



CIRCULAR 0-4-29

MOTOR VEHICLE STANDARDS ACT SUBSECTION 16 (2) APPROVAL SCHEME FOR A USED IMPORTED TRAILER

1. INTRODUCTION

1.1 This circular sets out the preferred administrative arrangements for the certification of used imported trailers for which conditional import approval has been granted in accordance with subsection 19(1) of the Motor Vehicle Standards Act 1989 (the Act).

Note 1: Information about importing vehicles to Australia can be found on the website of the Department of Infrastructure and Transport at:

<http://www.infrastructure.gov.au/vehicles>

1.2 Subsection 16(2) of the Act allows the Minister or his delegate to grant an approval to supply to the market a used imported vehicle that does not have a used import plate.

Note 2: A used import plate can only be fitted to a used imported vehicle if an approval is granted via the Registered Automotive Workshop Scheme (RAWS).

Note 3: There is no provision in RAWS to grant an approval to fit a used import plate to a used imported trailer.

Note 4: A vehicle import approval should be obtained and the used imported trailer imported and modified to comply with the applicable Australian Design Rules (ADRs) prior to applying for a section 16(2) approval.

1.3 A used imported trailer may be granted an approval to be supplied to the market under subsection 16(2) of the Act if it complies with all the applicable ADRs that apply at the date the trailer is first supplied to the market in Australia with the following exemptions:

1.3.1 clause 6.1 of ADR61/02 which requires an 'Approved Compliance Plate' to be fitted to a vehicle; and

1.3.2 the applicable ADRs which the used imported trailer cannot comply with i.e., it would not be able to operate as a road vehicle in the manner or for the purpose for which it is designed and constructed if it was made to comply with the ADRs.

1.4 All used imported trailers will be deemed *nonstandard* as an identification plate (*Approved Compliance Plate*) cannot be issued under the subsection 16(2) of the Act.

1.4.1 A Vehicle Plate meeting clause 8 of ADR61/02 must be fitted to the used imported trailer instead.

Note 5: There is no provision in the Act for fitting an 'Approved Compliance Plate' approved under subsection 16(2) of the Act.

Note 6: *Nonstandard* means not complying with the ADRs.



Note 7: For the purposes of this circular the Vehicle Plate referred to in clause 1.4.1 above will henceforth be referred to as a used imported trailer plate. An example of this plate is included as Attachment 1.

Note 8: A Used Imported Trailer Inspection Certificate endorsed by a professional engineer is required to support the application for subsection 16(2) approval. (See clause 5.)

Note 9: To purchase a used imported trailer plate a signed copy of the subsection 16(2) approval certificate should be supplied to the DIT authorised plate supplier. (See clause 11.)

2. APPLICABILITY

2.1 This circular applies to used imported trailers over 4.5 tonnes Aggregate Trailer Mass (ATM) for which conditional import approval has been granted in accordance with subsection 19(1) of the Motor Vehicle Standards Act 1989 (the Act).

2.2 An application for subsection 16(2) approval can only be made in respect of a single used imported trailer.

Note 10: The arrangements for the supply of used imported trailers up to 4.5 tonnes are covered by subsection 8A of the Motor Vehicle Standards Amendment Regulations 2009 (No. 1).

Note 11: Subsection 16(3) of the Act restricts a subsection 16(2) approval to one used imported trailer.

3. DEFINITIONS

3.1 Used imported trailer means an imported trailer that has been used in transport outside Australia.

3.2 Supply to the market means deliver the vehicle to a person for use in transport in Australia.

3.3 A Licensee is the legal identity ultimately responsible for ensuring that a valid used imported trailer plate is only fitted to the used imported trailer covered by the subsection 16(2) approval. The Licensee for the purposes of subsection 16(2) approval is the Approval holder.

4. MAKE and MODEL

4.1 The trailer make and model name should be that of the original trailer make and model with the following additions:

4.1.1 The make of the trailer should include the importer's name; and

4.1.2 The suffix 'UIT' to indicate that the trailer is a used imported trailer; and

4.1.3 The suffixes 'OD' if the trailer is over-dimension or over mass (See also clause 5.7.1).

Note 12: For example if the original trailer's make and model is Payland Dolly and the importer's name is Alpha for the purposes of the application for a 16(2) approval the make and



model will be Alpha Payland Dolly UIT and if the trailer is *nonstandard* the make and model will be Alpha Payland Dolly OD UIT.

Note 13: To allow for restrictions in the Road Vehicle Certification System (RVCS) the trailer make and model name should not exceed 30 characters each, including qualifiers and embodied spaces.

Note 14: For ADR compliance purposes typically pole trailers, timber jinkers, goose neck trailers, low loader dollies and fifth wheel caravans are deemed Type 1 rigid chassis semi-trailers.

5. APPLICATION FOR SUBSECTION 16(2) APPROVAL

5.1 Applicants, who do not already have a Licensee identification number, should first register as a Licensee in the RVCS before making an application. The registration form for a Licensee can be downloaded from the RVCS website <http://rvcs.infrastructure.gov.au>.

- Upon registration an applicant will be assigned a User Name and a password to enable the necessary application forms to be downloaded from the RVCS website.

5.2 A separate application is required for each used imported trailer through RVCS.

5.3 Applications should be made on the electronic forms available from the RVCS website. A complete application for each make-model of trailer consists of:

- a RVCS Routing Slip form;
- an Application for a used imported trailer over 4.5 tonnes ATM under subsection 16(2) of the *Motor Vehicle Standards Act 1989* form;
- Summary of Evidence (SE) forms which are used as evidence for demonstrating compliance with the applicable ADRs;
- additional documentation, where applicable, may be attached to the relevant SE forms; and
- a completed and signed Used Imported Trailer Inspection Certificate. A template for this certificate can be downloaded from the RVCS website.

5.4 Each form should be uniquely identified by the applicant's reference number that should not be more than 12 characters including spaces, dashes, etc.

5.5 Replacement forms for forms that have already been lodged should also be uniquely identified.

5.6 Where the used imported trailer does not comply with the ADRs other than clause 6.1 of ADR61/02 the application should include a description of the non-compliance against each relevant ADR clause number together with reasons ADR requirements will not be met.

- 5.6.1 Written advice should be obtained from at least one of the State or Territory Registering Authorities that the used imported trailer will be registered for use on public roads or will be allowed to be used on public roads. This advice should be attached to the application form.



5.7 Applications for used imported trailers that incorporate a design feature that, when engaged, would make the trailer non-compliant with ADR43/04 (e.g., extendible trailers) should include a description of the feature and the ADR clause number affected.

5.7.1 The model name of these trailers should not include the suffix 'OD' if these trailers are supplied to the market with the design feature disengaged.

5.8 Applications should be lodged electronically. A successful lodgement of an application will automatically generate an electronic advice back to the applicant advising the application number. Applicants may track the progress of their applications by logging onto RVCS.

5.9 Application queries will be transmitted back to applicants electronically as Discussion Items (DIs) which must be satisfactorily resolved before an application is processed further. Where resolution cannot be reached the applicant may request the Minister's decision on the application.

5.10 All applications and submissions of evidence are treated as "commercial-in-confidence".

5.11 Where the application and submission of evidence are made by an agent on behalf of an applicant, the applicant should obtain a copy of the application and submission of evidence lodged in RVCS from the agent.

6. ADR EVIDENCE

6.1 All evidence of compliance should be submitted using the appropriate SE form.

6.2 Applications for used imported trailers that are fitted with components (i.e. lighting and mechanical connections) that have a Component Registration Number (CRN) or E mark should include the CRN or E mark on the applicable SE form.

6.2.1 Where the components do not have a CRN or E mark the components must be tested at a test facility registered with RVCS and the relevant SE forms and test reports lodged with the application.

Note 15: An E mark is an international approval mark on a component indicating that the component conforms to the applicable United Nations Economic Commission for Europe (UNECE) Regulation under the UNECE's vehicle type approval scheme.

6.3 Applications for used imported trailers that are not fitted with one or more brake sub-assemblies that have a Sub-assembly Registration Number (SARN) should include the following additional information about the brake system (where applicable) to allow assessment and confirmation of their compliance with ADR38/03 requirements:

- drawings and specifications of the foundation brakes;
- drawing and parts list of the brake control system;
- engineering assessment of the performance parameters used in the calculations;
- performance calculation sheets and performance graphs;



- torque graphs for foundation brakes, etc.;
- test results if the braking system needs to be tested; and
- where relevant, an existing approved SARN (surrogate SARN) that may be used administratively towards assessing ADR38/03 evidence.

6.4 Used imported trailers that do not use full air brake systems should be road tested to ADR38/03 requirements at a test facility registered with RVCS and the SE38/03 form and test report should be lodged with the application.

6.5 Where the trailer has been issued with an approval to UNECE Regulation 13, the UNECE Regulation 13 approval number and evidence of compliance with clauses 6.7 and 8.2 of ADR38/03 should be submitted.

- 6.5.1 Where the trailer has not been issued with an approval to UNECE Regulation 13, the test report that confirms that the requirements of UNECE Regulation 13 are met together with evidence of compliance with clauses 6.7 and 8.2 of ADR38/03 should be submitted.

6.6 Evidence of compliance with the ADRs cannot be carried over to another used imported trailer. New ADR evidence of compliance is required for each used imported trailer.

- 6.6.1 Where testing of the used imported trailer is required to show compliance with the ADRs, new tests will need to be conducted on the trailer.

7. USED IMPORTED TRAILER CERTIFICATE

7.1 The applicant should inspect the completed trailer, complete a Used Imported Trailer Inspection Certificate and lodge this certificate with the application.

7.2 In signing the Used Imported Trailer Inspection Certificate the applicant certifies that the trailer has been modified to comply with the applicable ADRs that apply when the trailer is to be first used in transport on public roads in Australia and that all evidence of compliance with the ADRs and supporting documentation are correct, retained and available for inspection by departmental inspectors if requested.

8. ENGINEER'S ENDORSEMENT

8.1 The person signing the 'Engineer's endorsement' subsection of the Used Imported Trailer Inspection Certificate should be a Member of Engineers Australia or a Member of the Society of Automotive Engineers (Australasia).

8.2 In signing the Used Imported Trailer Inspection Certificate, the Engineer confirms that the trailer conforms to the evidence of compliance with the ADRs, that the certificate has been signed by the trailer applicant, and that all the information provided is correct.

8.3 The Engineer should be independent of the applicant.

Note 16: Action may be taken against the Engineer where the Engineer has not exercised his or her professional obligations.



9. PROCESSING TIME

9.1 An applicant should allow 32 calendar days processing time from the date of receipt of the last piece of satisfactory evidence to the date of issue of the subsection 16(2) approval.

10. SUBSECTION 16(2) APPROVAL (the Approval)

10.1 Once an application is complete, the Minister will make a decision on the application.

10.2 The Approval will have conditions about fitting a used imported trailer plate to the trailer; in particular the Approval holder shall fit a used imported trailer plate only to the trailer specified in the Approval document.

10.3 The Approval will also contain additional conditions which will be specified in Schedule 5 of the Approval.

10.4 The original signed copy of the Approval document will be forwarded to the Approval holder for information and safe keeping. A copy is also placed on the RVCS website.

10.5 A used imported trailer plate must not be fitted to a used imported trailer before a subsection 16(2) approval has been granted.

Note 17: An Approval does not guarantee that the trailer will be accepted for registration and use by State or Territory Registering Authorities.

11. USED IMPORTED TRAILER PLATE

11.1 The used imported trailer plate must be purchased from the DIT authorised plate supplier.

11.2 The Approval holder should provide to the DIT authorised plate supplier all of the information that is required to be permanently marked on the used imported trailer plate.

11.2.1 The build date on the used imported trailer plate should be the build date of the original trailer.

11.3 Used imported trailers that have an Approval to UNECE Regulation number 13 or are fitted with brake system subassemblies with a SARN the Sub-Assembly Registration Number boxes on the used imported trailer plate shall be permanently marked as follows.

- The approved SARN of each brake sub-assembly.
- The words 'Schedule 5' for trailers using surrogate SARNs to show compliance with ADR38/03.
- The full UNECE Approval Number for trailers using an Approval to UNECE Regulation number 13 as showing compliance with ADR38/xx#.

Note 18: The used imported trailer plate fee must be sent directly to the DIT authorised plate supplier whose details are included in each Approval document.



Note 19: Permanently marked means either embossed, indented, etched or engraved in accordance with Administrator's Circular 0-3-2 Identification plates and approved supply to the market vehicle plates.

11.4 The used imported trailer plate should be affixed to the trailer in accordance with Administrator's Circular 0-3-2 Identification plates and approved supply to the market vehicle plates.

Note 20: The approval holder should apply to the National Exchange of Vehicle and Driver Information System (NEVDIS) to have the VIN of the approved used imported trailer uplifted to the NEVDIS system. The application should include signed copies of the vehicle import approval certificate and the signed subsection 16(2) approval certificate.

12. NON-COMPLIANT TRAILERS

12.1 The Approval holder should take recall action to rectify any used imported trailer that has been supplied to the market in Australia that does not comply with the conditions of the Approval.

Note 21: The ADRs are mandatory product safety standards under the provisions of The Australian Consumer Law which commenced on 1 January 2011. Consequently trailers that do not comply with the ADRs are liable to a recall.

Note 22: The procedures for vehicle recall are published in the Department's Recall Code of Practice which can be downloaded using the following link:

http://www.infrastructure.gov.au/roads/vehicle_regulation/vehicle/recalls/index.aspx

13. RECORDS

13.1 A record of the used imported trailer plate fitted on the trailer should be kept by the approval holder. This record should contain, at least, the used imported trailer plate serial number, subsection 16(2) approval number, trailer make and model, the VIN and the build date of the trailer.

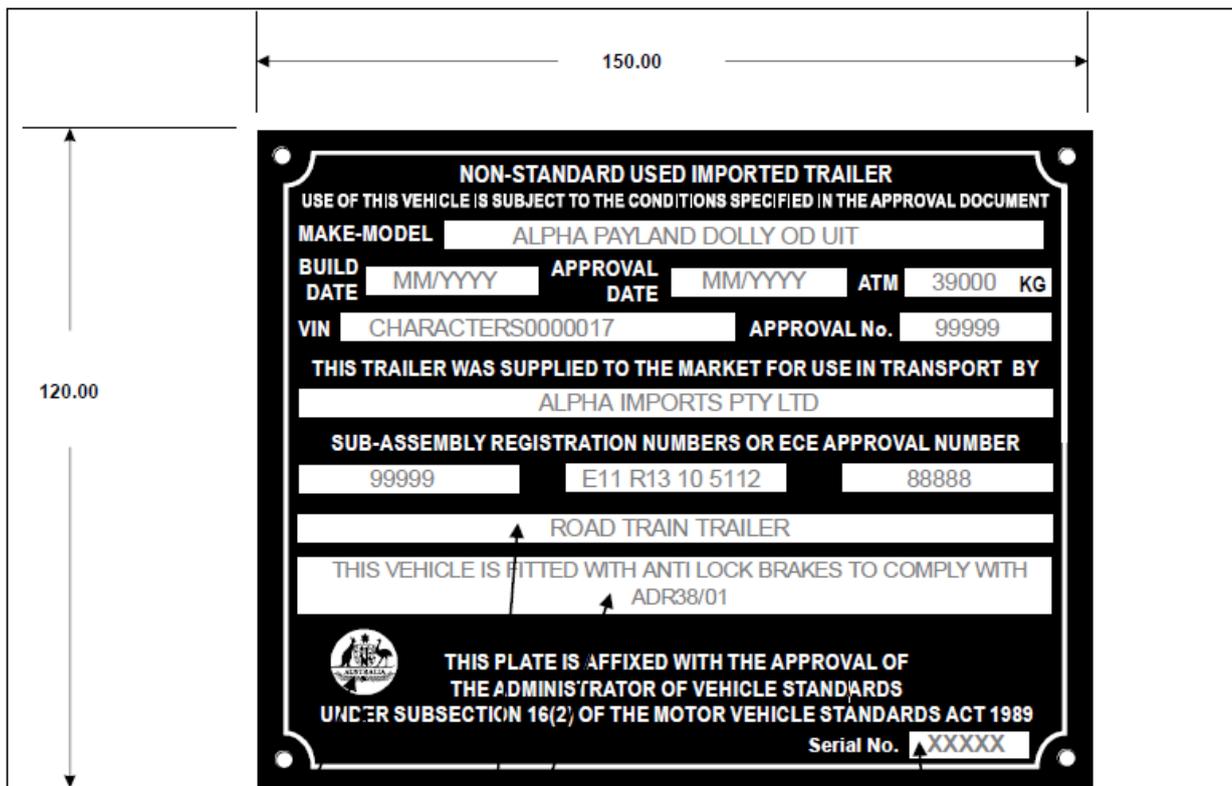
13.2 All relevant documentation including purchasing records pertaining to the trailer modification and build should be kept and should be made available for inspection by Departmental inspectors if requested.

13.3 All records supporting the applications for subsection 16(2) approval should be retained for at least ten years.

13.4 All other records should be retained for at least seven years.



Used imported trailer plate (metal plate)



Black light sensitive image of the Australian Coat of Arms

serial number

Note: Variable information (if applicable) to be provided by the Approval holder

- DIMENSIONS: 150mm x 120 mm
- MATERIAL: Photo anodised aluminium 1.2 – 1.5 mm thickness
- COLOUR: Black
- LETTERING: Minimum height of 2.5mm
- DETAIL: Engraved in relief of 0.06 mm minimum