



Australian Government

Department of Infrastructure, Transport,  
Cities and Regional Development

# Road Vehicle Standards

## RVSA Implementation Consultation Framework

Type Approvals Consultation Group

*Discussion Paper TA8 – Test, evaluation and pre-release vehicles*

4 July 2019



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## Introduction

The Road Vehicle Standards (RVS) legislation has been passed by both houses of Parliament and will come into effect on 10 December 2019. 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 RVSA Implementation Consultation 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.

This paper compares the arrangements the importation and supply of vehicles for test and evaluation under the Motor Vehicle Standards Act 1989 (MVSA) and the Road Vehicles Standards (RVS) legislation.

This paper also identifies a proposal to continue to support business needs for pre-release evaluation vehicles. **This is a proposal only and for discussion at the Type Approvals Consultation Group on 4 July 2019. It is expected that further development and consultation on the proposal will be undertaken following discussion at the Type Approvals Consultation Group meeting.**

## Arrangements under the MVSA

An approval to import a vehicle as a 'test vehicle' can be granted for the purposes of conducting testing required to address Australian Design Rule (ADR) and certification requirements. An approval to import a vehicle for the purpose of test, evaluation and research is granted under regulation 18(1)(a) of the Motor Vehicle Standards Regulations 1989 (MVSR) for new vehicles and regulation 18(1)(b) for used vehicles. An application made for an approval to import a vehicle for testing generally requires a test plan to identify the types of testing being conducted, who will be involved, what is being tested and the duration the vehicle is required.

Where an applicant is not the holder of Identification Plate Approval (IPA), the applicant must submit as part of their application a certification plan briefly explaining the proposed methodology to obtain an IPA and specifically how the applicant will ensure design control and conformity of production. The certification plan must provide full details of the test program setting out which ADRs are applicable for the vehicle and provide details of registered test facilities for conducting those tests.

After testing has been completed and an IPA granted, the vehicle may be fitted with an identification plate if it conforms to the final design approved under the IPA and the vehicle has not been used on a public road.

### Evaluation and pre-release vehicles

[Administrators Circular 0-4-8](#) (0-4-8) sets out arrangements for the registration and conditional use of evaluation and pre-release vehicles on public roads with the agreement of state and territory registration authorities. The pre-release-evaluation option is only available to vehicles in categories MA, MB, MC, MD, NA, NB or NC.

0-4-8 sets out arrangements for pre-release-evaluation vehicles to be imported/fitted with a plate prior to meeting all the Identification Plate Approval (IPA) criteria. These arrangements include:

- the requirement for an application for an IPA to be submitted including all evidence demonstrating compliance with all applicable ADRs with the exception of emission ADRs (ADRs 79/..., 80/..., 81/..., 82/... and 83/...)
- the requirement for the application to specify the VINs of the vehicles to which the application relates and that the approval would apply to under section 10A of the MVSA
- conditions that the approval is subject to, including conditions which restrict the use, transfer of the vehicles and require the export/destruction if the vehicle does not match the final approved design

# Arrangements under the RVS legislation

## Testing or market evaluation

An application may be made for a non-RAV entry import approval to import a vehicle for testing or market evaluation purposes (section 151 of the Road Vehicle Standards Rules 2019 (the Rules)). If this approval is granted, this enables the importation of the vehicle for testing to meet certification standards and /or evaluation of performance in Australian conditions and transport systems, including trials of automated vehicles.

Applicants will supply a testing or market evaluation plan including supporting information to confirm that the applicant is able to carry out legitimate testing/market evaluation. The plan should include information about where the vehicle is to be tested/evaluated and who is involved.

The criteria for eligibility of 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. For example, an autonomous vehicle being tested on public roads may be considered as use in exceptional circumstances if there are strict conditions imposed on the vehicle's road use, such that its use remains 'exceptional'. Where the applicant intends to use the vehicle on a public road, the applicant will be requested to provide information demonstrating in-principle support from the state or territory registration authority for the vehicle to be used on a public road.


Similar to the concept in 0-4-8, a non-RAV entry import approval granted on the basis that the vehicle will be used for testing or market evaluation purposes will be subject to conditions relating to:

- who can operate a vehicle
- the transfer of registration of the vehicle
- the disposal of the vehicle after completion of testing if the vehicle is not suitable to be added to the RAV

Where the vehicle will be the subject of testing in support of an application for either a road vehicle type approval or concessional RAV entry approval, and the testing will not involve use on a public road, the vehicle may be added to the RAV under the applicable pathway if:

- a road vehicle type approval or concessional RAV entry approval is granted, and
- all other requirements under the entry pathway are met.

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 be exported or destroyed after the testing is completed (unless the vehicle satisfies the requirements of the concessional RAV entry pathway). A vehicle that is used in transport on a public road is not eligible for entry on the RAV under the type approval pathway as it does not meet the definition of a



‘new’ vehicle. This means that unless a concessional RAV entry approval has been granted in relation to the vehicle (and the requirements of the concessional RAV entry pathway are met), entry of a vehicle on the RAV that has been used on a public road would result in a contravention of section 16 of the Road Vehicle Standards Act 2018.

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.

It is intended that use on the road and any associated conditions placed on that use will be a decision for the responsible state or territory registration authority.

## Pre-release evaluation vehicles under RVS legislation

**One option has been identified to continue to support business needs related to pre-release evaluation vehicles. This option is outlined below and generally reflects the arrangements set out in 0-4-8. As noted in the introduction, this is a proposal only and for discussion at the Type Approvals Consultation Group on 4 July 2019. It is expected that further development and consultation on the proposal will be undertaken following discussion at the Type Approvals Consultation Group meeting.**

## Application for and grant of a road vehicle type approval

It is proposed that a road vehicle type approval could be granted specifying that the type of vehicle substantially complies with the applicable national road vehicle standards to an extent that makes it suitable for use on a public road. A type of vehicle satisfies this requirement if it would not pose an unacceptable risk to public safety and would be appropriate for such use.

Under this proposed approach, for a road vehicle type approval to be granted:

- 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.
- Evidence demonstrating compliance with all ADRs with the exception of ADRs 79/..., 80/..., 81/..., 82/... and 83/... must be submitted and the Secretary must be satisfied that the type of vehicle complies with all ADRs with the exception of ADRs 79/..., 80/..., 81/..., 82/... and 83/....
- The evidence demonstrating compliance with the remaining ADRs must be subject to testing being completed.
- 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.

Vehicles covered by the road vehicle type approval would be permitted to be imported.



## Entry on the RAV

A road vehicle must be entered on the RAV before being provided to a person for the first time in Australia unless the vehicle is provided:

- to have work done on it
- to protect it
- to store it
- to transport it to the importer (if imported)
- to transport it to the exporter (if exported) or
- in a circumstances set out in the Rules

If the holder of an approval was to enter a pre-release evaluation vehicle 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 the “entry pathway sub-category” field to be identified as “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.

## Conditions specified in the “non-standard” road vehicle type approval

It is proposed that the following conditions would be specified on the road vehicle type approval originally granted for pre-release evaluation vehicles:

- The vehicles covered by the approval, when driven on public roads may only be driven by:
  - a person in the employ of, or contracted to, the holder of the type approval, or
  - a person under the supervision of a person in the employ of, or contracted to, the holder of the type approval, or
  - by a member of the motoring press when associated with a structured release program for that particular vehicle model.

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- The holder of the approval must apply to vary the approval providing evidence demonstrating compliance with ADRs 79/..., 80/..., 81/..., 82/... and 83/... within six (6) months of the date of granting the approval.
  - The vehicles must be exported or destroyed if the vehicles do not conform to the design contained in a road vehicle type approval varied by the Secretary as a result of the provision of evidence demonstrating compliance with ADRs 79/..., 80/..., 81/..., 82/... and 83/....

## Discussion

Is the pre-release evaluation option required to continue following the substantive commencement of RVS legislation?

What type of use is a pre-release evaluation vehicle put to between importation and provision to a consumer for the first time in Australia?

In 0-4-8, evidence demonstrating compliance with all ADRs other than emission requirements must be provided. Would results of testing against these standards generally continue to be a limiting factor for an application for a road vehicle type approval?

If a solution for pre-release evaluation vehicles is required, is the proposed solution a workable solution?