



# Type Approvals Consultation Group – 21 November 2018

## Discussion Paper TA3 – Road Vehicle Type Approvals Opt In - Supplementary material

### Summary of road vehicle type approval conditions specified in the Rules<sup>1</sup>

Condition	Initial guidance/explanation
<u>Section 26 of RVS Rules</u> <ul style="list-style-type: none"><li>• <b>Condition that, at all times, the holder of the approval:</b><ul style="list-style-type: none"><li>○ <b>must ensure that vehicles covered by the approval comply with the applicable national road vehicle standards at the time they are entered on the RAV; and</b></li><li>○ <b>is able to produce evidence that demonstrates that vehicles covered by the approval comply with those standards at the time they are entered on the RAV.</b></li></ul></li></ul>	<ul style="list-style-type: none"><li>• A type approval holder is required to demonstrate that the vehicle type complies with applicable national road vehicle standards in order to be granted the type approval in the first place.</li><li>• The intent of section 26 is that the type approval holder makes sure that each vehicle provided to the market under the type approval meets the national road vehicle standards.</li><li>• The expectation is that the type approval holder has supporting information that shows the link between each individual vehicle provided under the approval and the evidence used to gain the type approval.</li></ul>
<u>Section 27 of the RVS Rules</u> <ul style="list-style-type: none"><li>• <b>Condition that the holder of the approval:</b><ul style="list-style-type: none"><li>○ <b>if there is a change to the applicable national road vehicle standards, the holder of the approval must provide evidence to the Minister that road vehicles covered by the approval</b></li></ul></li></ul>	<ul style="list-style-type: none"><li>• We expect this condition will be removed for the final version of the Rules. The requirement that evidence be updated will remain – just not as a “condition”.</li><li>• This intent of this condition was to ensure that type approval holders updated evidence when the national road vehicle standards changed. However, this obliged all type approval holders (regardless of whether they intended to supply a</li></ul>

<sup>1</sup> Reference to the Rules in this supplementary material is to the exposure draft of the Road Vehicle Standards Rules 2017 released on 13 December 2017.

Note: This is not an exhaustive explanation of the conditions. It is intended to be used as a guide to facilitate conversation.

**comply with a changed national road vehicle standards.**

vehicle after the applicability date) to provide evidence of a change.

- In the final version of the Rules it will be up to type approval holders to decide whether they want to continue providing vehicles and therefore provide updated evidence in an appropriate timeframe.

#### Section 28 of RVS Rules

- **Condition that the holder of the approval:**
  - **implements a conformity of production system that governs the manufacturing process detailed in the supporting information for the type approval; and**
  - **ensures that, at the time that a road vehicle is entered on the RAV under the type approval, the vehicle satisfies the requirements of the type approval pathway.**

- Conformity of production involves control over all stages of a road vehicle's design and manufacturing processes to ensure that vehicles provided to the Australian market meet the applicable national road vehicle standards.
- The intention of this condition is to ensure that the holder of the approval has a system in place that means each vehicle is being produced in a consistent manner to that provided in the supporting information.
- This condition is designed to impose similar obligations to those outlined in the 'Approval holder obligations – Design change control' fact sheet published on the department's website.

#### Section 29 of RVS Rules

- **Condition that, if the holder of the approval becomes aware of an error in information entered on the RAV under the approval, the holder must notify the Secretary of the department as soon as practicable after becoming aware of the error.**

- Integrity of the RAV is vital for registration and consumer information and type approval holders are granted a significantly privilege to enter vehicles onto the RAV.
- The holder of an approval must notify the department as soon as practical after becoming aware of any errors in RAV entries under their approval.
- Errors may include anything from data entry mistakes to fraudulent entries.

#### Section 30(a) of RVS Rules

- **Condition that when requested in writing and within reasonable time, the holder of the approval:**
  - **provide, or arrange access to, the original and any subsequent versions of the supporting information for the type approval.**

- Supporting information sets out in detail how a vehicle complies with applicable national vehicle standards.
- Supporting information includes details of a vehicles design and componentry including things such as testing reports, engineering documentation, drawings and diagrams, and information regarding the manufacturing process used, including the source material and manufacturing process of each component.
- Supporting information could also include the types of things described in Circular 0-15-1 – Desktop Audits of ADR Evidence of Compliance.
- The ongoing reference to supporting information by the holder of a type approval is critical to their ability to ensure that vehicles are designed and manufactured in a way that

complies with the approval for vehicles of that type.

- The purpose of such a request may be to ensure that the holder of an approval has access to all supporting information necessary to support a conformity of production system.
- Any change in a vehicle's design, componentry or manufacturing must be reflected in an update to the supporting information. The change must also be assessed to determine whether compliance with the national road vehicle standards could be affected. A new testing report and varied approval may be required.

#### Section 30(b) and (c) of the RVS Rules

- **Condition that when requested in writing and within reasonable time, the holder of the approval:**
  - **provide information, documents and written answers to questions specified in the request.**

- A request for information or documents is not limited to records
- Could include physical or electronic files, documentary or audio visual information
- Could include a specific written question. For example – how do XYZ model cars comply with a specific national road vehicle standard?
- Power to request information is limited in that it must be reasonably required for the purposes of decision whether the approval holder is complying with the legislation or their approval.

#### Section 30(d) of the RVS Rules

- **Condition that when requested in writing and within reasonable time, the holder of the approval:**
  - **allow, or arrange for, an inspector to inspect premises where road vehicles are designed or manufactured, where road vehicle components of those vehicles are designed or manufactured, or things associated with the design or manufacturing.**

- Could include allowing an inspector to inspect a manufacturing plant where vehicles or components are designed or manufactured.
- Could include allowing an inspector to inspect things such as equipment used in the manufacture and design of the vehicle.
- The department may also inspect any aspect of the testing of vehicles or components and observe tests using the conditions placed on testing facility approval holders.