

# RVSA Implementation Consultation Framework

## Concessional RAV Entry Consultation Group

### Meeting 1 – Outcomes

10am – 12pm | Thursday 22 November 2018

Quest Melbourne Airport | 20 Annandale Road, Melbourne Airport, VIC

### Participants

Chair - Sharon Nyakuengama, General Manager, Vehicle Safety Standards Branch (VSS), Department of Infrastructure, Regional Development and Cities (Infrastructure)

#### **Infrastructure**

Graham Evans, Director, Program Support & Stakeholder Management, VSS

Christopher Karas, Assistant Director, Regulatory Design & Operational Implementation, VSS

Linda Rasmussen, Director, Imports and Client Services, VSS (via telephone)

Matt Skinner, Policy Officer, Regulatory Design & Operational Implementation, VSS

Stephen Spencer, Director, Technical Standards & Determinations, VSS

Alison Watson, Director, Regulatory Design & Operational Implementation, VSS

#### **Industry**

Organisation	Representative/s
Australian Automotive Aftermarket Association (AAAA)	Lesley Yates
Australian Automobile Dealers Association (AADA)	Alex Tewes
Australian Historic Motoring Federation (AHMF)	Neil Athorn
Australian Historic Vehicle Interest Group (AHVIG)	Daryl Meek Doug Young
Australian Imported Motor Vehicle Industry Association (AIMVIA)	Kristian Appelt Euan Philpot Don Rossell
Australian Road Transport Suppliers Association (ARTSA)	David Sinclair
Australian Trucking Association (ATA)	Paul Walsh
Bus Industry Council (BIC)	Luke Hardy Michael Kearney
Caravan Industry Association of Australia (CIAA)	James Field Rolland Zhang

Daimler Truck and Bus	Steven Ghaly
Federal Chamber of Automotive Industries (FCAI)	James Hurnall
General Motors (GM)	Rob Dyer
Heavy Vehicle Industry Australia (HVIA)	Greg Forbes
Hino Truck and Bus	Barry Noble
Honda MPE	Greg Snart
Mercedes-Benz	Ellen Boyle
Mitsubishi	John Taylor
National Heavy Vehicle Regulator (NHVR)	Peter Austin
Nissan	Daron Ng
OT Solutions	Tom Eley
Protech Developments	Pete Campbell
Queensland Department of Transport and Main Roads	Anant Bellary
RAWS Association	Rob Ogilvie Murray Robertson
Toyota	Dragi Stojanovski
Transport for NSW	Barry Craig Greg Dikranian
Truck Industry Council (TIC)	Mark Hammond Chris Loose
VicRoads	Michael Chan Tracee Piper

### Chair's opening remarks

The Chair, Sharon Nyakuengama, opened the meeting by welcoming members and thanking them for their attendance.

Sharon provided an update on the status of the Road Vehicle Standards (RVS) legislation, saying that they passed the House of Representatives in May and were expected to be debated in the Senate during the next sitting period from 26 November to 6 December [note: the RVS suite of Bills was subsequently passed by Parliament on 28 November].

Sharon confirmed that the legislation would take effect 12 months after receiving Royal Assent and reaffirmed the Department's view that ongoing consultation with stakeholders through this forum was key to the successful implementation of the RVS legislation [note: the Bills received Royal Assent on 10 December, meaning that the main provisions of the Road Vehicle Standards Act 2018 will commence on 11 December 2019].

Agenda #	Item	Status	Action required	Action status
2	Introduction to the concessional RAV entry pathway	Department agreed to a range of follow up actions	Department to (1) consider expanding concessional sub-categories in RAV (2) provide draft application forms when available (3) develop guidance material for SPVs, older vehicles, definition of variant for SEVs; discretionary RAV entry (4) develop discussion paper on AVVs	Department will develop an AVV discussion paper and provide further worked examples (prioritising SPVs and older vehicles) for Meeting 2; development of draft application forms and guidance material is ongoing

Discussion: The discussion paper prompted a range of questions from members about special purpose vehicles (SPVs), older vehicles, trailers, 'discretionary' approvals, import approvals and transferability of concessional RAV entry approvals. In relation to import approvals, the Department confirmed that under the RVSA an import approval for a vehicle is taken to have been granted if that vehicle had been granted a concessional RAV entry approval.

HVIA suggested that the legislation read as if all SPVs must be imported, whereas many of these were actually manufactured in Australia. The Department confirmed that the legislation was written such that it did not exclude vehicles manufactured domestically from being entered on the RAV. The Department also confirmed that a range of vehicles, including mobility vehicles and trailers, could potentially be entered on the RAV under the SPV category if they meet all the relevant criteria.

There was considerable discussion regarding older vehicles, with particular concerns being raised with respect to vehicles that might be restored over a protracted period, vehicles that were incomplete and vehicles that were sold to subsequent owners prior to being entered on the RAV. The difficulty of demonstrating that these vehicles were 'fit for use' on a public road was also raised. The Department acknowledged that there were no specific provisions in the legislation relating to the transfer of approvals, however, it noted that subsequent owners of vehicles were free to apply for their own concessional RAV entry approvals. With respect to incomplete vehicles, the Department confirmed that this sub-category was not intended as a pathway for spare parts and noted the improved compliance and enforcement powers in the new legislation to minimise the risk of this occurring. It also said that it would consult further with state and territory registering authorities regarding the assessment of 'fit for use', but that this would likely be based on existing jurisdictional checking processes.



State and Territory registering authorities indicated that entry on the RAV would be taken as evidence that a vehicle complied with the legislation and expressed a desire for specific concessional sub-categories to be included in RAV entry details. The Department agreed that this would be useful information to be included and would consider amending RAV functionality accordingly.

The Department sought feedback on how application forms could be more useful, with members agreeing that more open ended forms would be beneficial. Members asked if example forms could be made available, with the Department confirming that it would be happy to consult on draft forms when they became available – expected to be developed before the next meeting.

A number of industry representatives, including the HVIA, FCAI and CIAA expressed concerns regarding trailers being entered on the RAV via the concessional pathway, with arguments including that the SPV sub-category could be abused and that trailer manufacturers should hold type approvals. The Department explained that the concessional pathway was to permit smaller manufacturers and individuals who could not meet type approval holder requirements to enter trailers on the RAV, but would give further consideration to how the new compliance and enforcement powers could be used to discourage and limit abuse of this concessional scheme.

The FCAI noted that there was a range of other Government regulations that would impact vehicle imports, including, for example, restrictions on asbestos. The Department advised that it could not control or enforce legislation outside its portfolio but acknowledged the need to provide broader information that covered issues like this to stakeholders seeking to import vehicles from overseas.

Heavy vehicle representatives raised the issue of SSM vehicles that had type approvals but did not meet standards for non-ADR related modifications, such as crane mountings. They argued that these types of modifications should meet any engineering standards required in Australia, such as those in VSB6. There was further discussion on whether modifications to light vehicles should also be required to meet similar standards in VSB14.

In response to stakeholders' requests for further clarity on a range of issues covered in the discussion paper, the Department confirmed that it would be developing more detailed guidance material on issues including SPVs, older vehicles, definition of 'variant' for the purposes on SEVs Register eligibility and on the types of vehicles that might be considered eligible under the 'discretionary'/suitable for entry on RAV sub-category.

There was interest in how the corrosion and structural damage provisions of the legislation would work in practice, including what authorised vehicle verifiers (AVVs) would be responsible for. The Department advised that it had commenced work on developing a determination on this and would consult with State and Territory authorities as part of this process. The Department also agreed to develop a paper outlining the roles and responsibilities of AVVs for discussion at the next meeting.



	Subsequent feedback			
<p>Following the Chair’s invitation to members to provide additional feedback/answers to questions posed in the discussion papers, the Department received submissions from the AHVIG (including on behalf of a range of association organisations across different jurisdictions) and CIAA.</p> <p>As well as reiterating some of the concerns raised in the meeting, AHVIG’s submission also highlighted issues including:</p> <ul style="list-style-type: none"><li>• the fact that it would be a contravention of the RVSA to provide a vehicle for the first time in Australia to another person if the vehicle is not on the RAV (and the implications this could have for older vehicles in the process of being restored being sold to subsequent owners)</li><li>• importation of historic vehicles over 3.5 tonnes</li><li>• reimportation of older vehicles</li><li>• applicability of ADRs to older vehicles</li></ul> <p>The Department acknowledges the concerns of the historic vehicle sector and will endeavour to continue working with relevant stakeholders to address and find workable solutions to issues wherever possible.</p> <p>The CIAA requested the Department to provide worked examples of recreational vehicles (caravans, motorhomes, etc) being entered on the RAV via the concessional RAV entry pathway other than through the vehicles to be modified by a RAW sub-category or supplying less than 4 trailers per year. The Department notes that it is unlikely that such vehicles could be entered on the RAV via the concessional pathway unless it was through one of the two aforementioned sub-categories, unless the vehicle met the eligibility requirements of another concessional RAV entry sub-category, such as SPV or older vehicle.</p>				