

RVSA Implementation Consultation Framework

Type Approvals Consultation Group

Meeting 2 – Outcomes

10am – 12pm | Wednesday 21 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

Ben Czajor, Assistant Director, Regulatory Design & Operational Implementation, VSS (via telephone)

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

Ross Hamilton, Regulatory Design & Operational Implementation, VSS

Umesh Shamdasani, Director, Certification and Approvals, VSS (via telephone)

Stephen Spencer, Director, Technical Standards & Determinations, VSS

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

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

Industry

Organisation	Representative/s
Allied Automotive	Gerard Polidano
Australian Automotive Aftermarket Association (AAAA)	Lesley Yates
Australian Imported Motor Vehicle Industry Association (AIMVIA)	Kristian Appelt Euan Philpot
Australian Trucking Association (ATA)	Jagtar Singh Paul Walsh
Bus Industry Council (BIC)	Luke Hardy Michael Kearney
Caravan Industry Association of Australia (CIAA)	Anne Campbell Rolland Zhang
Daimler Truck and Bus	Steven Ghaly
Federal Chamber of Automotive Industries (FCAI)	James Hurnall
General Motors (GM)	Robert Dyer

Heavy Vehicle Industry Australia (HVIA)	Greg Forbes
Hino Truck and Bus	Barry Noble
Honda MPE	Greg Snart
Mercedes-Benz	Ellen Boyle
Mitsubishi	Ashley Sanders
National Heavy Vehicle Regulator (NHVR)	Peter Austin
Nichibo Australia	Don Rossell
Peter L Smith Engineering	Peter Smith
Protech Developments	Peter Campbell
Queensland Department of Transport and Main Roads	Anant Bellary
RAWS Association	Rob Ogilvie
Subaru	Hiep Bui
Toyota	Dragi Stojanovski
Transport for NSW	Barry Craig Basuki Suranto
Truck Industry Council (TIC)	Mark Hammond Chris Loose
VicRoads	Michael Chan Tracee Piper
Volvo	Arunachalam Charith

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	Updated RAV guide for type approval holders	Further amendments to RAV and establishment of helpdesk to be considered	Department to: <ol style="list-style-type: none"> (1) consider removing requirement to include tare on RAV for heavy trailers (2) consider including M&I under 'standard' approvals in RAV (3) develop guidance material relating to 'substantial completion' (4) consider establishing helpdesk (5) facilitate RAV IT workshop with NEVDIS technical staff Jurisdictions to provide written confirmation to FCAI regarding intent to use RAV data	Final version of RAV guide for type approval holders to be published prior to testing of RAV in early 2019

Discussion: Ross Hamilton presented an overview of the updated RAV guide and said that next major step would be to commence the enrolment process for stakeholder testing of the new system. The requirement to include certain vehicles' tare on the RAV was discussed, with the Department confirming that this information would be required for all trailers (which the CIAA said was considered critical for light trailers) as well as motorcycles. The ATA argued that tare should not be required for heavy trailers (TC and TD categories) – this is something the Department will consider.

The FCAI sought confirmation from state and territory registering authorities that they would actually use this information – both VIC and NSW confirmed that, although systems to extract RAV tare data had not yet been built/authorised, the intention was definitely to utilise this information when it becomes available. These jurisdictions agreed to the FCAI's request for this confirmation in writing.

Members discussed the intention to include 'minor and inconsequential' (M&I) approval information on the RAV. There were some conflicting views, with the NHVR indicating that it would be useful for its enforcement officers to be able to identify that a vehicle's non-compliance was M&I in nature, whilst others (including FCAI and BIC) thought it could pose problems (and possibly be misleading in some cases). Whilst the majority of members agreed that the RAV should distinguish between 'standard' and 'non-standard' vehicles, they questioned whether M&I vehicles should be singled out. The Department agreed to consider this.

The issue of what ‘substantial completion’ meant in relation to a vehicle’s build date was raised again and the Department agreed to develop some guidance to clarify this for stakeholders.

Members reiterated their desire to be able to test the RAV and asked whether the Department would be able to establish a helpdesk to assist stakeholders. The Department agreed to consider this proposal and advised that further minor changes to the RAV were being made prior to moving to a test environment. Enrolment for testing is expected to commence in early 2019.

Some manufacturers sought more detailed IT definition and validation rules to support high volume RAV submissions by type approval holders. The Department agreed to facilitate further engagement on technical specifications for RAV submission with NEVDIS technical staff in attendance in early 2019.

3	Discussion Paper TA3 – Road Vehicle Type Approvals Opt In	Feedback from members to be considered	Department to consider: (1) options to retain approval numbers (2) use of older test evidence in certain circumstances	Department will develop guidance material to clarify process and assist stakeholders in making transition to new legislative framework
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Discussion: After presenting an overview of the discussion paper, the Department sought views on when stakeholders wanted new (opt in) approvals to commence. Vehicle manufacturers highlighted the difficulty of logistics/timing when companies would make the transition and were generally supportive of the option of being able to nominate a commencement date on their applications (and, in the absence of nominating a specific date, the approval taking effect the day after being granted).

In response to the Department seeking feedback on when (during the six month opt in period) approval holders might choose to transfer to RVSA approvals, there was no clear preference. Heavy vehicle industry representatives did, however, indicate that their members would probably be more likely to wait until the end of the opt in period. There was general agreement amongst major manufacturers that they would transfer all their existing approvals at the same time, citing a preference to operate under a single regulatory regime, whereas the CIAA suggested their members were likely to complete one approval to familiarise themselves with the process before committing to further transfers. Members expressed concern about not being able to retain current approval numbers when opting in to the RVSA and the Department agreed to consider if and how it could achieve this as part of its new IT system development.

There was discussion regarding how ADR61 (Vehicle Marking) would apply during the opt in period, and what would happen in cases where vehicles might be fitted with identification plates as well as being entered on the RAV. The Department advised that consideration was being given to including transitional arrangements for ADR61 and, although vehicles with both ID plates and RAV entry could be in contravention of the MVSA, it is not the Department’s intention to prioritise enforcement action for such contraventions.

Members expressed concern about the validity of test evidence once opt in approvals (and type approvals in future) expired, particularly in cases where testing facilities either ceased to exist or had not been approved under the RVSA. In particular, industry was concerned about having to conduct new tests to comply with the RVSA requirements and argued that some vehicles had 12 year model lifespans, the cost of retesting could be prohibitively expensive (the example of roll over tests for buses whose basic designs hadn't changed for 15 years was used to illustrate the point), and that it could take up to 6 months for new tests to be conducted. The Department acknowledged the problems this could pose for industry and agreed to give further consideration as to how older test evidence might be used under the new regulatory regime [note: this issue was also raised in the RVSA Tools Consultation Group meeting].

Subsequent feedback				
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Following the Chair's invitation to members to provide additional feedback/answers to questions posed in the discussion papers, the Department received a number of submissions, including from the ATA, BIC, CIAA and FCAI.

The ATA highlighted a range of issues it considered would adversely impact industry – the majority of these have been discussed in the two meetings held to date and remain issues for consideration by the Department. These included:

- invalidity of test evidence from testing facilities not approved under the RVSA
- transition from CRNs and SARNs to CTAs
- potential delays in approving new applications due to a lack of opt in availability for SARN and CRN holders
- clarity around the renewal process for type approvals and CTAs
- cessation of transitional period for MVSA approvals after opting in to RVSA could lead to 'cutover' problems with supply of vehicles to market

The ATA requested the Department to consider:

- allowing existing test evidence to be used for RVSA approval applications (when the testing facility does not hold an RVSA approval)
- opening the CTA application period 6 months prior to the type approval opt in period
- establishing an opt in pathway for SARN and CRN holders
- allowing renewals of type approvals and CTAs with payment of a fee only (with no resubmission of evidence required)
- allowing MVSA approvals to remain in force for the entire 12 month transitional period (even after opting in to RVSA)

The Department acknowledges that these issues are of concern to some stakeholders and is considering a range of possible approaches to minimise the impact on industry, noting that some requests are legislatively not possible – for example, opt in provisions for SARN and CRN holders.

BIC's submission reiterated industry's broader desire to distinguish between 'standard' and 'non-standard' type approvals, as well as not to single out type approvals whose non-compliance were minor and inconsequential in nature. Other concerns included the requirement to apply for new type approvals once they expired after 5 and 7 years (for opt in and new RVSA type approvals respectively) rather than being to simply renew the approval, and the aforementioned issue regarding acceptance of older test evidence. BIC also sought clarity around the RAV data field for month and year of build date, and the Cost Recovery Implementation Statement (CRIS). The Department is currently developing a revised CRIS that it hopes to release in the first half of 2019.

The CIAA sought clarity on some of the RAV processes and opt in processes for light trailer manufacturers and second stage of manufacture (SSM) approval holders. The Department notes that there are no opt in provisions for light trailer manufacturers (as they do not currently hold approvals under the MVSA), however, the transitional arrangements will allow for these manufacturers to continue supplying light trailers manufactured in accordance with the MVSA and VSB1 until the transitional period ends in December 2020. SSM manufacturers who hold approvals under subsection 10A(1) [standard type approvals] or 10A(2) [minor and inconsequential type approvals] of the MVSA will be able to opt in under the new legislation. Eligible approval holders will be able to apply to opt in any time during the opt in period (ie. the first 6 months of operation of the RVSA from 11 December 2019).

The FCAI identified a number of issues that it considered still required resolution. These included:

- cab-chassis vehicles should not be issued as non-standard approvals (the FCAI argues that when the vehicle is supplied to market, it is fully compliant with the ADRs on the basis that the body builder has followed the instructions supplied as per Circular 0-4-11)
- standard, non-standard and M&I vehicles should not be issued under a single approval, non-standard vehicles should be issued separate approvals
- M&I vehicles should not be identified on the RAV
- type approvals should be able to be renewed after 7 years for a further 7 year term, rather than having to apply for a new approval
- test evidence assessed and accepted under the MVSA and used for opt-in type approvals should remain valid after the opt-in approvals expire
- opt-in approvals should be able to be renewed when they expire after 5 years for a further 7 year term if the applicant confirms that the certification evidence is still current (and new evidence is submitted for any new ADRs)
- vehicles should only be considered to be in Australia after they have cleared Customs and released from Bond
- fees and charges for the RVSA and RAV entry need to be finalised