



Road Vehicle Standards Bill 2017 Specialist and Enthusiast Vehicles (SEV)

The Road Vehicle Standards Bill 2017 is intended to replace the *Motor Vehicle Standards Act 1989* (MVSA) to implement the Australian Government's announced Reforms to the regulatory framework for the safety, environmental and anti-theft performance of all road vehicles being provided to the Australian market for the first time – both new and used. The reforms will deliver modernised legislation to increase community safety and remove unnecessary processes for businesses.

The Australian Government has released an Exposure Draft of the Road Vehicle Standards Bill for public information. The Bill will need to be debated and passed by both Houses of Parliament before it becomes law. This is expected to happen in 2018. More details are below.

The Register of Specialist and Enthusiast Vehicles (SEV Register) provides choice for Australian consumers by relaxing the technical requirements applied to eligible vehicles. The Road Vehicle Standards Act (RVSA) will change the rules of eligibility for the SEV Register to align with specialist and enthusiast demand.

The SEV Register lists eligible vehicles that are of specialist or enthusiast interest and otherwise not available on the Australian market. The Australian Government recognises manufacturers cannot always justify the expense of obtaining a type approval and marketing a specialist or enthusiast vehicle in Australia. Therefore, the intention of the SEV register is to provide an avenue for consumers to have access to these vehicles in the Australian market through their concessional entry onto the Register of Approved Vehicles (RAV) via the SEV pathway.

SEV Register eligibility criteria

Vehicles are only eligible for the SEV register if they are a variant of a model that has not been supplied to the Australian market under a Type Approval. The register will identify eligible vehicles by variant, where a variant is defined as a vehicle within a model that has a different body, transmission or propulsion system, or is a different vehicle category.

A vehicle variant must be available elsewhere in the world for at least three months before the application is made. If the vehicle variant meets these initial criteria, it must then meet one of the following six SEV criteria that define 'specialist' or 'enthusiast' to be entered on the SEV register.

1. Performance criterion

The variant will be required to satisfy a graduated threshold formula, based on vehicle age and a corresponding power to weight ratio – measured in Kilowatts per Tonne (kW/T).

- For vehicles manufactured in 1992 (base year of manufacture), the proposed power to weight ratio is 110kW/T.
- Passenger cars and light trucks manufactured prior to 1992 will be eligible under the older vehicles pathway (vehicles older than 25 years).
- For each year of manufacture post 1992, the required power to weight ratio will increase by 1 kW/T.

2. Environmental criterion

The variant will be required to satisfy an objective vehicle technology based threshold:

- it must meet or exceed the national vehicle standard for emissions in force at the time of application, or meet or exceed an emission standard that is deemed comparable to the national vehicle standard for emissions, and
- it must have been originally designed and manufactured to use an alternative means of propulsion to internal combustion engine of petrol or diesel (not including human or animal power) either exclusively, or in addition to an internal combustion engine (i.e. a hybrid), or
- it must be in a micro-car subcategory for low power (low emissions) vehicles. Such vehicles must have a maximum engine capacity of 660cc, maximum engine output of 47kW and must not be more than 3.4 metres in length and 1.48 metres in width.

3. Mobility criterion

The variant will be required to satisfy a general objective threshold being that it was either:

- originally manufactured or fitted from the factory with substantive specialist mobility features; or
- modified after original manufacture but limited to modifications that the original manufacturer sponsored or supported.

Such features could include, but not be limited to:

- Built in ramps for wheelchair access; or
- Seating specifically designed to lift a person from an accessible position outside the vehicle into a standard seating position ('lift up and out' seat(s)); or
- One or more portable wheelchair car seats.

4. Rarity criterion

The variant will be required to satisfy one of the following volume thresholds:

- Total worldwide production of the variant's 'Make', in the variants vehicle category is less than **3000 units per year** (averaged over the number of years the make has been produced); or
- Total worldwide production of the variant's 'Model' is less than **1000 units per year** (averaged over the production period for the model); or
- Total worldwide production of the 'Variant' is less than **100 vehicles per year** worldwide (averaged over the production period for the variant).

In addition, left-hand drive vehicles imported under the rarity criteria will not require conversion to right-hand drive. However, such vehicles will still be subject to State and Territory road registration requirements.

5. Left-hand drive criterion

To satisfy this criterion each variant must have been originally manufactured in left-hand drive configuration; and not be available in right hand drive configuration (excluding conversion of left-hand drive vehicles) in another world market.

Vehicles imported under the left-hand drive criterion will be restricted to MA, MC (passenger vehicles), NA, and NB (light and medium commercial) categories and will require conversion to right-hand drive.

6. Campervans and Motorhomes criterion

To satisfy this criterion, the vehicle must have been originally manufactured as a campervan or motorhome.

Entries will remain on the register for 24 months regardless of whether supply of the vehicle type commences under a Type Approval and there will be an opportunity to reapply for each SEV entry one month before the entry expires.

Transitional arrangements

- The RVSA will commence 12 months after it passes through parliament.
- At that time, the MVSA SEV register will be locked down and will only support the importation and supply of vehicles covered by transitional approvals under the *Consequential & Transitional Provisions Act*. This means no more vehicles will be added to the MVSA SEV register.
- Applications for entry to the new RVSA SEV register will be available on commencement of the RVSA. These entries will assist with the development of the Model Reports, for concessional RAV entry of SEV vehicles.
- The *Consequential & Transitional Provisions Act* will only be for a period of twelve months.

- The Department will begin to issue new RVSA approvals at the start of the RVSA transitional period with conditions:
 - RVSA SEV register entry will have a 2-year duration.
- The MVSA SEV register will cease at the end of the transitional period.

Compliance & enforcement

Compliance with, and enforcement of, RVSA obligations will be supported by enhanced monitoring and investigation powers, and new enforcement tools including infringement notices, civil penalties and enforceable undertakings, under the *Regulatory Powers (Standard Provisions) Act 2014*.

Information Technology

A key component of the Australian Government's reform agenda will be the upgrade of the IT solutions currently in use to improve the user experience and to support streamlined business processes. An application form for entry onto the RVSA SEV register will be part of the new IT system.

Other relevant information sheets

More information on:

- RAW approvals can be found in information sheet 2
- Model Reports can be found in information sheet 3
- Authorised Vehicle Verifiers (AVVs) can be found in information sheet 4
- RAV entry pathway can be found in information sheet 10

For further information

Please visit our website https://infrastructure.gov.au/vehicles/mv_standards_act/.