



Australian Government

**Department of Infrastructure,
Regional Development and Cities**



RVSA Implementation Consultation Framework

RVSA Tools Consultation Group

Discussion Paper TL2 – Introduction to Testing Facility Approvals

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Introduction

This paper is designed to provide members of the RVSA Tools Consultation Group with information about the role of Testing Facility Approvals in the Road Vehicle Standards (RVS) legislation. The paper will provide:

1. An overview of Testing Facility Approvals, including where to find the relevant parts of the legislation.
2. An outline of when Testing Facility Approval holders have to be used, including information about where these requirements sit in the RVS Rules.
3. A detailed look at the Testing Facility Approval application process.
4. An outline of the transition arrangements for test evidence.

1. Overview of testing facilities

The regulation of testing facilities is central to the Government's ability to ensure Australians are provided with safe, secure and environmentally friendly vehicles. This is because we rely on evidence from testing facilities when deciding whether a vehicle complies with the national road vehicle standards.

The regulation of testing facilities in the RVS legislation takes a similar approach to the current treatment of testing facilities, where testing facilities are registered with the department. The RVS legislation, however, formalises this registration process by requiring testing facilities to hold approvals under the RVS legislation. That is, testing facilities that wish to test road vehicles for compliance with the national road vehicle standards must apply for a Testing Facility Approval.

It is the responsibility of type approval holders, component type approval holders and Model Report approval holders to ensure that testing has been conducted by the holder of a Testing Facility Approval.

Holding a Testing Facility Approval comes with obligations. These obligations are designed to ensure the following requirements are met by every Testing Facility Approval holder for every test that they conduct:

- testing needs to be appropriate for the vehicle standard being tested against and conducted in a robust and repeatable manner
- testing should be carried out with appropriate equipment and technology that is properly maintained and calibrated
- testing should be carried out by appropriately skilled personnel
- testing should be recorded and reported in an accurate and detailed manner, sufficient to ensure accountability and repeatability. Where errors are found, these should be corrected and communicated to clients

In addition, testing facilities are expected to provide information to the department when requested and must allow, or arrange for, inspectors to access any premises associated with the testing of road vehicles or road vehicle components.

A key difference under the RVS legislation is the ability to enforce these obligations. Failure to meet any of these obligations is an offence and the department can take action ranging from warnings and infringement notices, right up to enforceable undertakings, prosecution, suspension or revocation of the testing facility’s approval.

The legislative provisions for Testing Facility Approvals are set out in Part 4, Division 5 of the RVS Rules. Those interested in applying for a Testing Facility Approval should familiarise themselves with these provisions – they outline the application process, the eligibility criteria and, importantly, the obligations that are placed on Testing Facility Approval holders.

This formalisation of the testing facility registration process by introducing Testing Facility Approvals ensures that the Government has sufficient oversight of an important part of the vehicle supply chain.

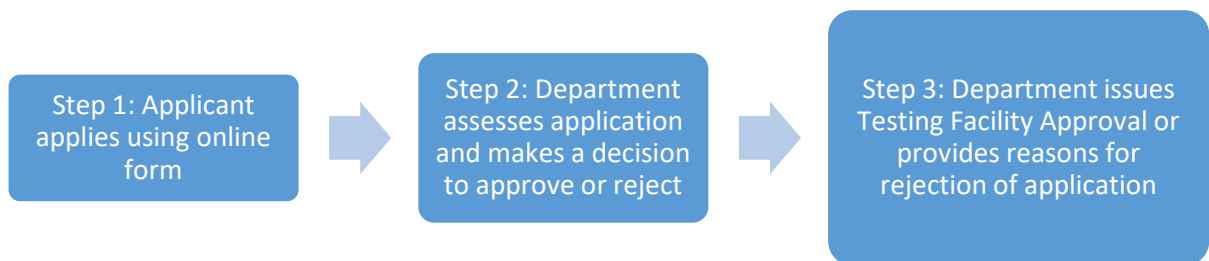
2. When does a testing facility have to be used?

There are certain situations where Testing Facility Approval holders must be used to provide evidence of compliance with a vehicle standard.

Approval type	Context of obligation
<p>Type approvals</p>	<p>To be granted a type approval, an applicant has to demonstrate that the vehicle complies with the national road vehicle standards.</p> <p>To demonstrate this the department will only assess evidence from certain sources:</p> <ul style="list-style-type: none"> • results from testing conducted by Testing Facility Approval holders • UN approvals • components covered by a component type approval • declarations made by the applicant (in certain circumstances) • Model reports (heavy trailers only) <p>The department will not take into account other matters, except to assess the accuracy of the evidence provided.</p>
<p>Component type approvals</p>	<p>To be granted a component type approval, an applicant has to demonstrate that the component complies with all relevant national road vehicle standards.</p> <p>To demonstrate this the department will only assess evidence from certain sources:</p> <ul style="list-style-type: none"> • results from testing conducted by Testing Facility Approval holders • UN approvals

	<ul style="list-style-type: none"> • components covered by a component type approval • declarations made by the applicant (in certain circumstances) <p>The department will not take into account other matters, except to determine the accuracy of the evidence provided.</p>
Model Reports	<p>The type of evidence required for Model Reports will vary depending on the kind of Model Report being prepared.</p> <p>However, the general principle of Model Reports is:</p> <p>Where testing evidence is required to demonstrate compliance with a vehicle standard, then that evidence should come from testing conducted by a Testing Facility Approval holder.</p>

3. Testing facility application process



Step 1: Application

An individual or a corporation that wishes to conduct testing to produce test evidence that will be provided under the RVS legislation must make an application for a Testing Facility Approval.

The application form will be available online and will guide applicants through the information that they need to provide.

The department will assess the application against the following eligibility criteria:

- that the applicant has technology and equipment to adequately test road vehicles and road vehicle components
- that the applicant has appropriately skilled personnel to carry out any testing under the approval

The form will ask applicants to provide information about their testing locations, their capability (that is, the vehicle standards that they intend to test to), and nominate a contact person. The form will also include places to upload additional information to help the assessor determine whether the equipment and personnel are adequate and appropriate. We will provide guidance as to the kind of information that we may require to satisfy the assessor. Such information might include, for example, independent accreditations, evidence of contracts, or calibration certificates.

There will be a fee associated with the application for a Testing Facility Approval. This fee has not yet been determined but will reflect the cost of assessing the application.

Step 2: Assessment of application

Once the application has been submitted the department will assess the application and determine whether the applicant has adequate technology and appropriate personnel, that is, meets the eligibility criteria.

The obligations on testing facilities are performance based and allow a wide variety of organisations to potentially satisfy the requirements. This could range, for example, from individuals assessing a specific part of a national road vehicle, all the way up to multinational networks of testing facilities that are capable of testing nearly every national road vehicle standard.

There are some principles that the department intends to follow when assessing an application. Organisations with third party accreditations may be able to provide less information if they are able to provide accreditation details. For example, where an applicant has certain third party accreditations or certifications this is likely to help facilitate the approval:

- accreditation to ISO17025: General requirements for the competence of testing and calibration laboratories
- accreditation to ISO9000 series
- ECE approval for harmonised standards

Organisations or individuals without third party accreditation may have to provide more information in the application form to help satisfy the assessor that they have adequate equipment and appropriate personnel.

The assessor will be able to ask the applicant for additional information to assist in deciding the application. They may also request an inspection of the facilities, if required.

Step 3: Grant of approval

If the assessor is satisfied that the testing facility has adequate equipment and appropriately skilled personnel for the vehicles standards that they are testing to, then the assessor can recommend that the decision maker approve the application.

If the application is approved the applicant can be granted a Testing Facility Approval. This allows the individual or corporation to conduct testing for type approval applicants and Model Report applicants. A Testing Facility Approval lasts for 5 years.

The name and contact details of Testing Facility Approval holders are, by default, published on the department's website. However the form will include an option to opt out of the publication of this information. In addition a Testing Facility Approval holder can ask the department to remove these details at any time.

4. Transition arrangements for testing facilities

There is no option for automatic transition of a registered test facility into a Testing Facility Approval holder. Registered test facilities will have to apply for an approval to continue to provide testing evidence for the national road vehicle standards.

The below table offers a summary of how the transition to new evidence requirements will work for different approval holders:

Approval type	New applications under the RVS legislation	Transitioned approvals
<p>Type approvals</p>	<p>All new type approval applications after commencement of the RVS legislation must provide evidence from Testing Facility Approval holders (or other recognised evidence sources, such as UN approval).</p> <p>We may accept evidence for testing conducted before the legislation commenced (if the entity that conducted the testing holds a Testing Facility Approval under the RVS legislation).</p>	<p>Where an approval holder under the <i>Motor Vehicle Standards Act 1989</i> has 'opted in' to a type approval we will continue to accept original testing used for that approval.</p> <p>Where a variation to a transitioned approval requires the approval holder to update or provide new evidence, that new evidence must come from a Testing Facility Approval holder (or other recognised evidence sources, such as UN approval).</p>
<p>Component type approvals</p>	<p>All component type approval applications must provide evidence from Testing Facility Approval holders (or other recognised evidence sources, such as UN approval).</p> <p>We may accept evidence for testing conducted before the legislation commenced (if the entity that conducted the testing holds a Testing Facility Approval under the RVS legislation).</p>	<p>N/A – these are a new type of approval</p>
<p>Model Reports</p>	<p>Where a Model Report requires test evidence, that evidence must be provided by a Testing Facility Approval holder.</p> <p>We may accept evidence for testing conducted before the legislation commenced (if the entity that conducted the testing holds a Testing Facility Approval under the RVS legislation).</p>	<p>N/A – these are a new type of approval</p>

Other matters relevant to transition

- It is likely that the department will accept applications for Testing Facility Approvals prior to accepting type approval applications.
- The department's view is that not every testing facility location operated by an organisation has to have a separate Testing Facility Approval. One large operation could, for example, have one approval for all of their testing operations/sites/facilities.

Discussion questions

- What further material do you need to assist with transition into providing evidence under the RVS legislation?
- What other kinds of accreditations or information might we be able to take into account?
- How important is it to align **MVSA testing facility registration numbers** with **RVS Testing Facility Approval numbers**? What impact would different numbering have on your operations? What if we were able to incorporate the MVSA registration number into the RVS legislation approval number?