



**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 TA5P – Test Reports not submitted by an RVS  
Approved Testing Facility*

4 July 2019



# Table of Contents

- Introduction .....3
- Acceptance of test evidence not supplied by an RVS approved testing facility.....3
- The Department’s position.....4
- Proposed process.....4
- Eligibility and declaration .....5
- Position if an approval holder does not opt in .....7

## Introduction

The Road Vehicle Standards (RVS) legislation has been passed by both houses of Parliament and the substantive provisions are scheduled to commence 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 (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.

The department met with the Type Approvals Consultation Group and other relevant stakeholders in Sydney on 27 March 2019 to discuss options for the acceptance of test evidence not submitted by an RVS approved testing facility. Discussion paper *TA5 – Test Reports not submitted by an RVS Approved Testing Facility* outlined options for discussion. This position paper outlines the department's position to be presented to the Type Approvals Consultation Group meeting in Brisbane on 3 July 2019. A copy of this paper will be made available on the department's website.

## Acceptance of test evidence not supplied by an RVS approved testing facility

Stakeholders have advised the department that test evidence used for an approval granted under the Motor Vehicle Standards Act (MVSA), and subsequently granted an approval under the RVS legislation opt-in provisions may still be relevant, correct, and current when the five year validity of the opt-in type approval expires. The Rules, however, require that, after the five year period, all test evidence must be provided from a testing facility approved under the RVS legislation.

The Rules express the government's policy position when it comes to assessing evidence of compliance with national road vehicle standards; evidence must be supplied by approved testing facilities (regardless of when the testing was conducted). This means that type approval holders of vehicles with long model lives may be required to retest vehicles using a testing facility approved under the RVS legislation. This only occurs where the entity that originally tested the vehicle has chosen not to apply for a Testing Facility Approval.

The department recognises that there may be specific situations where the submission of older testing evidence may be acceptable, such as when re-testing would impose a significant regulatory and financial burden on a transitioned type approval. This allowance will not be available unless applicants are able to justify to us that we should accept an alternative form of evidence. In addition, we would expect applicants to be able to provide a similar level of accountability for that evidence (that is, the applicant declares that they are responsible for the accuracy and relevance of that evidence).

## The Department's position

The department is still committed to ensuring that test evidence that is submitted for approvals granted under the RVS legislation is accurate and someone is accountable for the validity of the test evidence.

After careful consideration of the issues raised by the consultation group, the department is willing to consider, on a case by case basis, requests to continue to use older evidence for the purpose of road vehicle type approvals. This consideration will only be afforded to holders of approvals under 10A(1), 10A(2) or 14A of the MVSA who chose to opt in and are renewing their approval after the five year opt in period has expired.

It will not be available for new models or model reports. These approval types will still be required to provide evidence from an approved testing facility – consistent with the policy expressed in the Rules. The requirement for new type approvals to provide evidence from an approved testing facility shall remain. At the consultation group meeting on 27 March 2019 several industry representatives raised concerns about the requirement that test evidence for component type approvals (CTAs) must be provided from an approved testing facility. An analysis relating to the concerns raised has been undertaken and the findings will be presented to the RVSA meeting on 3 July 2019.

## Proposed process

Once the five-year period has expired, type approval holders will submit an approval application. At this time, the approval holder will submit the required forms with the testing facility identification numbers recorded. If a facility is identified as not being registered under the RVS legislation, the approval holder will be required to submit:

- a signed declaration that they meet the eligibility considerations for older evidence to be considered
- the original test report documentation
- information to support the accuracy of the declaration

If the evidence is assessed as acceptable, the road vehicle type approval will be granted under the RVS legislation for a further seven years until the next renewal is due.

If the submitted evidence is determined to be insufficient to provide an assurance of compliance with the national road vehicle standards, new test evidence provided by a registered testing facility under the RVS legislation will be required before an approval will be granted.


Upon the second renewal date, the approval holder will be required to provide test evidence that has been conducted under a Testing Facility Approval. This will provide a 12 year period from implementation of the RVSA for road vehicle type approval holders who have applied under the opt-in provisions to obtain testing evidence that meets the requirements set out in the Rules.

## Eligibility and declaration

The below table outlines the eligibility for older evidence to be considered:

<b>Table 1</b>
<b>ELIGIBILITY TO HAVE OLDER EVIDENCE CONSIDERED</b>
<ul style="list-style-type: none"><li>• <b>This consideration will only be afforded to approval holders that choose to opt-in</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Only road vehicle type approval holders submitting evidence against the national standards for existing models will be considered. Model reports will not be eligible for this pathway.</b></li></ul>
<ul style="list-style-type: none"><li>• <b>The approval holder must provide a detailed justification as to why the test reports being submitted cannot be provided by a testing facility approved under the RVSA.</b></li></ul>
<ul style="list-style-type: none"><li>• <b>The road vehicle type approval holder will need to demonstrate that there is a significant financial and administrative burden to the organisation by being required to re-test. For example, if the cost of re testing as cannot be amortised due to the number of vehicles likely to be provided under the approval.</b></li></ul>
<ul style="list-style-type: none"><li>• <b>The road vehicle type approval holder will need to demonstrate that retesting to the national road vehicle standards would not provide any additional safety, environmental, or antitheft benefits.</b></li></ul>
<ul style="list-style-type: none"><li>• <b>The road vehicle type approval holder must hold the original test reports approved under the MVSA and be able to provide these to VSS upon request.</b></li></ul>

When assessing an application for a road vehicle type approval (for compliance with the national road vehicle standards) the Road Vehicle Standards Rules (the Rules) list the types of evidence that can be taken into account (s19).



If the applicant and evidence satisfies the above considerations, the applicant will need to provide a declaration to the department (s19(2)(g)). The declaration will need to state that:

- The original test evidence is still applicable and continues to demonstrate the vehicle's compliance with the national road vehicle standards.
- That the original test evidence is accurate
- That retesting for compliance with the national road vehicle standards will impose a significant and unreasonable financial burden on their business
- That retesting would not provide any additional safety, environmental, or antitheft benefits to the community
- That the applicant accepts responsibility for the accuracy of the test evidence and the vehicle's compliance with the national road vehicle standards

In addition to the declaration, the department will ask for supporting information that is relevant to assessing the accuracy of the declaration (s19(2)(i)) and whether the declaration demonstrates compliance with the national road vehicle standards (s19(2)(h)) supporting information may include:

- A copy of the original test report/evidence
- A quote for the cost of retesting provided from a Testing Facility Approval holder
- A statement about the financial burden of retesting
- A statement about why retesting does not provide the community with any additional safety, environmental, or antitheft benefits

Evidence from entities that were previously registered with the department as test facilities will be acceptable, but only if that entity has been granted a Testing Facility Approval under the RVS legislation.

The holder of an approval granted under the MVSA that chooses to opt-in using the processes set out in the Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018 (Transitional Act), will be eligible to transfer all current test evidence regardless of whether it was conducted by an RVS Approved Testing Facility or not.

The applicable MVSA approvals eligible for opt-in are:

- subsection 10A(1) or (2) of the MVSA (i.e. for a vehicle type that is either fully compliant or is non-compliant only in minor and inconsequential respects)
- section 14A of the MVSA or regulation 20 of the Motor Vehicle Standards Regulations 1989 (i.e. nonstandard vehicles)

The approval granted within the opt-in period remains valid for five years.



## Position if an approval holder does not opt in

If the holder of an approval granted under the MVSA does not opt-in during the 6-month window, the approval will cease at the end of this period and any new approval will have to be applied for through the conventional manner under the Rules. In this instance, all test evidence will need to have been conducted by a testing facility approved under the RVS legislation, or by a person who has been granted a testing facility approval but did not one when the test was originally conducted. This also applies for all new models being approved under the RVS legislation.

Once the five year validity of an opt in approval has expired, approval holders will be required to submit an application to renew the approval. As with applications for new models, test evidence for this renewal will need to have been conducted by a Testing Facility Approval holder or by a person who has become the holder of a Testing Facility Approval. This renewal will be granted for a period of seven years.