Rules and service standards to be published.

Declarations

Sections 31 and 32 of the RVSA include penalties for providing false or misleading declarations or information. It is the responsibility of the applicant to ensure they have sufficient information to support the declarations included in the application.

Conclusion

The department has come to this position after careful consideration of the feedback and reviewing options available to continue the practices under Administrator’s Circular O-4-8 in a manner consistent with the RVS legislation. The options available for existing type approval applicants provide flexibility depending on the amount of evidence held which demonstrates compliance with the national road vehicle standards.

Figure 1

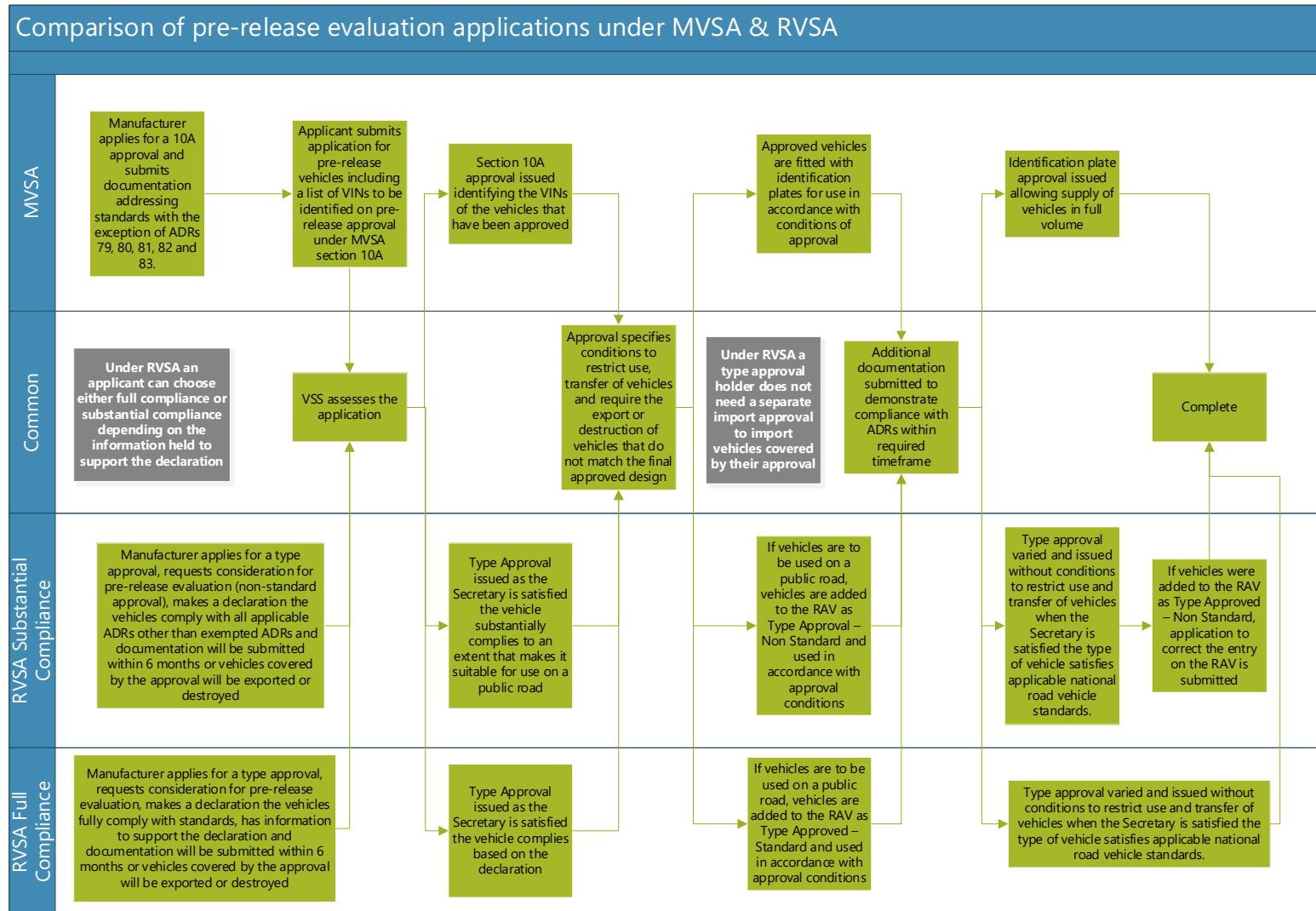


Figure 2

