



Australian Government

Department of Infrastructure, Regional Development and Cities



Road Vehicle Standards



Road Vehicle Standards legislation – Caravan Industry Association of Australia – National Conference 2019

Introduction

- The Australian Government is changing the way it regulates road vehicles
- The Road Vehicle Standards Act 2018 is replacing the Motor Vehicle Standards Act 1989
- Road Vehicles, including trailers, will need to have their details listed on an online database known as the Register of Approved Vehicles (RAV) before they may be provided for use in transport in Australia
- There are two pathways through which vehicles may be added to the RAV:
 - The Type Approval Pathway; and
 - The Concessional RAV entry Pathway.

What will I need to do?

The Road Vehicle Standards Legislation includes two approval types to cater for different types of trailer manufacturers and importers.

- Light Trailer Type Approvals and
- Light Trailer Concessional RAV Entry Approvals

Each approval type has different eligibility criteria and conditions.

What are the eligibility criteria for light trailer type approvals?

Light Trailer type approvals authorise the approval holder to add an unlimited number of vehicles to the RAV.

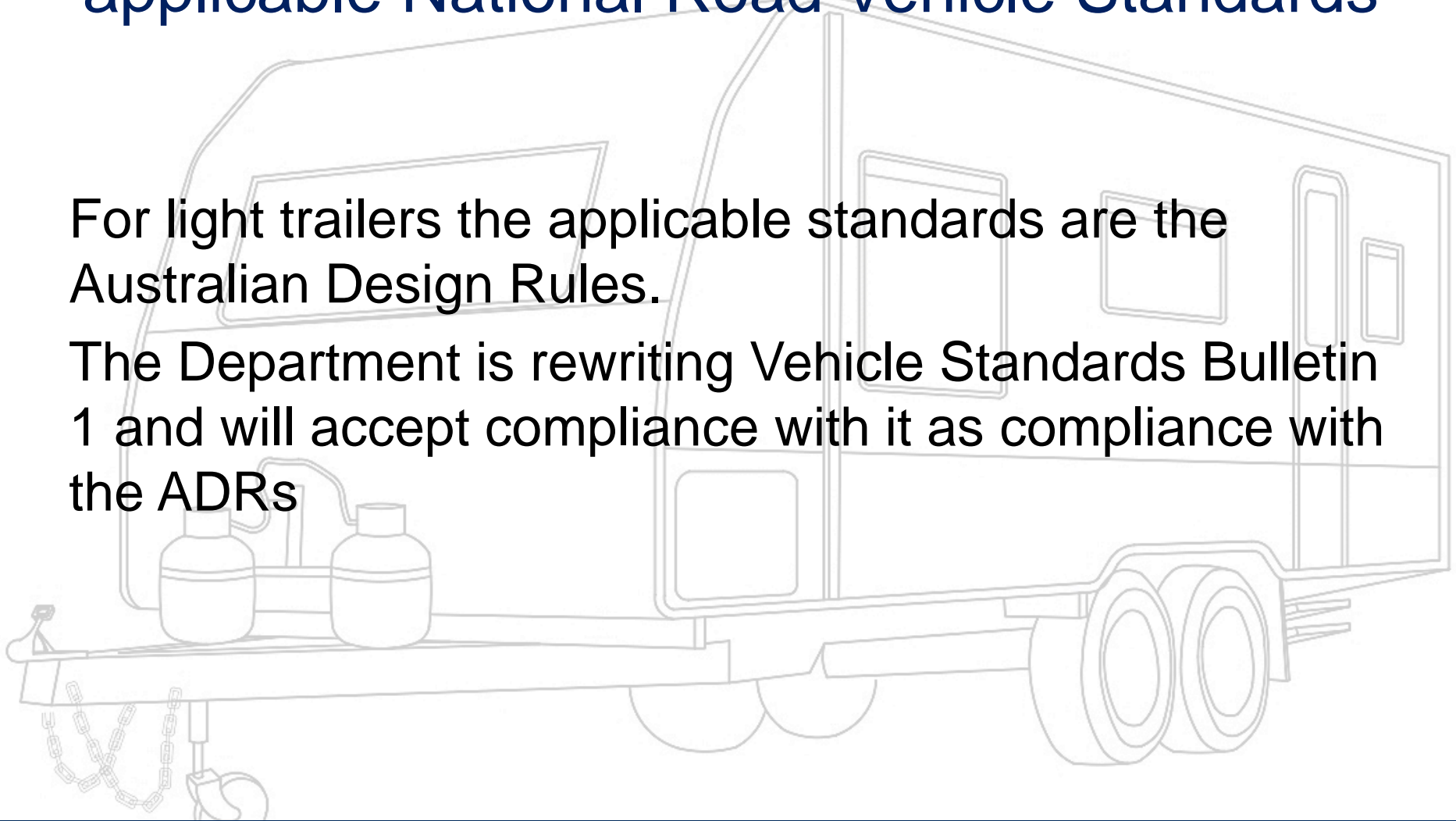
As a result, the eligibility criteria are quite strict to ensure approval holders have the necessary skills, capabilities and business arrangements in place to consistently build compliant trailers.

The following slides discuss the various criteria.

The Vehicle Type Complies with the applicable National Road Vehicle Standards

For light trailers the applicable standards are the Australian Design Rules.

The Department is rewriting Vehicle Standards Bulletin 1 and will accept compliance with it as compliance with the ADRs



Alternatively, the vehicle type complies substantially with the applicable National Road Vehicle Standards but for minor and inconsequential matters

Where the trailers fail to meet the ADRs, the applicant will need to demonstrate that the non compliance is minor and inconsequential

Alternatively, the vehicle type complies substantially with the applicable National Road Vehicle Standards, the non compliance is not minor and inconsequential and the vehicle does not pose an unacceptable risk to public safety and is otherwise acceptable for road use

Where the trailers fail to meet the ADRs, the applicant will need to demonstrate that the trailer does not pose an unacceptable risk to public safety, and that the trailer is suitable for road use.

And, the applicant has control over all stages of the design, componentry and manufacturing of the vehicle type

The applicant is the designer and manufacturer of the vehicles and is able to influence and change the design, componentry or manufacturing process

Or, the applicant has access to information about the design, componentry and manufacturing of the vehicle type, including information about any changes to the design, componentry and manufacturing process

The applicant is able to assess the impact of these changes and where necessary is able to confirm that the changes either don't impact the compliance of vehicles with the ADRs or that the new design or process still complies with the ADRs




The applicant is able to ensure the design, componentry and manufacturing process will consistently produce vehicles of the same type

The applicant has a quality management system or similar to control each of the key processes followed by the applicant to design and manufacture trailers. These processes are regularly reviewed to ensure any shortcomings are addressed and all changes are evaluated and authorised before they are implemented.



The applicant is able to arrange for the Secretary or an inspector to inspect the premises used in the manufacture of the vehicles.

The applicant is either the manufacturer, or has a contract with the manufacturer that will allow them to grant the Department access to these premises. Inspections will be used for routine monitoring and auditing of manufacturers.



The applicant will be able to access all versions of the supporting information while the approval is in force and for 7 years after it ceases to be in force.

Supporting information is the documentation that describes the approved design, componentry and manufacturing process. It may be requested by the Department to confirm if particular vehicles were of the approved design and manufactured in accordance with the approved process.

If a Type Approval is granted the applicant will ensure the supporting information is kept up to date

The supporting information must be amended whenever there is a change to the design, the componentry or the manufacturing process that could affect compliance with the ADRs.



The applicant will comply with approval conditions and the Road Vehicle Standards Legislation

The decision maker must be satisfied that the applicant can be relied upon to behave in the right way. These expected behaviors are set out in the conditions of an approval and in the legislation.

How do I apply for a light trailer type approval?

The Department is building a new online system. Applicants must register in the system and can then access a light trailer type approval application form.

Once completed the form can be submitted along with an application fee to the Department.

What information do I need for the application form?

The Department has decided to rely largely on declarations from light trailer type approval applicants.

The application form will contain a series of questions requiring the applicant to declare that it meets each of the criteria for a type approval.

Additional supporting information will be required for trailers that don't comply fully with the ADRs.

The Department will also collect information about the manufacturing facilities used to manufacture trailers under the approval.

What conditions will apply to a Light Trailer Type Approval?

The legislation includes the ability for type approvals to contain conditions. Standard conditions are set out in the Rules. These are discussed below.

Conditions of Approval

Decision made

If approved:

Conditions apply
(conditions specified in approval and in Rules)

Period of approval is for 7 years from day specified in approval

Ongoing record keeping obligations once approval ceases

Offence/civil penalty provision for breach of condition of approval

Condition	What does it mean?
<p>Compliance with national road vehicle standards</p> <p>The holder of the approval must at all times:</p> <ul style="list-style-type: none"> Ensure that vehicles covered by the approval comply with the applicable national vehicle standards at time they are entered on the RAV (except in respects, or extent to which they are not required to comply) Is able to produce evidence that demonstrates the vehicles covered by the approval comply with those standards at the time they are entered on the RAV 	<p>The approval holder must make sure that each vehicle provided to the market under the type approval meets the national road vehicle standards.</p> <p>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.</p>

Conditions of Approval

Decision made

If approved:

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Ongoing record keeping obligations once approval ceases

Offence/civil penalty provision for breach of condition of approval

Condition	What does it mean?
<p>Conformity of production</p> <ul style="list-style-type: none"> Implement a conformity of production system that governs the manufacturing process detailed in the supporting information for the type approval Ensure that, at the time the vehicle is entered on the RAV under the approval, the vehicle satisfies the requirements of the type approval pathway 	<p>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.</p> <p>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.</p>

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Decision made

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Ongoing record keeping obligations once approval ceases

Offence/civil penalty provision for breach of condition of approval

Condition	What does it mean?
<p>Notification of error in RAV entries</p> <ul style="list-style-type: none"> If an approval holder becomes aware of an error in information entered on the RAV under the approval, must notify the Secretary of the error as soon as possible 	<p>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.</p> <p>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. There will be a form available in ROVER to make this notification.</p> <p>Errors may include anything from data entry mistakes to fraudulent entries.</p>

Conditions of Approval

Decision made

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Offence/civil penalty provision for breach of condition of approval

Condition

Providing information etc. to the Secretary or inspector

- Provide, or arrange for the Secretary or an inspector to access, the original and any subsequent supporting information for the approval

What does it mean?

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.

Conditions of Approval

Decision made

If approved:

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Period of approval is for 7 years from day specified in approval

Ongoing record keeping obligations once approval ceases

Offence/civil penalty provision for breach of condition of approval

Condition	What does it mean?
<p>Up-to-date records of supporting information</p> <ul style="list-style-type: none"> Keep a record of original and any subsequent versions of the supporting information for the approval while the approval is in force, and for the period of 7 years after it expires or is revoked Ensure that the supporting information for the approval is kept up-to-date while the approval is in force 	<p>This condition does not mean that the holder of the approval needs to constantly be providing all their original or subsequent versions of supporting information.</p> <p>The intention is to ensure that holders of approvals have proper systems in place to develop, maintain and store supporting information, and provide these as required.</p>

Conditions of Approval

Decision made

If approved:

Conditions apply
(conditions specified in approval and in Rules)

Period of approval is for 7 years from day specified in approval

Ongoing record keeping obligations once approval ceases

Offence/civil penalty provision for breach of condition of approval

Condition	What does it mean?
<p>Providing information etc. to the Secretary or inspector</p> <p>For purpose of assessing whether vehicles entered on the RAV under the approval comply with the applicable national road vehicle standards – allow or arrange for the Secretary or an inspector to inspect:</p> <ul style="list-style-type: none"> premises where road vehicle components of those vehicles are designed or manufactured premises where those vehicles are designed or manufactured things associated with the design or manufacturing process, including documents, vehicles and components 	<p>Could include allowing an inspector to inspect a manufacturing plant where vehicles or components are designed or manufactured.</p> <p>Could include allowing an inspector to inspect things such as equipment used in the manufacture and design of the vehicle.</p> <p>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.</p>

Conditions of Approval

Decision made

If approved:

Conditions apply
(conditions specified in approval and in Rules)

Period of approval is for 7 years from day specified in approval

Ongoing record keeping obligations once approval ceases

Offence/civil penalty provision for breach of condition of approval

Condition	What does it mean?
<p>Providing information etc. to the Secretary or inspector</p> <p>Provide:</p> <ul style="list-style-type: none"> any information that the Secretary or inspector reasonably requires for the purposes of assessing whether the holder of the approval is complying with the Act, the Rules, or instrument made under the Act or Rules any other information or documents, specified in the request, about vehicles to which the approval applies written answers to questions, specified in the request, about vehicles entered on the RAV under the approval 	<p>A request for information or documents is not limited to records</p> <p>Could include physical or electronic files, documentary or audio visual information</p> <p>Could include a specific written question. For example – how do XYZ model cars comply with a specific national road vehicle standard?</p> <p>Power to request information is limited in that it must be reasonably required for the purposes of deciding whether the approval holder is complying with the legislation or their approval.</p>

How do I add trailers to the RAV

A light trailer type approval entitles the approval holder to add the details of vehicles to the RAV.

Information on how to make RAV entries has been published in the RAV Guide now available on the Department's Website at

https://www.infrastructure.gov.au/vehicles/rvs/files/Updated_VSS_RAV_Guide.pdf

For light trailer the RAV entry must include:

Make	Model
VIN	Type Approval Number
Vehicle Category Code	Type Approval Holder Name
ATM (in kg)	GTM (in kg)
Tare (in kg)	Build Date
Entry Pathway Sub Category	Authorised by Name

What if I'm not eligible for a type Approval?

A person may be approved to add a light trailer to the RAV under a Concessional RAV Entry Approval.

The Criteria for these approvals are:

- In the 12 month period before the application the applicant has not been granted concessional RAV entry approvals for 4 or more light trailers; and
- The Application includes a declaration by the applicant that the trailer complies with the applicable ADRs or will comply with the applicable ADRs at the time it is added to the RAV; or
- The application includes details of the areas where the trailer does not comply with the ADRs and includes a declaration that the trailer complies in all other respects with the ADRs; and
- The trailer non-compliance is or would be only in minor and inconsequential respects; or
- The trailer would comply to an extent that makes it suitable for use on a public road in Australia

Are there conditions that apply to a Concessional RAV entry Approval?

Yes

All concessional RAV entry approvals will include a condition about providing information on request of the Minister or an inspector. Including:

- Provision of information;
- Providing written answers to questions about vehicles entered on the RAV; and
- Allowing the Minister or an inspector to inspect premises where activities are carried out in relation to the approval.

Additional Concessional RAV Entry Approval Conditions

Other conditions that may be added to Approvals include:

- That the holder of the approval must export or destroy the vehicle after a certain time (for example, if the vehicle cannot be made to comply)
- Require the holder of the approval to modify the vehicle
- Require the vehicle to be verified by an AVV
- Require the holder to keep records
- Require the holder of the approval to provide records when requested by the Minister to do so.

How are Concessional RAV Entry Trailers Added to the RAV?

- The Department will enter details of all concessional RAV Entry approved vehicles on the RAV
- Details will not be entered on the RAV until the applicant has complied with conditions on the approval, including
 - That the vehicle is in Australia
 - That the vehicle complies with the applicable standards
 - In some cases that the vehicle has been verified as complying with the applicable standards.

I understand the New Legislation has significant offence provisions?

It is an offence to provide a vehicle to the person for the first time in Australia if the vehicle is not on the RAV

It is an offence to modify a vehicle that is on the RAV before it is provided to a consumer

It is an offence enter a non compliant vehicle on the RAV

It is an offence to enter information on the RAV dishonestly or improperly

It is an offence to enter incorrect information on the RAV

It is an offence to import a vehicle – not covered by a type approval or an import approval

It is an offence to breach conditions of approvals

Monitoring and investigations powers

- There are clearly defined powers which allow the department to monitor compliance and investigate non-compliance with the RVSA and related legislation.
- These powers involve entry to premises – either by consent or court issued warrant.

Monitoring powers

Why?

- To confirm compliance with the RVSA and related legislation

What may we do?

- observe and examine activities
- inspect, examine, measure or test things
- inspect and take extracts or copies of documents
- make photo, audio or video records
- ask questions or request documents
- search your premises to determine whether requirements are being met
- secure or seize things which evidence your non-compliance

Investigations powers

Why?

- If we suspect on reasonable grounds that there may be material on your premises that is evidence of a contravention of the RVSA and related legislation

What may we do?

- observe and examine activities
- inspect, examine, measure or test things
- inspect and take extracts or copies of documents
- make photo, audio or video records
- ask questions or request documents
- search your premises for evidential material
- secure or seize things which evidence your non-compliance (if warrant)

Response to non-compliance

RESPONSE OPTIONS

General education and awareness (including policy and procedure)

Warning letter

Directed education

Campaign

Infringement Notice **NEW**

Vary or suspend approval

Enforceable undertaking **NEW**

Injunction

Civil Penalty Order **NEW**

Revoke approval

Criminal Prosecution

- **Infringement notices**
 - reasonable grounds that there has been a breach of specified RVSA civil penalty provisions or strict liability offences
 - set penalty amount and can only be given within 12 months of the alleged breach
 - payment of an infringement notice:
 - is not an admission of guilt
 - prevents the department from taking civil penalty or criminal prosecution action
- **Enforceable undertaking**
 - is a binding written agreement between a regulated entity and the department
 - it can be enforced by a court
- **Civil penalty orders**
 - a civil penalty is a financial penalty applied by a court where it considers, on the balance of probabilities, that there has been a breach of a civil penalty provision of the RVSA

When does the Road Vehicle Standards Legislation Start?

Pre-commencement period	Transition period (12 months)	RVSA – full operation
<p>From: Now To: 10 December 2019</p>	<p>From: 10 December 2019 To: 10 December 2020</p>	<p>From: 10 December 2020 To: Ongoing</p>
<p>2019</p>	<p>2020</p>	<p>2021</p>
<ul style="list-style-type: none"> • MVSA continues in full • Prepare for the start of the RVS legislation 	<ul style="list-style-type: none"> • RVS legislation in full operation <ul style="list-style-type: none"> • MVSA repealed • Some MVSA approvals continue in force • Use this period to transition <ul style="list-style-type: none"> • New operations must use RVS legislation • All imported trailers must comply with RVS legislation <ul style="list-style-type: none"> • VSB 1 Version 5 still operates for domestic manufacturers 	<ul style="list-style-type: none"> • RVS legislation in full operation • All remaining MVSA approvals end



How Does VSB 1 fit in?

VSB 1 is currently being rewritten to ensure it is up to date with the ADRs and more appropriate for use under the Road Vehicle Standards Legislation.

Rather than replacing the applicable standards, VSB 1 will become a simple resource intended to help the majority of small trailer manufacturers comply with the ADRs.

In order to simplify the ADRs and improve understanding VSB 1 version 6 will only include the more popular compliance options. Trailer manufacturers are not prevented from following other options, but will need to do their own research and seek their own advice on how to comply.

VSB 1 version 6 will significantly leverage the provisions of component type approvals to avoid trailer manufacturers needing to understand the details of specialized components such as lamps and couplings. However trailer manufacturers will need to understand how to fit those components so that the finished trailer still complies.

When will VSB 1 version 6 be available?

The Department is currently reviewing the draft of VSB 1 version 6. We hope to have a public comment version published on the Department's website by early June.

The Department will be seeking feedback on

- how well the new VSB 1 covers trailers that are currently being manufactured
- How easy it is to understand and follow
- Any technical or other issues.



Contact us

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