



National Heavy Vehicle Standards

(Partially Completed Vehicles) Exemption Notice 2018 (No. 1) Operators Guide

29 June 2018

Introduction

This *National Heavy Vehicle (Partially Completed Vehicles) Exemption Notice 2018 (No. 1) Operator's Guide* (the Operator's Guide) supports the [National Heavy Vehicle Standards \(Partially Completed Vehicles\) Exemption Notice 2018 \(No. 1\)](#) (the Notice).

The Operator's Guide provides:

- general background to the Notice
- specific information referred to in the Notice.

The Notice is the enforceable instrument and this guide outlines the compliance requirements.

About the Notice

Heavy vehicles are commonly customised to suit a variety of transport applications. To facilitate these customisations, manufacturers construct vehicles to a stage where the vehicle is mostly complete, but may require additional work (e.g. specialised body fitment) before it can be used for its intended application.

Based on feedback provided by truck manufacturers, the National Heavy Vehicle Regulator (NHVR) understands that for a number of reasons, many manufacturers move vehicles before they are supplied to the market. Some of these reasons include moving the vehicle:

- to a storage facility or a fit out facility
- to a component manufacturer, such as a body fitter, to complete the construction of the vehicle
- to road test the vehicle.

The Notice has been developed :

- to streamline the process for manufacturers to move these vehicles
- provide the necessary exemptions
- allow the manufacturer, either directly or by direction to a third party, to move the vehicle for particular purposes.

👉 To assist roadside enforcement, the manufacturer should provide the driver moving a vehicle, with evidence (in writing) of compliance with the Notice.

Eligible vehicles

The Notice applies to new vehicles that are locally made or imported and are driven under instructions provided by the vehicle manufacturer.

Eligible vehicles **must**:

- be driven under the direction of the vehicle manufacturer
- have an identification plate approval (IPA) issued by the Department of Infrastructure, Regional Development and Cities (DIRDaC)
- comply with any conditions of the IPA.

Eligible vehicles **must not**:

- have been supplied to the market
- have been used in transport in Australia
- carry any goods
- carry any passengers
- pose an uncontrolled safety risk

👉 The Notice is intended to be read in conjunction with the partially completed vehicle provisions as detailed in the Administrators Circular 0-4-11 published by the DIRDaC.

Eligible journey

An eligible vehicle operating under the Notice may travel on public roads:

- within a 100km radius from the place where the journey began

and

- on the most direct route between any of the following:
 - the place where the vehicle was manufactured or place where the vehicle entered the country
 - a storage facility operated by, or on the behalf of, the vehicle manufacturer
 - a component manufacturer for the purpose of finishing construction of the vehicle
- for the purpose of road testing.

👉 The Notice does not apply to movements for the purposes of obtaining registration or any other purpose.

Minimising the safety risk

To ensure vehicle manufacturers are able to move vehicles in a way that suits their business needs, the Notice requires the vehicle manufacturer to move eligible vehicles in a risk managed way, as opposed to the NHVR setting specific risk mitigating conditions.

This approach makes the vehicle manufacturer responsible for ensuring that any safety risks posed by the movement of a non-compliant vehicle have been identified, assessed and controlled. This is achieved by adopting a simple four step process:



What is a safety risk

The *Heavy Vehicle National Law* (HVNL) defines a safety risk as a risk to persons, property or harm to the environment.

When considering a safety risk, ‘persons and property’, includes:

- the driver or passenger of the vehicle or of other vehicles
- people or property in the vicinity of, or likely to be in the vicinity, of road infrastructure or public places
- vehicles and combinations, including any loads in them.

Step 1 and 2: Identify and assess the safety risks

Eligible vehicles must be manufactured to comply with all applicable Australian Design Rules (ADRs) and the National Regulations, other than those exempted by the Notice. This is because each ADR, when originally introduced, was intended to perform a particular function or address a particular risk(s).

Where a vehicle does not comply with one or more ADR requirement(s), there is an increased safety risk. To

identify the specific safety risks posed by the non-compliance, the manufacturer must firstly consider the intent of the ADR that has not been complied with.

Example:

Rear retro-reflectors are intended to identify the rear of the vehicle to other road users and highlight to them the extremities in low light situations, especially when the vehicle’s lights are not in use.

Step 3: Treat the safety risks

The Notice requires the manufacturer to, so far as is reasonably practicable, eliminate safety risks and, to the extent it is not reasonably practicable to eliminate safety risks, minimise the safety risks.

When developing ways to eliminate or minimise the safety risk posed by a non-compliance, consideration must be given to the nature of the risks identified and the impact that these may have.

Once the intent of the non-conforming feature has been identified, consideration should be given to who will be affected by the non-compliance, the driver or other road users, and what factors can be controlled.

Implementing conditions on the use of the vehicle (including conditions placed on the route, time of day or weather in which travel can occur) or making physical changes to the vehicle (adding temporary guards, stacks or reflectors) are some of the ways a manufacturer may reduce the risks posed by non-compliance.

Example conditions that require physical changes to the vehicle may include:

- adding temporary wheel guards if the vehicle is to be used in inclement weather or on unsealed roads
- adding temporary (non ADR compliant) lights or reflectors.

Example conditions that relate to the route may include:

- Avoiding peak hour travel and schools zones
- Traveling on the most direct route between sites
- Prohibiting travel at night or in low light conditions.

Example:

A vehicle that is fitted with rear retro-reflectors that are not in complying locations may have the following conditions considered:

1. No travel between sunset and sunrise
2. No travel during times of reduced visibility (rain, fog, snow etc.)
3. Where travel needs to be undertaken contrary to conditions 1 and 2, the vehicle must be accompanied by an escort vehicle.

The conditions implemented must relate directly to the risks identified and assessed as relevant to the specific non-compliance.

The manufacturer's risk mitigation policies and procedures must also consider how changes in circumstances are managed that may impact the risk of using a partially completed vehicle on a road.

Step 4: Monitor and review

The final and often forgotten step, to mitigating safety risks, is to ensure that the steps taken to reduce the risks are effective. To do this, you can:

- keep a record of any incidents or near misses
- regularly review the mitigations
- if necessary, adjust the mitigations to prevent the reported incidents or near misses.

Letter of Compliance

Where an eligible vehicle is not fitted with an identification (compliance) plate, or where required, a vehicle plate, the manufacturer must provide the driver with a copy of a Letter of Compliance.

This letter must:

- be written on the manufacturer's letterhead
- state the VIN of the vehicle
- be in the driver's possession when the vehicle is being moved.

Appropriate representative of the vehicle manufacturer

Only an appropriate representative of the vehicle manufacturer may issue a letter of compliance. In most cases, the representative will be someone registered as an agent or a delegate of the manufacturer under the Road Vehicle Certification Scheme (RVCS). The RVCS is an initiative of the DIRDaC, vehicle manufacturers use to certify that vehicles meet prescribed safety standards specified in the ADRs.

Alternatively, a director or senior manager of the IPA holder's legal representative in Australia (must be an Australian registered company/organisation) may issue the letter.

Additional requirements

The Notice gives exemption to the ADR requirements specifically listed. All other requirements relating to licencing, vehicle movements, road rules etc. must continue to be complied with.

Complying with the Heavy Vehicle National Law

The operator of a heavy vehicle must ensure their vehicle complies with the ADRs, the HVNL and the heavy vehicle safety standards, relevant Notice or current Exemption Permit. Using or permitting another person to use a defective heavy vehicle, or a heavy vehicle with unapproved modifications on a road, is an offence.

Failure to comply with the conditions of the Notice will leave the driver and operator liable for an offence.

Penalties can include on-the-spot fines or prosecution. For more information, see the Compliance and Enforcement Bulletins at www.nhvr.gov.au/ce-bulletins

Chain of Responsibility

Under the Chain of Responsibility (CoR) laws, everyone in the transport supply chain must take positive steps to prevent any breach of the mass, dimension and load restraint provisions.

Your Responsibility

Every effort has been made to provide accurate information at the time of production of this Operator's Guide. However, any trip is made at the absolute risk of the operator and driver of the heavy vehicle.

For further information please contact the NHVR.

Phone

1300 MYNHVR (1300 696 487)

Standard 1300 call charges apply (check with your phone provider).

Email

info@nhvr.gov.au