# NOT A ROAD VEHICLE ADVISORY NOTICE: ASSESSMENT PROCEDURE

### 1. What is an Advisory notice that a thing is not a road vehicle?

A person may apply for an Advisory Notice that a thing is not a road vehicle (NARV) where there is some uncertainty about whether a thing is or is not a road vehicle. The assessment and notice, if issued, assists them to understand whether their vehicle is or is not a road vehicle, and thus whether the RVSA Act applies. The advisory notice may also facilitate clearance at the border for things that look like they may need a vehicle import approval, but in reality do not.

Section 6 (1) of the RVSA Act defines a road vehicle as any of the following:

- (a) a motor vehicle designed solely or principally for use in transport on public roads
- (b) a trailer or other vehicle (including equipment or machinery equipped with wheels) designed to be towed on a public road by a motor vehicle covered by paragraph (a)
- (c) a vehicle that is within a class determined in an instrument under paragraph (5)(a) and not determined in an instrument under paragraph (6)(b)
- (d) a vehicle determined in an instrument under paragraph (6)(a)
- (e) a partly completed or unassembled vehicle that would otherwise be covered by any of the above paragraphs.

The <u>Road Vehicle Standards (Classes of Vehicles that are Road Vehicles)</u>
<u>Determination 2021 (legislation.gov.au)</u> sets out classes of vehicles that **are road vehicles** for the purposes of the RVSA Act. Each of the following categories of vehicles have been determined to be road vehicles:

- airport service vehicles
- campervans or motorhomes
- mobile cranes
- concrete pumpers
- food or catering vans
- dual purpose motorcycles

The Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles)

Determination 2021 (legislation.gov.au) sets out classes of vehicles that are not road vehicles for the purposes of the RVSA Act. Each of the following classes of vehicles have been determined not to be road vehicles:

- · agricultural machines
- golf carts
- light utility vehicles

- miniature motorbikes
- motorised mobility devices
- motorised recreational devices
- personal mobility devices
- power-assisted pedal cycles
- quad bikes
- tracked vehicles

There are vehicles, and classes of vehicles, not covered by the determination that are not road vehicles, such as a hovercrafts, off-road motorcycles, and resort vehicles. These vehicles are principally designed for use other than on a public road. For these vehicles, a review of the physical and operational features may be required if the manufacturer's specifications do not clearly outline that the vehicle is made strictly for "off-road" use.

### 233 Application

(1) A person may apply for an advisory notice that states that a specified thing is not a road vehicle.

Note:

See subsection 13(2) of the Act.

- (2) The application must be:
  - (a) in the approved form; and
  - (b) accompanied by:
    - (i) such documents as are required by the form; and
    - (ii) the application fee.
- (3) If the Secretary is satisfied that the specified thing is not a road vehicle, the Secretary may issue an advisory notice stating that the specified thing is not a road vehicle.
- (4) The Secretary may refuse to consider an application if it does not comply with subsection (2).

### **FEE**

\$55

### 2. Timeframes

Although there are no legislated timeframes in which to consider an Advisory notice application, to maintain consistency with other application types, it should be considered within 30 business-days of receipt, unless further information is requested. If further information is requested, the clock is stopped, but no additional days are added to the 30 business-day timeframe.

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### 3. Changes after a NARV Advisory Notice

An Applicant cannot generally change details in relation to an Advisory Notice after a notice has been issued. A new application should be made for a new Advisory Notice. If minor corrections are required due to typos, a case-by-case decision can be made about amending the Advisory Notice.

**Note:** There is no allowance under the Rules for variation, suspension or revocation of an Advisory notice (either by the Secretary or Applicant-initiated.)

- 4. Assessing the Application General Assessors
- **4.1.** Check any flags and/or profiles.
- **4.2. Check** if the application includes **relevant supporting information**, such as photos, brochures, and/or specification information.

If you are missing any information, issue a clarification request.

Do not send a clarification request for incomplete administrative information, such as an incomplete address.

There is no legislative power to send a request for information (RFI) in assessing the Advisory Notice Application. However, a clarification request can be sent via an email through ROVER. It is better practice to send a single clarification request per application.

Suggested wording for a clarification request:

I am writing to you to clarify information relating to your application for an Advisory notice that a thing is not a road vehicle. I have identified that the following information requires clarification:

• [include details]

Please supply this information within 5 business-days.

**4.3. Check** if a vehicle of the same make/model has previously been assessed as being a road vehicle.

If yes, proceed to Refuse to Issue an Advisory Notice.

- **4.4.** Check if the thing is a road vehicle or covered by one of the categories that have been determined to be a road vehicle by:
  - reviewing the uploaded manufacturer's brochures / specifications and
  - reviewing the uploaded photographs and
  - undertaking a web search.

A road vehicle is:

- a motor vehicle designed solely or principally for use in transport on public roads
- a trailer or other vehicle (including equipment or machinery equipped with wheels) designed to be towed on a public road by a motor vehicle
- a partly completed or unassembled vehicle that would otherwise be covered by any of the above paragraphs.

The categories that have been determined to be a road vehicle are:

- airport service vehicles
- campervans or motorhomes
- mobile cranes
- concrete pumpers
- food or catering vans
- dual purpose motorcycles

including a partly completed or unassembled vehicle as per the above categories.

Further descriptive information about the classes of road vehicles that have been determined to be road vehicles is in the <u>Road Vehicle Standards (Classes of Vehicles that are Road Vehicles) Determination 2021 (legislation.gov.au)</u>.

If the Application relates to a **road vehicle** or **one of the categories** that have **been determined to be a road vehicle**, proceed to **Refuse to Issue an Advisory Notice**.

If **no**, continue with the assessment.

**4.5.** Check if the Application relates to the following classes of vehicles that have been determined not to be road vehicle.

**Note:** If you are unsure about the **class of vehicle** or the **Applicant selected** "**Other**" vehicle class, refer for technical advice, and record in the Assessment Notes.

- (a) Agricultural Machine: a vehicle that:
  - has its own automotive power
  - is built to perform agricultural tasks, such as cultivating land, growing and harvesting crops, or rearing livestock.
- **(b) Golf Cart:** a motorised vehicle that:
  - is designed to transport people and equipment around a golf course and
  - is designed to travel on at least four high-flotation tyres and
  - has side-by-side seating

- is not capable of exceeding 25 km/h on level ground and
- has an unladen mass of no more than 350 kg and
- has no road-going features, such as:
  - provision for mounting a registration plate
  - direction indicator(s)
  - brake light(s)
  - rear vision mirror(s)
  - seatbelt(s)
  - fully enclosed cabin with doors.
- (c) Light Utility Vehicle: a motorised off-road vehicle that:
  - is designed to travel on at least four high-flotation tyres and
  - has side-by-side seating and
  - is propelled solely by:
    - one or more electric motors

or

an internal combustion engine that has a cylinder capacity not exceeding 1,500 cm3

and

- has a steering wheel and
- has a tray back designed for carrying loads and
- has an unladen mass of no more than 800 kg and
- has few or no road-going features such as:
  - provision for mounting a registration plate
  - direction indicator(s)
  - brake light(s)
  - rear vision mirror(s)

- seatbelt(s)
- fully enclosed cabin with doors.
- (d) Miniature Motorbike (also known as a mini bike or pocket bike): a vehicle that resembles a motorcycle but is scaled down to approximately half the size, and that:
  - is designed to carry one person only and
  - has a seat height no greater than 600 mm and
  - has major dimensions that are scaled down in proportion to the seat height.
- (e) Motorised Mobility Device: a wheeled chair that:
  - is designed to be used by one person only and
  - is designed to assist a person who is unable to walk, or has difficulty walking

- is propelled by an electric motor and
- has a steering control and
- has a maximum governed speed of 10 km/h and
- has a minimum of three wheels.
- (f) Motorised Recreational Device: a wheeled device that:
  - is built to transport a person and
  - is ordinarily used for recreation or play and
  - is assisted by a motor or motors with a combined maximum power output not exceeding 200 watts.

**Note:** Motor-assisted rollerblades, roller skates, skateboards and unicycles, and other similar motor-assisted wheeled devices, are examples of motorised recreational devices.

- (g) Personal Mobility Device: a device that:
  - is designed to carry one person only; and

- has one or more wheels; and
- is propelled by an electric motor; and
- has an effective stopping system, including one or more of the following:
  - brakes
  - gears
  - motor control

• is not capable of exceeding 25 km/h on level ground when propelled by motor

and

- has a footprint of no more than 1250 mm by 700 mm and
- is not more than 1350 mm in height and
- has an unladen mass of 60 kg or less and
- is not equipped with:
  - any object or fitting not technically essential to the device that protrudes from any part of the device in a manner that likely increases the risk of bodily injury to any person

or

- any object or fitting that, because it is pointed or has a sharp edge, likely increases the risk of bodily injury to any person.

### (h) Power-Assisted Pedal Cycle: a device that:

- is equipped with one or more auxiliary propulsion electric motors with a combined maximum power output not exceeding 200 watts and
- does not have an internal combustion engine and
- cannot be propelled exclusively by the motor or motors and
  - has a tare mass (including batteries) of less than 50 kg and
  - has a height-adjustable seat

and

- is an electrically power-assisted cycle

- is an Electrically Power-Assisted Cycle
  - with a maximum continuus rated power of 250W that is:
  - progressively reduced as the cycle's travel speed increases above 6 km/h

- cuts off, where:
  - > the cycle reaches a speed of 25 km/h

or

- > the cyclist is not pedaling and the travel speed exceeds 6km/h.
- (i) Quad Bike: a motorised off-road vehicle that:
  - is designed to travel on at least four high-flotation tyres and
  - has a saddle-type seat designed to be straddled by the user and
  - is steered by handlebars.
- (j) Tracked Vehicle: a vehicle that travels on continuous tracks rather than tyres, such as a bulldozer or excavator.

If yes, proceed to Approve Recommendation.

If it is unclear whether the Application relates to one of the classes of vehicles that have been determined not to be road vehicle, or the Applicant selected "Other" vehicle class, refer for Technical Advice.

### 4.6. Referral for Technical Advice

A general assessor may seek technical advice:

- when the Applicant has selected "Other" vehicle class
- if it is unclear if the Application is covered by one of the classes of vehicles that have been determined not to be road vehicles
- where a vehicle meets one of the classes, but exceeds the requirements (e.g. if the engine, weight, or height limits are exceeded)
- where the manufacturer's specifications are unclear
- based on responses to RFIs (e.g. information about suspension systems or ground clearance).

### **Technical Referral**

Use 'Perform Action' then select 'Send for Technical Assessment' from the dropdown list.

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### 4.7. Completion of Advisory Notice Assessment

If the assessor is satisfied that:

- there are no outstanding flags
- that the vehicle is not a road vehicle

then send a Recommendation to Issue an Advisory Notice

To send the recommendation:

Use the "**Perform Action**" button to make a recommendation and record the reasons.

Sample wording for a Recommendation to Issue an Advisory Notice:

I have reviewed the information contained in the Application, relevant attachments, and in response to any RFIs, and have assessed the application against the legislative requirements. I recommend that you issue an Advisory Notice that a thing is not a road vehicle.

Of note:

- the vehicle is a not road vehicle [because it is one of the following categories insert category] or [it has been assessed as designed principally for use other than on a public road]
- [any other relevent information, such as technical advice].

### 4.8 Refuse to Consider Issuing an Advisory Notice Recommendation

If:

• the **Application is significantly incomplete** or missing multiple pieces of critical information

and/or

the Applicant did not pay the application fee.

send a **Refuse to Consider Issuing an Advisory Notice Recommendation** to the delegate if you are not making the decision. Record in the Assessment Notes or Decision Notes the reasons for refusing to consider issuing an Advisory Notice.

## Sample wording for a **Refuse to Consider Issuing an Advisory Notice Recommendation**:

I have reviewed the information contained in the Application, relevant attachments, and in repsone to any RFIs, and have assessed the application against the legislative requirements. I recommend that you Refuse to Consider Issuing an Advisory Notice on the grounds that:

- the Application is significantly incomplete or missing multiple pieces of critical information
   and/or
- the Applicant did not pay the application fee.

### 4.9 Refuse to Issue an Advisory Notice Recommendation

If the information supplied by the Applicant (including responses to any RFIs) indicates that that the vehicle is a road vehicle as the Application relates to:

- a road vehicle
- one of the categories that have been determined to be a road vehicle.

send a **Refuse to Issue an Advisory Notice Recommendation** to the delegate, if you are not making the decision. Record in the Assessment Notes or Decision Notes the reasons for refusing to issue an Advisory Notice.

Sample wording for a **Refuse to Issue an Advisory Notice Recommendation**:

I have reviewed the information contained in the application, relevant attachments, and in repsone to any RFIs, and have assessed the application against the legislative requirements. I recommend that you refuse to Issue an Advisory Notice on the grounds that information supplied by the Applicant indicates that the thing:

is a road vehicle

or

 relates to one of the categories that have been determined to be a road vehicle. Friday, 13 May 2022

9:57 AM

### Vehicle Safety Operations Branch - NARV Assessment Template

### Things that are not road vehicles

For a vehicle to be assessed as 'not a road vehicle' it must be designed principally for non-road use. The manufacturer's specifications (in the form of a brochure or technical specifications) will generally outline this. If the specifications do not state that the vehicle was designed principally for 'non-road' use, further information about the vehicle may need to be provided before a decision on the application can be made.

The <u>Road Vehicle Standards</u> (<u>Classes of Vehicles that are not Road Vehicles</u>) <u>Determination</u> <u>2021</u> (further information below) sets out classes of vehicles that are definitely not road vehicles.

From <a href="https://www.infrastructure.gov.au/infrastructure-transport-vehicles/webicles/importing-vehicle/advisory-notice-narv-guide">https://www.infrastructure.gov.au/infrastructure-transport-vehicles/webicles/importing-vehicle/advisory-notice-narv-guide</a>

### **Road vehicles**

A **road vehicle** is defined by the Road Vehicle Standards Act 2018 (RVSA) as any of the following:

- a motor vehicle designed solely or principally\* for use in transport on public roads
- a trailer or other vehicle (including equipment or machinery equipped with wheels)
   designed to be towed on a public road by a motor vehicle
- a vehicle determined in an instrument under the RVSA, being the <u>Road Vehicle</u> <u>Standards (Classes of Vehicles that are Road Vehicles)</u> Determination 2021
- a partly completed or unassembled vehicle that would otherwise be covered by any of the above.
- \* In determining whether a motor vehicle is designed solely or principally for use in transport on public roads, regard is to be had only to the physical or operational features of the vehicle, not the intended use of the vehicle.

Aside from vehicles you would usually expect to be road vehicles, the Road Vehicle Standards (Classes of Vehicles that are Road Vehicles) Determination 2021 lists certain classes of vehicles that are also determined to be road vehicles and gives definitions of these vehicles. If your vehicle fits in to any of the classes then it is a road vehicle.

 $\label{lem:continuous} From < \underline{\text{https://www.infrastructure.gov.au/infrastructure-transport-vehicles/importing-vehicle/advisory-notice-narv-guide} > \\$ 

public road means a road open to the public for the passage of vehicles, excluding:

- (a) a footpath or bicycle path; and
- (b) a bikeway, also known as a bike or cycle lane.

Previous assessment		of nal
<ul> <li>a. Has the vehicle of the same make/model previously been assessed as being a road motor vehicle? Refer to [refer to NARV#]</li> </ul>	Yes RVSA applies	Regon I
Comments:		Fre
b. Has the vehicle of the same make/model previously been assessed as NOT being a road motor vehicle? [refer to NARV#]	Yes RVSA <u>does not</u> apply	er the
Comments:		und E, T
Is the vehicle principally designed to be used on public roads or non-road/off-road?		leased u
	_	- 0 6

a. Is the vehicle designed solely or principally for the transport, on public roads?	Yes		No
Comments:			
<ul><li>b. Does the vehicle have any specialised non-road use equipment attached (e.g. golf carrying racks)?</li></ul>	Yes		No
Comments:			
c. Whether the maximum speed of the vehicle indicates it is not suitable to be used on road?	Yes		No
Comments:			
d. Whether the physical or operational features of the vehicle indicates it is not suitable to be used on road?	Yes		No
Comments:			
c. Is the vehicle allowed to be used in an unlimited way on public roads within Australia (indicative only)?	Yes - RVSA applies Unknown		No
d. Is the vehicle certified for road use or able to be registered in overseas jurisdictions (eg. USA DOT approval, European EEC approval etc (indicative only))?	Yes Unknown		No
Comments:			
e. Do the manufacturer's technical specifications as well as marketing material advise that the vehicle is suited for on-road use only, or is capable and designed for off-road use, or is silent on the issue?	Road Use Not Available	N	on-Road Use
Comments:			
Road Vehicle Standards (Classes of Vehicles that are not Road			
Vehicles) Determination 2021			
Road Features - Does the vehicle have road-going features such as:			4.0
Rear vision mirrors	True	40	False
Comments:		int	he)
Provision for mounting a registration/number plate	True	trine	False
Comments:		par	3
Direction indicators	True	100	False
Comments:		the	icat
Brake lights	True	59	False
Comments:		00.2	m
• Fully enclosed cabin with doors	True	1	False
Comments:	*	A	ent,
• Seatbelts	True	tio]	False
Comments:		ma	6/0
Any other road-going features, if so please specify:	True	102	False
Comments:		07.1	<u>a</u>
Off Road Features - Does the vehicle have off-road features such as:		MO	
Configuration suitable for off-road stability - e.g. proportionally longer wheelbase, wider track	True	Freedo	False
Comments:		he	Spi
High ground clearance	True	E-Ja	False
Comments:		TUC	9
Possesses deeply treaded all terrain tyres suitable for off-road use only	True	60	False
Comments:		eas	truc
• Large mudguards to protect the user from rocks, mud and snow	True	9	False

Comments:				
Suspension suitable for off-road applications (front, rear or both)		True		False
Comments:				
Question - Is the vehicle a Personal Mobility Device (PMD)?		NOT APPLICABLE		
a. Is the vehicle fitted with electric motor?		True		False
Comments:		5 et m. 1		
b. Is the vehicle designed to carry one person?	E	True		False
Comments:				
c. The maximum speed of the vehicle is 25 km/h?	E	True		False
Comments:	1.			
d. The maximum footprint of the vehicle is within 1250mm (L) x 700mm (W) x 1350mm (H)?		True		False
Comments:				
e. The maximum weight of the vehicle is 60 Kg?		True	E	False
Comments:				
f. Is the vehicle fitted with an effective stopping system that includes brakes, gears and/or motor control?		True		False
Comments:				
g. Is the vehicle has got any sharp protrusions?		True		False
Comments:				
Question - Is the vehicle a two or three wheeled power-assisted pedal cycle?		NOT APPLICABLE		
a. The vehicle's auxiliary motor(s) are not capable of producing a combined maximum power output exceeding 200 watts.		True		False
Comments:	1			
b. The vehicle is capable of solely human propulsion		True	E,	False
Question - Is the vehicle an electrically power-assisted cycle ?	T	NOT APPLICABLE		6 5 0
The vehicle's auxiliary motor(s) are not capable of producing a maximum continued rated power of 250 watts, of which the output is:		True		False
Comments:				ep su
a. progressively reduced as the cycle's travel speed increases above 6km/h; and	The state of the s	True		False
<ul><li>b. Cut off: Where</li><li>i) The cycle reaches a speed of 25km/h; or</li><li>ii) The cyclist is not pedaling and the travel speed exceeds 6km/h.</li></ul>		True		False 7861
Question - Is the vehicle a power-assisted pedal cycle fitted with greater than 250W motor and off-road features?		NOT APPLICABLE		n Act nent, C
a. The vehicle's auxiliary motor(s) are capable of producing a combined maximum power output exceeding 250 watts.		True		False
Comments:				nid Dev
b. Tyres with tread blocks rather than grooves		True		False
c. Front or full suspension or fat tyre section width greater than 2.6 inch		True		False
d. Wheel sizes shall be a minimum of 26 inches		True		False
e. Manufacturer's specifications that outline the vehicle made strictly for "off-road" use		True	□.	False
Question - Is the vehicle a Golf or Resort Cart?		NOT APPLICABLE		ans
a. The vehicle is designed to transport people and equipment around a golf course		True		False
b. The vehicle is designed to travel on at least four (4) high flotation tyres		True		False
c. The vehicle has side by side seating		True		False
d. The vehicle is not capable of exceeding 25km/h on level ground		True		False
	_		-	XE

e. The vehicle has an unladen mass <b>NOT</b> exceeding 350kg		True	False
f. The vehicle does <b>NOT</b> have any road going features		True	False
If the vehicle has road going features, please specify:		True	False
Comments:		9	
Question - Is the vehicle a Motorised Mobility Device?		NOT APPLICABLE	
a. The vehicle is designed to be used by a single person		True	False
c. The vehicle is not capable of reaching speeds of more than 10km/h on level ground.		True	False
d. The vehicle is propelled solely by one or more electric motors		True	False
e. The vehicle has a steering control		True	False
f. The vehicle has a minimum of three wheels		True	False
Comments:			
Question - Is the vehicle a Quad Bike?		NOT APPLICABLE	,
a. the vehicle designed to travel on least four high flotation tyres		True	False
b. the vehicle has a saddle type seat designed to be straddled by the user		True	False
c. the vehicle is steered by handlebars		True	False
Question - Is the vehicle a Miniature Motorcycle (Pocket bike)?		NOT APPLICABLE	
a. the seat height of the motorcycle is not greater than 600mm.		True	False
b. the vehicle is designed to be used by a single person		True	False
c. the vehicle has major dimensions scaled down in proportion to the seat height		True	False
Comments:			
Question - Is the vehicle a Light Utility Vehicle (Off Road)?		NOT APPLICABLE	
a. the vehicle is designed to travel on four (4) high floatation tyres		True	False
b. the vehicle has side by side seating		True	False
c. the vehicle is propelled solely by either:		True	False
<ul> <li>one or more electric motors; or</li> <li>an internal combustion engine that has a cylinder capacity not exceeding 1,500cm3</li> </ul>	4		mer of th
d. the vehicle has a steering wheel		True	False
e. the vehicle has a tray back designed for carrying loads		True	False
f. the vehicle has an unladen mass of no more than 800kg		True	False
g. the vehicle lacks road-going features		True	False
Comments:			882
Question - Is the vehicle a Motorised Scooter?		NOT APPLICABLE	00 7
a. the vehicle is designed to be used by a single person		True	False
b. the vehicle has two or more wheels and a footboard supported by the wheels		True	False
c. the vehicle is steered by handlebars		True	False
d. the vehicle is propelled by a motor or motors having a combined maximum power output		True	False
NOT exceeding 200watt  e. If the power output exceeds 200watt - what is the power output:	-		100
Comments:	-		0 0
		NOT APPLICABLE	10 0 Y
Question - Is the vehicle a motorised recreational device?		True	False
a. Is the device a wheeled device built to transport a person(s)?		True	False
b. Is the vehicle designed primarily for recreation or play?		True	False
c. The vehicle is assisted by a motor(s) with a combined power output not exceeding 200 watt			<u>2</u>
Comments:	-		Sed
Other Vehicles			lea, stru
Question - Is the vehicle a Miniature or Toy car?		NOT APPLICABLE	Re

a. the vehicle is over 1000mm in width	True	False
b. the vehicle has off road features	True	False
Comments:		
c. what is the maximum speed of the vehicle:		
d. What is the engine capacity of the vehicle:		
e. the vehicle has road going features	True	False
Comments:		
Recommendation		
Comments: The vehicle has been assessed as		
If the vehicle has been assessed as a road motor vehicle, please specify the motor vehicle category:  This vehicle falls into the [] vehicle category.	Suitable Australian vehicle category has been identified	
If the vehicle has been assessed as a road motor vehicle but there is no clear vehicle category that it fits under, please state:  i) The closest vehicle category based on Australian vehicle categories  a. This vehicle fits most closely into [insert relevant] vehicle category, for the following reasons:  i  ii) If possible, any vehicle category the vehicle is certified under in other jurisdictions  a. This vehicle is categorised as a [Category Name] according to vehicle categories defined in [Region Name]		
Assessor's name:		ts.
	,	t of
Section Head/Approver name:		and the
Date of Assessment: / /		Dep
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